

FARMINGTON CITY PLANNING COMMISSION

Thursday, August 23, 2007

PLANNING COMMISSION STUDY SESSION

Present: Chairman Jim Talbot, Commission Members John Bilton, Kevin Poff, Cory Ritz, Paul Barker, Rick Wyss, Assistant City Planner Jared Hall, Recording Secretary Jill Hedberg, and Alternate Planning Commission Member David Safeer.

Chairman Talbot called the meeting to order at 6:15 P.M. The following items were reviewed:

Agenda Item #1: Minutes

The Planning Commission reviewed the minutes of the July 26, 2007, Planning Commission meeting.

Agenda Item #2: City Council Report

Jared Hall reported the proceedings of the City Council meeting which was held on July 31, 2007. He covered the following items:

- The City Council approved the building elevations for the North Phase of Farmington Crossing. The site plan will be reviewed by the Development Review Committee.
- The City Council granted Final Master Plan approval for Farmington Hollow Subdivision.
- The City Council tabled consideration of the Development Agreement for "Old Farm" to allow time for the attachments to be prepared.

Jared Hall reported the proceedings of the City Council meeting which was held on August 7, 2007. He covered the following items:

- The City Council granted Rainey Homes' request to rezone 1.3 acres at 1600 South/I-15 frontage road from LR to AA near the recently approved Tuscan Village Subdivision.
- The City Council granted Final Plat approval for the Woodside Homes Farmington Hollow PUD Subdivision.
- The City Council granted Final Plat approval on Phase IV of the Miller Meadow Subdivision which is located at 700 South and 650 West in an AE zone.
- The City Council reviewed David Dixon's proposal.
- Rich Haws and Ron Martinez appeared before the Council to discuss the possibility of master planning certain properties in west Farmington.

Jared Hall also reported that on August 21, 2007, the City Council tabled consideration of America West Development's application to rezone approximately 64 acres of land at approximately 1180 West Clark Lane and adjacent and east of the old D&RG right-of-way from "A" to "TOD."

Agenda Item #3: Shadow Ridge Development - Applicant is requesting a recommendation for Final Plat approval for the Hidden Meadows Subdivision, phases 3 & 4 consisting of 14 lots on 10.96 acres in the LR-F zone located at approximately 1300 North and Hidden Meadows Way

Chairman Talbot informed the members of the Commission that City staff recommends that the Planning Commission recommend Final Plat approval of the Hidden Meadows Subdivision, Phases 3 and 4, subject to the four conditions that were listed in the Planning Commission packet.

Item #4: DAI - Applicant is requesting a recommendation for Final Master Plan Approval for the Palmer Estates PUD Subdivision, consisting of 18 lots on 9.48 acres in the B and OTR zones. In conjunction, applicant is requesting a recommendation for Final Plat Approval for the Subdivision at this time

Chairman Talbot said the last time the Planning Commission considered this application, the applicant has resolved all of the issues with the City Engineer.

In response to questions from the Planning Commission, **Jared Hall** pointed out where the open space areas are located on the property. The applicant has met the City's open space requirements. Since the previous meeting regarding this application, it has been determined that the Palmer residence will not be eliminated from the project.

Item #5 - Public Hearing: America West Developers LC - Applicant is requesting a recommendation to amend the General (or Future) Land Use Plan map regarding approximately 35 acres of property located at the southeast corner of Burke Lane and 1525 West Street and approximately 15 acres of property located at the southwest corner of Clark Lane and 1100 West Street and further to consider a zone change for these properties from A (agriculture) to TOD (Transit Oriented Development)

Chairman Talbot said the applicant's request is similar to what was considered by the Planning Commission in July. The Planning Commission approved that request with a 5 to 2 vote.

Jared Hall reported that the City Council tabled consideration of the applicant's request in July. The applicant was provided a copy of the staff report so they are aware of City's staff's recommendation that the Planning Commission recommend that the City Council deny the

application as requested because the proposed amendment is not consistent with the City's General Plan and is not in harmony with the objectives and purpose of the Zoning Ordinance and is therefore not in the public interest nor is it reasonably necessary. If the Planning Commission denies the application, it does not preclude the developer from submitting an application consistent with the General Plan in the future nor does it preclude the developer from submitting an application to amend the General Plan. He reported that the mailing notices were sent to property owners within 900 to 1,000 feet of the property.

[**David Safeer** arrived at 6:30 p.m.]

In response to a question from **Paul Barker**, **Jared Hall** explained City staff's reasoning for recommending that the Planning Commission recommend that the City Council deny the application as requested. The City disagrees with the developer as to how much information should be presented before the General Plan is amended. City staff is concerned about the wetlands issue since the wetlands studies are not conclusive and the wetlands have not been delineated by the Army Corps of Engineers. Without this information, the City cannot determine the amount of land that is developable. City staff feels strongly that there should be an office park development on the northern portion of the property (Parcel A). They are not as adamant about an office park being developed on the southern portion of the property. The City does not have enough information at this time to amend the General Plan considering the TOD zone allows up to 18 dwelling units per acre with unspecified height allowances.

[**Rick Wyss** arrived at 6:36 p.m.]

Kevin Poff pointed out that the Station Park development will have a significant impact on how the area is developed.

Jared Hall said **Ron Martinez** and **Rich Haws** have discussed the possibility of working together to master plan their properties. While this is a step in the right direction, the City is still not prepared to change the zoning.

Chairman Talbot said the property being discussed is 49.43 acres. It is likely that the property will be zoned TOD in the future, but the City should be cautious rezoning properties without knowing how the other property will be developed. City staff strongly recommends that the application not be approved at this time.

Agenda Item #6: Public Hearing: Farmington City- Applicant is requesting a recommendation for a change of zoning from A-F to LR-F on portions of the properties located at 100 West 600 North and 82 West 600 North

Jared Hall said the City has expressed an interest in presenting a strong residential, single family front on 600 North. The LR zone allows for duplexes which is why the City is

recommending a change of zoning from A-F to LR-F on portions of the properties located at 100 West 600 North and 82 West 600 North. City staff has met individually with each property owner to discuss the proposed change and its implications for them. **Tom Owens** was amenable to the property be rezoned, as was **John Bradshaw**, so long as it does not increase his tax rate.

Mr. Hall informed the Planning Commission that the applicant that is attempting to develop the Haugen property is working on a new plan with City staff. The plan will likely include single family residential.

Agenda Item #7: Public Hearing: Farmington City - Applicant is requesting a recommendation for a change of zoning from BP to LR on approximately 16 acres of property located at about 150 South 200 West, (Parcel #'s 08-087-0081, 08-087-0086 and including a small area in the northwest corner of parcel 08-087-0123)

Jared Hall presented a map and pointed out which properties are included in this application. He reviewed the "Background Information" which was included in the Planning Commission packet. The City is proposing that the properties be zoned LR since schools are usually located in residential zones.

Agenda Item #8: BABB Investment - Applicant is requesting Site Plan Approval for the recently approved Challenger School on property located at 1089 Shepard Creek Parkway in the R-4 zone

Jared Hall said the applicant previously received a conditional use permit. They are now requesting Site Plan approval. They have met most of the conditions necessary to receive a building permit. The traffic engineer is in the process of determining whether a traffic study is warranted.

Chairman Talbot said the Garbett Homes development has 700 homes that use Shepard Lane. It is not likely that the Challenger School will add a significant amount of traffic to the area. He questioned what the solution will be if the traffic study indicates that the school has a negative impact on the road.

Jared Hall said if there were stacking issues, the applicant may be required to provide a wrap around lane or a deceleration lane.

The Planning Commission and City staff discussed the traffic issues. It was pointed out that the Challenger School will not conflict with the Garbett Homes traffic during the early peak hours and it will not likely conflict during the afternoon hours. The credit union does not generate a significant amount of traffic so there should not be traffic conflicts. The proposed Challenger School is considered a "feeder" location so some of the classes will only attend half

day.

Jared Hall said the City has received an application for a KinderCare to be located east of the Challenger School so the traffic engineer will evaluate the impact that will have as well. The Challenger School parking has adequate parking to handle the student population and parents if they were all present at the same time.

Paul Barker suggested that KinderCare and the Challenger School enter into a shared parking agreement.

[**Cory Ritz** arrived at 6:48 p.m.]

Agenda Item #10: Miscellaneous

UTA Commuter Rail Site Plan Discussion

Jared Hall explained that the City was unable to get UTA on the Planning Commission agenda to consider the Commuter Rail Site Plan. He questioned whether the Planning Commission would consider holding a Special Meeting within the week to consider UTA's request. The Site Plan is mostly made up of the parking lot and the canopy but there are technical issues that exist since the station ties in with Station Park project which is not yet built.

Steve Meyer (UTA Project Manager) explained that they are anxious to proceed since they will not be able to pave the parking area past the middle of October. The City has committed that the access road will be open in Spring 2008 so long as the fire line issues are resolved. UTA is hoping to have the station open when they open the train system. He acknowledged that there are some unresolved issues but they are committed to work with the City and CenterCal to resolve those issues.

The Planning Commission discussed the possibility of holding a special meeting to consider the UTA Site Plan. The Planning Commission directed City staff to determine whether this issue could be considered an "emergency meeting" that could be considered during the regular session.

The meeting adjourned at 6:55 P.M.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Jim Talbot, Commission Members John Bilton, Kevin Poff, Cory Ritz, Paul Barker, Rick Wyss, Assistant City Planner Jared Hall, Recording Secretary Jill Hedberg, and Alternate Planning Commission Member David Safer.

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

APPROVAL OF MINUTES

Paul Barker moved that the Planning Commission approve the minutes of the July 26, 2007, Planning Commission Meeting. **Cory Ritz** seconded the motion. The Commission voted unanimously in favor. **John Bilton** abstained since he was not present at that meeting.

CITY COUNCIL REPORT

The City Council report was given during the Planning Commission study session.

SHADOW RIDGE DEVELOPMENT - APPLICANT IS REQUESTING A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR THE HIDDEN MEADOWS SUBDIVISION, PHASES 3 AND 4 CONSISTING OF 14 LOTS ON 10.96 ACRES IN THE LR-F ZONE LOCATED AT APPROXIMATELY 1300 NORTH AND HIDDEN MEADOWS WAY (S-5-07) (Agenda Item #3)

Background Information

The Planning Commission granted Preliminary Plat approval to these two phases of the Hidden Meadows Subdivision on April 26, 2007 with several conditions. Those conditions have been addressed and the plats revised. The civil improvement drawings needed to accompany the final plats have also been done and have been reviewed by the various agencies. While several minor changes will need to be made to the latest improvement drawings, planning and technical staff feel at this time that the plats for Phases 3 and 4 are acceptable.

END OF PACKET MATERIAL.

Jared Hall reviewed the “Background Information” which was included in the Planning Commission packet. He reported that the Fire Department is accepting of the road configuration and the points of access. City staff recommends that the Planning Commission recommend Final Plat approval for Phases 3 and 4 of the Hidden Meadows Subdivision.

Chris Martineau (1464 East Ridgeline Drive, South Ogden) said Shadow Ridge Development has worked through the issues with the Planning Department and the City’s reviewing agencies. They are anxious to proceed with the third phase.

Motion

John Bilton moved that the Planning Commission recommend final approval of Hidden

Meadows Subdivision, Phases 3 and 4 to the City Council with the following conditions:

1. The developer must continue to work with staff to correct any deficiencies in the plat or related improvement drawings in preparation for recording.
2. The developer shall prepare and submit a consistent street lighting plan for review and approval by the City.
3. Applicant must comply with all conditions of the Preliminary Plat approval;
4. Improvement drawings, including a grading and drainage plan and related SWPPP and other documents must be reviewed and approved by the City Engineer, Public Works, Planning Department, Fire Department, CDS and Benchland Water.

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

Findings

- The conditions of Preliminary Plat approval are being met;
- Concerns from the Fire Department are being addressed;
- The developer has worked to correct deficiencies in the planning of the improvements;
- In a previous meeting, the Planning Commission found the proposed private drive in Phase 4 to be acceptable pursuant to Section 12-7-030(2) of the Subdivision Ordinance.

DAI - APPLICANT IS REQUESTING A RECOMMENDATION FOR FINAL MASTER PLAN APPROVAL FOR THE PALMER ESTATES PUD SUBDIVISION, CONSISTING OF 18 LOTS ON 9.48 ACRES IN THE B AND OTR ZONES. IN CONJUNCTION, APPLICANT IS REQUESTING A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR A SUBDIVISION AT THIS TIME (S-17-06) (Agenda Item #4)

Background Information

The Planning Commission granted Preliminary Plat approval to the Palmer Estates PUD subdivision at a hearing on April 12, 2007. Since that approval, the developers have continued to struggle with drainage and utility issues. The issues have now been addressed, and several changes have occurred since the time of the Preliminary Plat approval.

Open Space: In the changes to the plat that had occurred, some of the open space had become under-represented. The developers were required by the Commission at Preliminary Plat to provide the necessary 10% common open space for the final Master Plan and Plat. The Planning

Commission packet included a representation of the portions of the project that are common open space. Rather than identify these areas as “parcels” the developers have opted to place easements granting the common use of the identified properties and will - as a part of the development - place amenities in the easement areas that help to make clear that these are truly common open spaces (e.g., trails, benches, etc.).

CC&Rs/HOA: The developers have also drafted the Covenants and Restrictions that will make the HOA responsible for maintenance of these areas.

Technical Reviews: Most of the issues facing the developers have been technical in nature. The various agencies (Fire, Engineering, Sewer and other utilities) issues have been addressed, i.e., the labeling of the “debris flow path” and the detailed drawings for the varying road-width sections.

Historic Home: The historic structure located where the planned Lot 2 is to remain, but at the request of the Historic Preservation Commission certain portions of it will be removed (they are additions that mar the historic nature of the home). The building will then be essentially an out-building for a new home on this lot.

Trail: Below Lot 2 is a parcel scheduled to be donated to Farmington City as part of the subdivision. This is to allow for the continuance and maintenance of a section of the Lagoon Trail that already runs through this area.

Easement: As required by the Planning Commission at the previous hearing, an easement between Lots 7 and 8 have been provided to allow the possibility of a future access into and out of the subdivision to the south.

END OF PACKET MATERIAL.

Jared Hall reviewed the “Background Information” that was included in the Planning Commission packet. He pointed out where the easement is located to provide access to Lot 2, which was a required condition for Preliminary Plat approval. City staff recommends that the Planning Commission recommend approval for the Final (PUD) Master Plan, as well as a recommendation for Final Plat approval.

Nate Shipp (1099 West South Jordan Parkway) said they have addressed all of the City’s concerns and are anxious to proceed with the development.

In response to a question from **Chairman Talbot**, **Nate Shipp** said he provided the City with a copy of the soils report that was required as part of the Preliminary Plat approval.

In response to a question from **Paul Barker**, **Nate Shipp** said the Palmer home will remain on the property. He said it will be an asset to the development since it has native stone

that is consistent with the downtown area.

Chairman Talbot asked if the Fire Chief has given approval for the design of the one-way lane.

Jared Hall said the Fire Chief is accepting of the lane since the applicant created different profiles for different sections of the road. The debris flow path issue was also resolved.

Kevin Poff questioned whether the easement for the future southern road meets City standards.

Nate Shipp stated that the road is 26' wide.

Motion

Kevin Poff moved that the Planning Commission recommend approval of the Final (PUD) Master Plan and Final Plat for the Palmer Estates Planned Unit Development Subdivision, subject to all applicable codes and ordinances of the City and including the following conditions:

1. Developer shall provide Covenants and Restrictions for the subdivision including the creation of a Homeowner's Association to handle maintenance of the common open space (held in fee title and easement) and private road to be recorded concurrently with the Final Plat;
2. Developer shall make any modifications to the improvement drawings as may be required by the reviewing agencies during the preparation of the plat for recording;
3. Developer shall comply with all approvals including Preliminary Plat approval as granted by the Planning Commission on April 12th, and as outlined in the letter from the Community Development Department to DAI dated April 13, 2007. These conditions include but are not limited to:
 - a. Developer must obtain an easement for drainage from Lagoon.
 - b. Developer must replace the flag-lot stem leading to Lot 2 with an easement for access;
 - c. Developer must work with Planning staff and the Historic Preservation Commission regarding the future development of Lot 2 as it relates to the historic home;
 - d. Final Improvement Drawings for the subdivision must be reviewed and approved by the City Engineer, Planning Department, Benchland, UDOT, CSDS, and Davis County Flood Control.

Paul Barker seconded the motion which passed by unanimous vote.

Findings

- The development provides amenities such as trails in the planned open space that the larger community considers desirable;
- The necessary changes have been made to ensure that public safety needs and infrastructure concerns are addressed;
- The subdivision provides a potential future road for further development and access in the area by way of the easement required at Preliminary Plat;
- The subdivision will allow for the preservation of an important existing trail alignment for the City.

PUBLIC HEARING: AMERICA WEST DEVELOPERS LC - APPLICANT IS REQUESTING A RECOMMENDATION TO AMEND THE GENERAL (OR FUTURE) LAND USE PLAN MAP REGARDING APPROXIMATELY 35 ACRES OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BURKE LANE AND 1525 WEST STREET AND APPROXIMATELY 15 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CLARK LANE AND 1100 WEST STREET AND FURTHER TO CONSIDER A ZONE CHANGE FOR THESE PROPERTIES FROM A (AGRICULTURE) TO TOD (TRANSIT ORIENTED DEVELOPMENT) (Z-5-07) (Agenda Item #5)

Background Information

This application consists of two parcels: the “Southern Amenti Parcel” south of Clark Lane adjacent to 1100 West Street and the “Northern Amenti Parcel” located east of 1525 West and south of Burke Lane. Recently, America West applied separately for another zone change on an adjacent property book-ended between the properties which make up this application (the “Middle E & H Parcel”). The application for the Middle E & H Parcel was recommended for approval by the Planning Commission on June 14, 2007 and forwarded to the City Council with conditions.

The changes to zoning would require that the City amend the General Plan to accommodate, so in reviewing, the Planning Commission will need to consider both the proposed change of zoning, and if the proposal warrants changes to the General Plan.

General: The role of the Planning Commission regarding zoning ordinance and map amendments is set forth in Section 11-6-020(d) of the Zoning Ordinance:

Planning Commission Review. All proposed amendments must be first submitted to the Planning Commission for review and recommendations. The Planning Commission shall

study and examine each application and proposed amendment. The Planning Commission should consider the following issues when reviewing each proposed amendment: 1) is the proposed amendment reasonably necessary; 2) is the proposed amendment in the public interest; and 3) is the proposed amendment consistent with the City's General Plan and in harmony with the objectives and purpose of the Zoning Ordinance. After study and analysis, the Planning Commission shall prepare written recommendations regarding the application and proposed amendment and forward the same to the City Council for its consideration.

The applicant has asserted that a single story office building development on "150 Tertiary acres" would result in 1.96 million square feet of Class A office space. This is in contrast to staff's determination that after wetlands and other restricted areas are taken into account, the Tertiary area may consist of less than 48 unconstrained acres; a significant difference.

END OF PACKET MATERIAL.

Jared Hall displayed an aerial photo and pointed out where the property is located. He explained that the application was divided into two parts which are identified as the "Southern Amenti Parcel" and the "Northern Amenti Parcel." City staff recommends that the Planning Commission recommend that the City Council deny the applicant's request to amend the General Plan (or Future) Land Use Plan map and also deny the applicant's request to rezone the properties from A to TOD. Due to the size of the project, City staff does not think the City has been provided with adequate information to warrant the applicant's requests. The City would like additional information regarding the wetlands and a more detailed concept plan. The City Engineer also has some questions regarding the concept plan that needs to be addressed. The applicant was provided a copy of the Staff Report, and is aware of City staff's recommendation.

Public Hearing

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

Ron Martinez (America West Development - 5019 South Skyline Drive, South Ogden) said he has been working with the City to develop this property since 2005. To date, he has already invested several hundred thousand dollars into the project to make sure it is done right. He read from the TOD Ordinance which states its purpose is to provide design, flexibility and efficiency in land use and setting the buildings, services and infrastructure. He agrees with City staff that the application does not specifically meet the General Plan, but based on the other development that is occurring in the area, the TOD zone is an appropriate use for the land. There are natural barriers that exist in the area such as the abandoned rail tracks and Park Lane. This property is a seamless fit. Parcel B will not be a viable use for agriculture. He said the General Plan is not meant to be static and requested that the General Plan be amended since this property

is consistent with the TOD zone and Ordinance.

Mr. Martinez said when the property is rezoned and the General Plan is amended, he will then proceed to the City Council where they will work on Development Agreements, Project Master Plans, and other guidelines, all of which will add value to this area. These agreements will also allow the City to determine whether he will perform. He said he chooses not to be clever and sophisticated. He would rather be inspired and hopes the City will also be inspired. He has taken this project very seriously and has hired the best in the industry, regardless of the cost. They have gone to great lengths to understand the spirit of the Ordinance and request that the Planning Commission allow them to proceed to the next level. He requested that he be allowed to make a statement prior to the Planning Commission's motion.

James Alstrom (Legal Counsel for America West Developers LC) explained the difference between Parcel A and Parcel B. The applicant's general request is to rezone the property from "A" to "TOD." He asked that the Planning Commission consider that there are three classifications in the TOD zone so this property could be limited to the tertiary classification. Parcel B has some of the characteristics of the General Plan text since it has natural boundaries. According to the Ordinance, the Planning Commission is being asked to consider whether the proposed zoning is intelligent zoning for the property. He stated that Title 11-6-020b provides provisions when considering the zone application request. The General Plan changes are subject to a different title but there is no other provision to provide guidance to the Planning Commission so they should consider Section 10-98-404 which states that the Planning Commission is encouraged to suggest amendments to the City Council who has the ability to accept or deny those amendments.

Mr. Alstrom said Parcel B has many characteristics that make it harmonious with the proposed zone change and the proposed General Plan amendment. The applicant has provided every item that is required by the City's Ordinance so they would thereby request that the Planning Commission make a decision to approve or deny the request but not to table the request. It has been a long process and they would like to move forward.

Public Hearing Closed

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

Jared Hall said there are different proposals for the General Plan. City staff is accepting of the TOD zoning but they would like Parcel A to remain in the Business Park area and be developed with that use.

Mr. Alstrom said according to the Ordinance, the tertiary area is the implementing arm of the business park. It does not exclusively require an office park. There are other uses that would

complement a business park development. The applicant had hoped the governing body would see the wisdom of slightly adjusting the boundary line. If the Planning Commission is uncomfortable with that proposal, the applicant would be willing to accept the tertiary zone. If the Planning Commission grants the applicant's request for Parcel A, the City's Ordinance will still provide control over what types of uses are allowed. The applicant would then provide a Site Plan, wetlands reports, and other information that is required by the Ordinance at that phase of the process. The developer needs to know that the zone change is approved before he can make an additional investment to provide that information. If that parcel is limited to the tertiary zone, it would not require an amendment to the General Plan.

Ron Martinez requested that the Planning Commission make a definite vote to approve or deny the application. He deliberately provided a concept plan because he does not want the City to believe in a plan that is not accurate. He said it is to his own detriment that he waited to submit his application until after the UDOT and Station Park applications were considered.

John Bilton asked if the applicant has been involved in discussions regarding the property to the east that abuts Park Lane.

Ron Martinez said he is in the process of formalizing a Quasi-Development Agreement with **Rich Haws**. They would like to master plan both of their properties. They plan to be sensitive to the office park area, yet make the tertiary area tenant and site driven. It is a very attractive concept to have 200+ acres that have a long term plan to resolve certain transportation issues and create an attractive tapestry.

James Alstrom said the applicant and **Mr. Haws** would still submit two separate proposals to the City. They would be coordinated, stand alone ventures.

Paul Barker asked if the applicant's discussions with City staff over the past two years have been consistent.

Ron Martinez said he has been frustrated by some of the discussions. The way the process was explained to him was not entirely accurate. He does not agree with the way City staff interprets the Ordinance but he believes it is because they are overwhelmed with their work load.

Paul Barker said Ordinance 11-6-020d states the City should consider whether the proposed amendment is reasonably necessary. He questioned why it would be reasonably necessary to amend the General Plan for the 35 acres.

Mr. Martinez said he would prefer the property to be in the secondary zone which allows for office space. He does not like the definite line that exists in the tertiary zone. He would prefer to spread out the office space, but he will keep it in one area if that is required by the City.

James Alstrom said it is reasonably necessary for the triangle piece to be rezoned because it is consistent with the overall philosophy of the TOD zone. The question to be considered is where the property fits within the TOD zone. City staff has expressed concerns as to how much property will be developable after the wetlands are delineated. The applicant has conducted wetlands studies on the property and they are comfortable with the amount of property that is developable. The developer is concerned that there may not be a strong enough market to fill all of the office space that the City has planned.

Chairman Talbot said he is concerned that this proposal includes a significant amount of acreage and is very similar to the Station Park project. He is concerned that if the City allows the area to be developed too quickly, they may end up with two mediocre developments. He questions how much multi-family housing and office park space the area can sustain due to the competition that exists from Station Park, The Village at Old Farm, Garbett Homes and Woodside Homes.

Ron Martinez said he has been involved in discussions with users who do not want to locate at Station Park but are interested in his project. He currently has enough end users to utilize the entire 65 acres. They have retail space, box space, and a housing component that would not fit on a different piece of ground due to the topography of the property or the location. He would like approval to move forward so he can further negotiations with the national tenants.

Chairman Talbot said he does not think the City should make a quick decision. If the users really want to locate in Farmington (when there are spaces available in Bountiful, Centerville, and Layton), they will still be interested in the area in a few months.

Ron Martinez said the largest company in the nation and their competitor has approached him to discuss purchasing the property. This 65 acres would be gone if the property were zoned TOD.

Chairman Talbot questioned whether it would be to the developer's advantage to focus on developing Parcel C since the other parcels have issues that need to be resolved. He questions how much interest there currently is in the office product in this area.

Ron Martinez said there is a strong market for the office component in this area. He said he currently has an end user that is interested in Parcel A.

Chairman Talbot asked if **Mr. Martinez** if he wants to extend the line to accommodate the end user.

Ron Martinez said he wants to extend the line so the project appears seamless. He asked that he be allowed to go to the next level and be allowed to compete openly and honestly with any and all developers. UTA spent \$16 million per mile to construct the commuter rail. The premiere

station is in Farmington because the Board of Directors believes the TOD district will leverage those costs. The core area of the TOD zone is designed for vertical density. The secondary area was designed to compliment the core as a horizontal development. Station Park has drastically changed their Site Plan so America West Developers will have to acclimate to those changes. This area is an ideal regional location. It would be difficult to duplicate this corridor anywhere in the United States.

Cory Ritz said the City has spent a significant amount of time and money on the Station Park project. He is concerned that the success of Station Park and the proposed project will be jeopardized if the area is developed too quickly. He is concerned about the wetlands issue in the area. Parcel B would be largely under water if the area were not experiencing drought conditions. He is not comfortable deviating from the City's General Plan at this time. He said the D&RG is a natural barrier that needs buffering. Properties west of the D&RG line and west of Parcels A, B, and C deserve a buffer, as outlined in the General Plan. The City visualizes vertical density in the core area. The outer edge of the property is supposed to be developed with single family homes with a more dense residential use closer to the TOD zone. He is adamantly opposed to the applicant's density concept.

John Bilton said it is difficult to consider this proposal without considering UDOT's proposal for the Legacy North corridor. He thinks it is undeniable that UDOT will proceed with Option 3 so the City must consider that impact to Parcels A, B, and C.

Cory Ritz said it is not a given that UDOT will proceed with that option.

Ron Martinez said America West Developers has surveyed the half mile radius from the deck of the commuter rail. They determined that half of the secondary area is in the core. The remaining property is TMU. According to UDOT and UTA, they consider the purpose of the TOD zone to leverage ridership.

Cory Ritz the concept behind the TOD zone was to provide the existing residences with a buffer from the high density housing.

Ron Martinez said all of the other developers in the area have been able to delineate their wetlands because most of the water issues are caused by streams that are out of control. The stream on the west side of the D&RG is dry. The development that has occurred west of this property has caused the watertable to relocate. He does not believe in selling density. He believes in selling an attractive ambiance. There are many residents on the west side of the City that want to protect their rural area but cities change when properties are sold to developers.

Kevin Poff said he is not concerned with the applicant's proposal but he is concerned about the timing of the project. He would be more accepting of the proposal if it were presented two years from now when the City has determined whether the Station Park project is a success.

If this area is developed poorly, the City will be in trouble.

Ron Martinez said several large companies have studied the area and are anxious to locate in Farmington. Their studies indicate that the timing is right. America West Developers will work with the City for approximately one year to resolve the issues prior to construction.

Chairman Talbot said the City's concern is that once the property is rezoned, the developer has vesting rights. He referred to the Centerville property that was rezoned which allowed the property owner to sell to Wal-mart. The City has spent a significant amount of time and money trying to make the west side a successful area.

David Safeer questioned why the City would consider rezoning Parcel B due the zoning that surrounds it. The vast majority of Parcel C is already planned for TMU. He is concerned about rezoning Parcel A since it has not been determined whether Station Park will be successful and this proposal appears to be similar to CenterCal's original plan. He is concerned about rezoning properties and granting vesting rights prior to the City knowing how the area will be developed.

Rick Wyss said **Mr. Martinez's** comments indicate that he would consider selling the property to a third party.

Ron Martinez said there are four different parties that are interested in purchasing the property. His goal is to get the zone change which will allow him to take capital out of the market which will be used to continue development on this ground. While this area may not meet all of the guidelines of the General Plan, the City will not lose control by granting the rezone request. He is committed to be a long-term player and to work with the City to create a Development Agreement. According to **Ken Sulser**, the Davis County property will be zoned TMU so the County will get the highest value for their property.

Motion - The Southern Amenti Parcel

Cory Ritz moved that the Planning Commission recommend that the City Council deny the application as requested because the proposed amendment is not consistent with the City's General Plan and is not in harmony with the objectives and purpose of the Zoning Ordinance and is therefore not in the public interest. Furthermore, the proposed amendment may not be reasonably necessary.

The motion died for lack of a second.

Motion

Kevin Poff moved that the Planning Commission recommend that the City Council

approve the proposed General Plan amendment and the proposed zone change from A to TOD subject to the applicant receiving Preliminary Plat approval for the parcels within two years time. The General Plan amendment and zone change would take affect on the date that Preliminary Plat approval is received.

Rick Wyss said the Planning Commission cannot bind future Commissions. It is not legally defensible for the Planning Commission to make motions that extend beyond the term of the current Planning Commission.

The motion died for lack of a second.

Motion - The Southern Amenti Parcel

Cory Ritz moved that the Planning Commission recommend that the City Council deny the application as requested because the proposed amendment is not consistent with the City's General Plan and is not in harmony with the objectives and purpose of the Zoning Ordinance and is therefore not in the public interest. Furthermore, the proposed amendment may not be reasonably necessary. **Kevin Poff** seconded the motion, which passed by a 5 to 1 vote, with **John Bilton** opposing the motion.

Findings

- The City's General Land Use Plan map identifies Rural Residential uses for this location not Transportation Mixed Uses.
- The text of the General Plan states that the Farmington Commercial Center is north of the Justice Complex and the secondary area related to the Farmington Commercial Center is north of Clark Lane. The Southern Amenti Parcel is west of the Justice Complex and south of Clark Lane.
- One purpose of the TOD Chapter of the Zoning Ordinance si to provide for the development of a Secondary District as described in the General Plan. As mentioned in the previous finding, the Southern Amenti Parcel is not consistent with the General Plan.
- The applicant states: "The land uses proposed for the southern Amenti parcel will conform to this City-stated purpose" and "Our project will promote retail commercial development at limited locations in planned, compact, and well designed centers, consistent with the goals stated in the General Plan," but provides no documentation supporting these statements.
- Retail commercial development does not provide a good transition use to the lower density development west of the site.
- **There did not seem to be a middle ground that would allow the applicant to move forward while waiting on the zone change.**

Motion- The Northern Amenti Parcel

Cory Ritz moved that the Planning Commission recommend that the City Council deny the application as requested because the proposed amendment is not consistent with the City's General Plan and is not in harmony with the objectives and purpose of the Zoning Ordinance and is therefore not in the public interest nor is it reasonably necessary.

David Safeer asked City staff to explain the guidelines for the tertiary zone.

Cory Ritz said he is only aware of the primary and secondary zone. He does not recall there being a tertiary zone.

Jared Hall said there are three tiers, each of which allows different things. The Ordinance does include a tertiary zone but City staff is not comfortable adding the property to that area at this time. The City does not expect the entire A parcel to become an office park at the same time. The City would prefer that the office park be developed with a streamline flow but that is within the developer's control. He would personally like the office park zone to allow for ancillary uses other than office. If the City wanted the office park located in the tertiary zone, they would have planned it that way. He does not recommend that the Planning Commission change the underlying zone.

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

Findings

- The applicant acknowledges that the Northern Amenti Parcel is located in the "Tertiary" area of the Farmington Commercial Center, but he intends to provide "multi-family residential" thereon. The City's General Land Use Plan map only identifies Class "A" Business Park uses at this location, not residential uses.
- The text of the General Plan and the Zoning Ordinance precludes any residential development on the Northern Amenti Parcel.
- One purpose of the TOD Chapter of the Zoning Ordinance is to provide for the development of a Tertiary District as described in the General Plan. As mentioned in the previous findings, the proposed residential development for the Northern Amenti Parcel is not consistent with the General Plan.
- **There did not seem to be a middle ground that would allow the applicant to move forward while waiting on the zone change.**

[**Cory Ritz** stepped out of the room.]

PUBLIC HEARING: FARMINGTON CITY - APPLICANT IS REQUESTING A RECOMMENDATION FOR A CHANGE OF ZONING FROM A-F TO LR-F ON PORTIONS OF THE PROPERTIES LOCATED AT 100 WEST 600 NORTH AND 82 WEST 600 NORTH (Z-7-07) (Agenda Item #6)

Background Information

General: The City has a desire to establish a single-family presence along 600 North as an entrance to the center of town. In keeping with that desire, City staff is proposing that we consider changing the portions of the two parcels (Bradshaw's and Owens') currently zoned Agriculture to LR. Both parcels are currently divided between the OTR, LR and A zones. The proposed change would be *only for those portions currently zoned A-F*.

City staff has met individually with the owners of the parcels to discuss the proposed change and its implications for them. Both have agreed that the change of zoning should not negatively impact their plans for the property. Additionally, City staff contacted the County Tax Assessor's office, and has been assured that the act of changing the zone on these parcels will not trigger any change in their property tax status.

Since the General Plan calls for low density residential development of this area, no change to the General Plan is needed.

END OF PACKET MATERIAL.

Jared Hall displayed a map of the area and pointed out where the parcels are located and how each parcel is zoned. City staff is proposing that the properties be rezoned so there is a residential presence at one of the gateways to the City. City staff has met with the owners of the parcels to discuss the proposed change. According to the County Tax Assessor's office, if the properties are rezoned, it will not trigger a reassessment of the properties.

Public Hearing

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

Don Bradshaw (650 North 90 West) said he does not object to the proposed zone change. He has been assured by the County Assessor's office that his taxes will not be increased if his property is rezoned. He requested that his property be given a "grandfather clause" so he or his children can have animals on the property in the future. So long as that request is granted, he is not opposed to the proposed changes.

Paige Walton (122 Oakridge Drive) suggested that the Planning Commission consider

public input after their discussion so they can be informed on all of the issues prior to making their comments. She is concerned that this proposal will set a precedence for how the properties in the area are developed. The properties should be developed in a way that is consistent with historic Farmington and with the developments to the north of these properties. The City should verify that future developments do not inadvertently tax the City's water, police and fire systems.

Zach Haugen (36 West 600 North) said the Haugen family is neutral on the issue since the proposal will not impact their property. They are concerned that there may be issues when the property is developed in the future since there are springs that exist on the property. The City should also protect the dam that exists in the area since the City spent \$600,000 to retrofit it.

Debra Rexic (2530 North Valley View Drive, Layton) complimented the Planning Commission and City Council for preserving and protecting the OTR zone. According to the City's General Plan, the trail system is to be zoned "PPR" with very low density. She said she feels strongly that the Bradshaw property should not be rezoned because it grants the property owner vesting rights. She considers the City's trail system a "premiere gem" and asked that it be protected.

[**Cory Ritz** returned to the room.]

Debra Rexic said she considers the City's General Land Use Plan to be a valid document. She urged the Planning Commission to follow the Plan which protects the City's traditions and citizens.

Patricia Anderson (671 Somerset Street) pointed out that the Planning Commission Agenda was not available on-line. She said she agrees with the other public comments that were given. She requested that the Planning Commission not recommend the rezone since it is not complimentary to the OTR zone. There are many issues that should be considered such as water issues, the pond, the elevation of the property, and the traffic issues.

John Bradshaw (259 East 100 North) said his family does not have plans to develop the property in the near future. The City approached them requesting the zone change. He is opposed to the trail that travels through their property because it infringes on their privacy. He said he does not want the property to have multiple zones. He also wants to protect their right to have animals on the property which is why they are requesting a "grandfather" clause.

Joel Anderson (57 West 600 North) said the City is instigating the zone change because it is the proper zone for the property. He said the public should have the ability to make their comments after the Planning Commission discussion so the public is aware of all of the issues.

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 he is concerned that the zone change was instigated by the City, not the property owner. He questioned whether **Mr. Bradshaw** is in favor of the rezone or if he prefers the current zone.

Don Bradshaw said he was told by City staff that the Agricultural zone is being eliminated.

Kevin Poff said the property owner indicated that he may want to build homes on the property in the future. If the zoning remains "A," the property owner could construct three homes on the property.

Jared Hall said there would be access issues so the property owner would be required to provide a road. The "AE" zone allows for one acre lots. The "A" zone does not allow as many opportunities for subdivision as the "LR" zone. If the property is zoned "AE," the property owner would be allowed two more homes. He explained that the animal rights do not need to be "grandfathered" because all residential properties in the City have animal rights.

Kevin Poff said if it is the City's intent to limit development, it does not make sense to propose "LR" zoning since it allows higher densities than either of the Agricultural zones.

Don Bradshaw said he is not opposed to his property being rezoned "LR" so long as the entire property is zoned the same; his taxes are not increased; and he has the right to have animals on his property. He has contributed to Farmington's trails and recreation and feels the City should work with him in return.

Cory Ritz questioned why City staff is recommending that the property be zoned "LR," as opposed to "AE."

Jared Hall said City staff is recommending the "LR" zone since it is the adjacent zone and it is the underlying zone. The "AE" zone does not provide value for a property of this size.

David Safeer pointed out that the "LR" zone does not allow for as many animals as the AE zone.

Jared Hall said the Bradshaws do not currently have animals on the property so a "grandfather" clause would not be the proper term. Animals are allowed in the "LR" zone so long as the lot is 20,000 square feet.

David Safeer suggested that City staff educate the residents as to the difference in animal

rights between the two zones.

Rick Wyss said according to **Mr. Bradshaw's** comments, both the property owner and the City are in favor of the proposed rezone. He said the other members of the public should purchase the property if they are opposed to the property being developed. After studying the issue, both the property owner and the City feel the "LR" zone is the best zone for the property.

Motion

Rick Wyss moved that the Planning Commission recommend approval of the change of zoning from A-F to LR-F on portions of the properties located at 100 West 600 North and 82 West 600 North. **John Bilton** seconded the motion, which passed by a 4 to 2 vote, with **Kevin Poff** and **David Safeer** opposing the motion.

Chairman Talbot recommended that City staff meet with the Bradshaws to inform them of the implications of the rezone.

Kevin Poff said he was opposed to the motion since it appears the City is using the property owners for their own purposes. He believes the property owner's rights are better protected if the property is zoned "A."

David Safeer said he was opposed to the motion since he thinks the property owners should have been better educated as to what their animal rights would be in both the "A" and "LR" zones.

[**David Safeer** stepped out of the room.]

PUBLIC HEARING: FARMINGTON CITY - APPLICANT IS REQUESTING A RECOMMENDATION FOR A CHANGE OF ZONING FROM BP TO LR ON APPROXIMATELY 16 ACRES OF PROPERTY LOCATED AT ABOUT 150 SOUTH 200 WEST, (PARCEL #'S 08-087-0081, 08-087-0086 AND INCLUDING A SMALL AREA IN THE NORTHWEST CORNER OF PARCEL 08-087-0123) (Z-6-07) (Agenda Item #7)

Background Information

The text of the general Plan supercedes the land use map. Therefore, notwithstanding the future land use map designates the subject property "Office/Business Park" the text provides the following:

1. Public schools typically are located within or adjacent to residential neighborhoods and three of the four such schools in Farmington (Farmington Elementary, Eagle Bay Elementary, and Knowlton Elementary) are located in residential zones. Meanwhile,

Farmington Junior High is not located in a residential zone even though it is located adjacent to some of the most significant residential neighborhoods in the community - the historic west State street area. Any commercial development of the school site could be disastrous to the City and is inconsistent to the following “General Goals,” “Residential Goals and Policies,” “Community Goals” (from Chapter 10), and “Community Policies” (from Chapter 10) of the General Plan:

The Farmington City General Plan is based on the overall goal fo creating within the community a healthy, attractive, and pleasant living environment for its residents. This goal is the significant most element underlying the General Plan (General Goal 1)

Maintain Farmington as a community with a rural atmosphere, preserving it historic heritage and the beauty of the surrounding countryside (General Goal 2)

Maintain Farmington as a predominately low density residential community (Residential Goals and Policies 1)

- provides a compatible and complementary arrangement and mix of land uses;
- considers the protection of sensitive areas and unique natural features.

2. COMMUNITY GOAL: Maintain Community land use plans, policies and regulations that encourage and support commercial development in a manner that balances private property rights and values with the general health, safety and welfare interests of all Farmington residents.

Community policies from Chapter 11- Commercial Development:

- a. **Community Policy:** Farmington City encourages and supports commercial land uses and development patterns consistent with the goals and policies of adopted Community land use plans and studies...
- f. **Community Policy:** Where not in conflict with other Community goals and policies, commercial development will be encouraged at major intersections and along major thoroughfares. However, commercial development will not be allowed to spread indiscriminately along major streets. In addition, primary access to commercial development will not be through residential streets or neighborhoods.

- g. **Community Policy:** Expansion of commercial areas will occur in a careful and controlled manner in order to minimize its impact on residential development and maintain the rural residential character of the community.

- 2. Neighborhood parks are not typically found in commercial areas, hence the term “neighborhood park.” The LR zone is compatible whereas the BP zone is not consistent with the following policy;

Encourage cooperation with the School District to use public school playgrounds as neighborhood parks. (Parks, Recreation, and Open Space Goals and Policies 5).

END OF PACKET MATERIAL.

Jared Hall displayed a map and pointed out where the property is located. He explained that this is a City initiated zone change. He reviewed the “Background Information” that was included in the City Council packet. City staff recommends that the Planning Commission recommend that the three parcels be rezoned from BP to the LR designation.

Public Hearing

Chairman Talbot opened the meeting to a public hearing.

Public Hearing Closed

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

Motion

Kevin Poff moved that the Planning Commission recommend that the City Council change the zoning from BP to LR on properties located at about 150 South 200 West (Parcel #'s 08-087-0081, 08-087-0086 and including a small area in the northwest corner of parcel 08-087-0123). **Rick Wyss** seconded the motion, which passed by unanimous vote. **David Safer** abstained since he was not in the room during the discussion.

BABB INVESTMENTS - APPLICANT IS REQUESTING SITE PLAN APPROVAL FOR THE RECENTLY APPROVED CHALLENGER SCHOOL ON PROPERTY LOCATED AT 1089 SHEPARD CREEK PARKWAY IN THE R-4 ZONE (C-11-07) (Agenda Item #8)

Background Information

General: The Planning Commission granted Conditional Use Approval for this project at a

hearing on June 28th. The applicants have been preparing their site and improvement drawings in preparation for approval and building permit application.

Most technical reviews have been performed, and while there are some outstanding issues, they are not serious. We have asked the traffic engineers for an opinion, and possibly for a traffic study. The Planning Commission's conditions from the June 28, 2007, meeting are met by the current submission. The site plan, landscaping plan and elevations are also attached.

City staff suggests that the Planning Commission delegate the site plan approval to staff at this point. City staff is uncertain as to the traffic study, but would like to move the applicant forward with their submissions for building permits.

END OF PACKET MATERIAL.

Jared Hall displayed the landscaping plan that was requested by the Planning Commission at a previous meeting. City staff recommends that the Planning Commission approve the Site Plan subject to the conditions that were listed in the Planning Commission packet. The traffic engineer has studied whether the applicant should provide a traffic study. They will likely have the results within the next few days.

Motion

Rick Wyss moved that the Planning Commission delegate Site Plan approval to City staff with the following conditions:

1. The conditions of approval given in the letter dated July 11, 2007, shall be answered by the site plan;
2. If deemed necessary by the City's Traffic Engineer, a traffic study shall be performed to assess possible impacts to the Shepard Creek Parkway. Conditions of any traffic study recommendations shall become a part of the conditional use permit

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

Chairman Talbot said it does not seem necessary to require a traffic study on such a small school.

David Safer said the traffic engineer may suggest that a traffic study be provided since they would be paid to conduct the study.

Findings

- The site is appropriate for the area, and relates well to the surrounding uses;
- The conditions of the conditional use approval are being met;

MISCELLANEOUS

[**Jared Hall** and **Rick Wyss** stepped out of the room to study the Utah Code to determine whether it is appropriate to consider the UTA commuter rail station during an emergency meeting.]

The Planning Commission discussed whether it is necessary for the Commission to have two alternate members. It was pointed out that there was only one occasion when both alternate members were needed. It was agreed that so long as the regular members provide one week notice when they will not be at a meeting, there is only need for one alternate member. It was suggested that the alternate members receive the same benefit as the regular Planning Commission members since they make the same sacrifices.

Motion

Due to the fact that there were not residents in the audience to offer input regarding Agenda Item #9, **Kevin Poff** moved that the Planning Commission consider the UTA rail station Site Plan prior to considering Agenda Item #9. **Cory Ritz** seconded the motion, which passed by unanimous vote.

UTA Commuter Rail Site Plan Discussion

The Planning Commission discussed the future commuter rail station with UTA's Project Manager, **Steve Meyer**. He informed the members of the Commission that there will be restrooms on the commuter rail trains, which is why they are not provided at the stations. He explained that the design of the commuter rail station will continue to evolve in the future. UTA is willing to work with CenterCal to provide synergy between the two projects.

[**Jared Hall** and **Rick Wyss** returned to the room after reviewing the Utah Code.]

Rick Wyss read a section from the Utah Code which applies to the notice requirement standards to consider an item of urgent nature. In his opinion, the UTA site plan qualifies as an urgent matter, especially since it would not require a public hearing. He informed the members of the Planning Commission that if the "emergency meeting" standard is violated, it is considered a Class B misdemeanor.

David Safeer said this issue is of an urgent nature since UTA needs the ability to pave the commuter rail station prior to the weather changing.

Jared Hall said this item could not be considered at a regular Planning Commission

meeting until September 13, 2007.

After discussing the issue, the Planning Commission agreed that it would not be considered a precedent to hold the “emergency meeting” since it was initiated by the governing body, not by the applicant.

Motion

Rick Wyss moved that the Planning Commission consider the UTA commuter rail station Site Plan which is a matter of urgent nature. **David Safeer** seconded the motion, which passed by unanimous vote.

Steve Meyer (UTA, Manager of Engineering and Construction) displayed an aerial photo and pointed out where the twelve acre commuter rail station is located. The pad is constructed for the Farmington Park & Ride lot. UTA hopes to have the station open in the Spring of 2008. They previously signed an Interlocal Agreement to construct the rail corridors within the City. He pointed out where the drainage area will be located in the future. This Park & Ride facility was designed to accommodate parking demands through the year 2030. RDA funds will be used so all of the parking spaces will be built out for opening day. CenterCal has designated \$200,000 to be used for betterments at the Park & Ride lot.

Mr. Meyer gave the Planning Commission handouts outlining the comments that UTA received from CRS Engineers. UTA is in the process of working through those issues. They are also working to provide culinary water to the site to provide fire protection.

In response to a question from **Rick Wyss**, **Jared Hall** explained that any decision that is made by the Planning Commission is appealable. The City has had the site plan since August 3, 2007. There are still a few technical issues that need to be addressed, all of which are connected to CenterCal. City staff is comfortable recommending that the Planning Commission approve the site plan to allow UTA to proceed so the station can be open when the rail is running.

Steve Meyer said the parking areas will be constructed in two phases. According to their studies, the load requirements are below the threshold so they are not required to provide sound walls along the commuter rail.

Chairman Talbot asked if UTA will still have access to the station if the CenterCal project is postponed.

Steve Meyer said UTA is committed to proceed with the access road through the center of the development.

Jared Hall stated that CenterCal plans to begin construction of the road knowing that it

will have to be rebuilt in the future.

Kevin Poff asked if the current Site Plan would be problematic if CenterCal were willing to work with UTA to provide a more seamless connection between the two areas.

Steve Meyer said UTA would have to relocate some of the utilities if Station Park were willing to integrate more closely but it would be worth the change. For the time being, they will proceed with the proposed Site Plan.

Motion

Kevin Poff moved that the Planning Commission approve the site plan for the commuter rail station subject to City staff's review and approval. **Cory Ritz** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: FARMINGTON CITY - APPLICANT IS REQUESTING A CONSIDERATION OF A PROPOSAL TO AMEND THE ZONING ORDINANCE BY ELIMINATING THE ALLOWANCE OF TWO-FAMILY DWELLINGS AS A CONDITIONAL USE IN THE LR ZONE (ZT-7-07) (Agenda Item #9)

Jared Hall explained that it is not the City's practice to allow duplexes in residential zones. Therefore, City staff is recommending that the Planning Commission consider amending Chapter 11 of the zoning ordinance by eliminating the allowance of two-family dwellings as a conditional use in the LR zone.

Public Hearing

Chairman Talbot opened the meeting to a public hearing.

Public Hearing Closed

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

In response to a question from **David Safeer**, **Jared Hall** explained that mother-in-law apartments would still be allowed so long as they are not rented out. This proposal will not preclude two-family dwellings within a Planned Unit Development (PUD) but it will preclude them from all of the Residential "R" zones.

Kevin Poff said it does not make sense to amend the zone text to preclude two-family dwellings, yet still allow multi-family housing.

Chairman Talbot asked if there is a foundation for the Planning Commission to consider

the proposed amendment. The Planning Commission should not consider items because they are City staff's preference.

Jared Hall displayed the base map. He explained that City staff is concerned that with the rising cost of land. There is a potential that the remaining LR properties will be developed as duplexes.

Kevin Poff said it is offensive that this item appears to be a reaction to an issue that has occurred within the last few months.

Rick Wyss questioned why the City is proposing that condominiums be allowed but not duplexes.

Jared Hall explained that the proposal is to eliminate two-family dwellings which are made up of two homes on one lot. For ownership reasons, one side of a two-family dwelling is a rental. This proposal will not preclude condominiums and twin homes because there is generally an ownership implication. He stated that **Mr. Poff** is not entirely wrong when he stated that this proposal is in response to a previous application that was considered by the City.

Motion

Rick Wyss moved that the Planning Commission recommend that Chapter 11 of the Zoning Ordinance remain unchanged. **Kevin Poff** seconded the motion, which passed by a 5 to 1 vote, with **Paul Barker** opposing.

Findings

- It is inconsistent to allow condominiums but not duplexes.
- The proposed amendment may be considered a prejudice against a certain class of people.
- Twin homes do not necessarily preclude ownership.
- This agenda item appears to be a one issue reaction by City staff which is not appropriate

The Planning Commission requested that City staff present these types of agenda items during the study session so the Commission has time to contemplate the issues. There was concern expressed by certain Planning Commission members that this did not appear to be a fair public forum since it would have been difficult for City staff to notice all of the residents who would be affected by this proposal.

Jared Hall responded by stating that the City posted notices around the City. They also

noticed other entities such as the adjacent cities and the County. He said two of the items were placed on the agenda because the City wants a strong residential presence on 600 North.

Chairman Talbot said the proposed text amendment would have impacted property owners City-wide, not just in the 600 North area.

ADJOURNMENT

John Bilton moved that the Planning Commission adjourn at 10:26 p.m..

*Jim Talbot, Chairman
Farmington City Planning Commission*