

FARMINGTON CITY PLANNING COMMISSION

Thursday, September 14, 2006

PLANNING COMMISSION FIELD TRIP

The Planning Commission visited the property located at 48 West 600 North to inspect the historic buildings and to consider the nature of the land trade and how the property will be preserved.

PLANNING COMMISSION STUDY SESSION

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

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

Agenda Item #1: Minutes

The Planning Commission reviewed the minutes of the August 24, 2006 meeting and submitted the appropriate changes.

Agenda Item #2: City Council Report

David Petersen reported the proceedings of the City Council meeting which was held on September 5, 2006.

- The City Council approved an Ordinance to amend the Farmington City Zoning Map by rezoning approximately 5.5 acres of property east of 200 East Street in the general vicinity of 200 North and 300 North from OTR-F to LR-F.

Agenda Item #3: Public Hearing: Jake Lawson - Applicant is requesting approval for a two-lot subdivision (lot split) by metes and bounds consisting of 1.0485 acres located at 215 East 300 North in an OTR zone (S-18-06).

David Petersen reviewed the applicant's request. He informed the applicant that it would be wise to position the homes so a third lot could be created in the future, if so desired. He said he received a letter from a resident who is opposed to an additional home being built on the property.

Agenda Item #4: Public Hearing: Gary & Jill Poll, Saddlebrook LLC - Applicants are requesting a recommendation for schematic plan approval for a subdivision consisting of 10 lots on about 5.9 acres located at approximately 450 West Glovers Lane in an AE zone (S-20-06).

David Petersen explained that the applicant was initially proposing a conservation subdivision which would allow the lots to be less than one acre in size. Due to the fact that the conservation lot is not 1.5 acres, a waiver would be required. The applicant has since met with the Gissmans and Packs who are willing to include their private lane in the subdivision so the lot size can be increased to one acre.

Agenda Item #5: Nate Shipp/DAI - Applicant is requesting a recommendation for schematic plan approval for a PUD (17 lots on 9.66 acres) located at approximately 100 West 600 North (S-17-06).

David Petersen said the reviewing agencies have approved the schematic plan but City staff has conditions that they recommend requiring in the event approval is granted. City staff also recommends that the developer contact Davis County Flood Control to determine whether an emergency flow path should be created. He referred to the historic home that is located on the property and explained that the core is the only historic portion of the home. The developer has not discussed the access issues with UDOT, but is not required to do so at this time being that it is the schematic plan approval process.

Agenda Item #6: Public Hearing: Brady Hall/North Park Development - Applicant is requesting a recommendation to rezone approximately 9.8 acres located at 48 West 600 North from OTR-F, LR-F, and A-F to R-2-F (Z-11-06).

David Petersen reminded the Planning Commission that consideration was tabled at the last meeting to allow the Commission to receive a recommendation from the Historic Preservation Commission and to conduct a field trip to the site to inspect the historic buildings, to consider the nature of the land trade and how the property will be preserved, and other issues related to the application, and also to allow time for the developer to prepare a more detailed schematic plan for consideration by staff and the Commission. Due to the fact that the notice for the newspaper was not posted in time for the August 24th hearing, the public hearing must be held to satisfy the requirement. He suggested that the public limit their comments to items that were not addressed at the previous meeting.

Agenda Item #7: Bob Aamodt - Applicant is requesting site plan approval for an office building at 630 North Main in a BP zone (SP-1-06).

David Petersen said access to the property will be from Compton Road which is acceptable since the road is not nearly at capacity.

Agenda Item #8: Nixon & Nixon, Inc., Dan Nixon - Applicant is requesting conditional use and site plan approval for a Class A Self Storage facility located at 549 West Bourne Circle adjacent to the north side of Park Lane on 3.011 acres in a CMU zone (C-5-06).

David Petersen said he conducted research to determine whether the property is primary or secondary, but was unable to find a definition. Real estate experts who were asked about the location indicated that the property is a key entry to the community and would likely be developed with a light industrial use if the Class “A” storage unit proposal is approved.

John Bilton said Class “A” storage unit facilities are located in areas with a traffic pattern rather than in the back areas of industrial parks, as is common with standard storage unit facilities.

Jim Talbot said it would be beneficial for the Planning Commission to visit the property to better understand where the facility will be located on the property since he originally thought it would be located near the wetlands.

Agenda Item #9: Public Hearing: CenterCal - Applicant is requesting a recommendation to amend various sections of Chapter 18 of the Zoning Ordinance regarding Transportation Oriented Development (ZT-13-06).

David Petersen said he will review the changes that were submitted by the City Attorney during the regular session of the Planning Commission meeting.

Agenda Item #11: Reagan Outdoor Advertising and I-Transact Building LLC - Applicants are requesting approval for a special exception to establish a billboard adjacent to the east side of the Frontage Road/Lagoon Drive at approximately 300 South in a BP zone (M-2-06).

The Planning Commission discussed the applicant’s request. Apparently, the applicant will present new information. With this in mind the Commission expressed their desire to hold another public hearing to allow comments regarding the new information.

A representative for Reagan Outdoor Advertising said they are willing to postpone consideration of the item until a public hearing can be re-scheduled for the September 26, 2006, Planning Commission meeting. Reagan stated that they are not entirely prepared and this will give them more time to complete their information.

The meeting adjourned at 7:10 P.M.

PLANNING COMMISSION REGULAR SESSION

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

Chairman Talbot called the meeting to order at 7:15 P.M. **Jim Talbot** offered the invocation.

APPROVAL OF MINUTES

Kevin Poff moved that the Planning Commission approve the minutes of the August 24, 2006, Planning Commission Meeting with changes as noted. **Cory Ritz** seconded the motion. The Commission voted unanimously in favor. **Andrew Hiller** and **Paul Barker** abstained since they were not present at the August 24, 2006, Planning Commission meeting.

CITY COUNCIL REPORT

Chairman Talbot stated that the report was given by **David Petersen** during the Planning Commission study session.

PUBLIC HEARING: JAKE LAWSON - APPLICANT IS REQUESTING APPROVAL FOR A TWO-LOT SUBDIVISION (LOT SPLIT) BY METES AND BOUNDS CONSISTING OF 1.0485 ACRES LOCATED AT 215 EAST 300 NORTH IN AN OTR ZONE (S-18-06) (Agenda Item #3)

Background Information

It may be possible, depending on the location of the existing Lawson home, to subdivide the parcel into three lots. Nevertheless, they are only now requesting to divide the property into two lots. The Lawson's may be wise to ensure that under a 3-lot scenario that the lot containing the existing home meets City standards prior to building a home on the northerly lot. If this is done appropriately, the property owner may save his or her descendants much grief if these descendants attempt to build a home on a possible middle lot in the future.

END OF PACKET MATERIAL.

David Petersen displayed a Vicinity Map and pointed out where the property is located. Although there is room to create three lots, the applicant is requesting a lot split (two lots). He cautioned the applicant to be wise and to allow for a third lot in the future, if they so desire. He recommended that the Planning Commission approve the application. He passed out a letter he received from Maria deAnda-Davin opposing the subdivision.

Public Hearing

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

Jake Lawson said the subdivision will allow him to build a home on his grandmother's property.

Public Hearing Closed

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

The Commission members discussed the issues and agreed that the subdivision is appropriate for the area and meets the requirements of the ordinance.

David Petersen said it will be necessary for the applicant to enter into an extension agreement with the City which will require the property owner to pay their share of a possible sidewalk in the future.

Motion

Andrew Hiller moved that the Planning Commission approve the lot split as requested by metes and bounds subject to the applicant entering into an extension agreement with the City for a possible sidewalk in the future. **Kevin Poff** seconded the motion, which passed by unanimous vote.

Findings

- The subdivision results in the creation of lots which meet the standards of the Zoning Ordinance.
- The application is consistent with the General Plan.
- It appears that the applicant is leaving enough room to further subdivide the southern parcel thereby creating an opportunity for a 3rd lot in the future.
- Except for sidewalk, the property fronts a fully improved public street.

PUBLIC HEARING: GARY & JILL POLL, SADDLEBROOK LLC - APPLICANTS ARE REQUESTING A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A SUBDIVISION CONSISTING OF 10 LOTS ON ABOUT 5.9 ACRES LOCATED AT APPROXIMATELY 450 WEST GLOVERS LANE IN AN AE ZONE (S-20-06) (Agenda Item #4)

Background Information

The applicants have proposed a 10-lot residential subdivision north of Glovers Lane at about 450 West. Three parcels have been combined into a 5.95 acre site. Access to the subdivision will be off of Glovers Lane. The access road will run through the subdivision to allow access to properties to the south if needed in the future.

The land is currently zone AE with minimum 1 acre lots and the land Use Plan shows the area is planned for RRD (rural residential density).

The subdivision is proposed as a conservation subdivision. Minimum lot sizes of 10,000 square feet can be allowed in the AE zone if 25% of the land is designated as conservation land. This would be 1.5 acres for this 5.95 acre parcel. The yield plan allows 10 lots to be created. The schematic plan shows 10 lots, nine of them ranging in size from .39 to .5 acres, and one being a conservancy lot containing 1.21 acres. The 1.21 acre conservancy lot does not meet the minimum 1.5 acre conservation land requirements. It would be 20.3%. The applicants are asking for a waiver of this requirement.

Minimum conservancy lot size requirements in the AE zone are 4 acres. However, for small subdivisions “one conservancy lot not meeting minimum lot standards referred to herein for conservancy lots may be approved at the discretion of the City Council.” The applicants are asking for approval of the conservancy lot that is less than 4 acres.

Farmington City Zoning Ordinance section 11-12-065 allows the waiver of the minimum required conservation land requirement with the following requirement: “Any waiver of the required minimum conservation land dedication shall require comparable compensation, off-site improvements, amenities or other consideration of comparable size, quality and/or value.”

Section 11-12-100 (e) states: “At least half the lots shall directly abut conservation land or face conservation land across a street.” This schematic plan shows only 2 of the ten lots meeting this requirement. The applicants are asking for a waiver of this requirement due to the configuration of the lot where the conservation land is located.

To compensate for the reduced conservation land and the waiver of the abutting lot requirement, the developer proposes a 15' wide trail easement between lots 7 and 9 and across lot 10 (the conservancy lot).

All of the reviewing agencies have accepted the proposed schematic plan with no revisions, although the Fire Department did include some comments that should be addressed.

END OF PACKET MATERIAL.

David Petersen displayed a Vicinity Map and pointed out where the property is located. The subdivision will be made up of three Glover Lane properties. He showed the proposal for the subdivision, which is made up of ten lots, each ranging in size from .39 to .5 acres, except the conservancy lot which is 1.21 acres. Due to the fact that the conservancy lot is less than 1.5 acres, the applicant proposes a 15' wide trail easement between lots 7 and 9 and across lot 10 in exchange for the waiver.

Mr. Petersen said after the Planning Commission packets were sent, the applicant met with adjacent property owners who are willing to add their lane to the subdivision to increase the size of the lots to one acre. The new proposal was received by the City on September 13, 2006.

Dennis Petersen (1206 South Bridgecreek Lane, Layton) said he is the real estate agent for the applicants. He stated that the Packs have not agreed to contribute to the one acre lot proposal. The applicants intend to proceed with the ½ acre lot proposal and pursue the second proposal at a later time.

David Petersen displayed overheads of the proposals. Although the yield plan illustrates a cul-de-sac, the applicant plans to make the road a through street. He reviewed the “Background Information” which explains the conservancy lot concept. The Fire Chief recommends that an access turn around be provided at the rear of the property.

Public Hearing

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

Dennis Petersen said the applicants value the neighbor’s opinions, which is why they are considering the one acre lot development. He reviewed a slide presentation which includes a Mission Statement, the current 10-lot proposal, the lot amenities/improvements, a schematic plan, and a photo of the property and the homes that currently exist on the property. He said the applicants plan to meet with the Packs to discuss the one-acre lot proposal.

Gordell Brown (308 East 650 South) said he is speaking on behalf of himself, **Mr. Hodgeson** and **Clark Neilsen**. They are not opposed to the development but asked that a barrier/wall be provided between their properties and the development to protect their buildings and their livestock.

Eva Gisseman (465 West 1025 South) said they are not in favor any proposal that includes lots that are less than one acre in size. She asked that the Planning Commission follow the City’s plan for the area since most of the adjoining properties are 5 acre parcels and have livestock on the property.

Brad Pack (580 East 400 North, Bountiful) said he represents the Pack family who owns property in the area (which property is currently under contract). He said he is concerned about the development being located in-between two roads. He is also concerned that the proposed trail is minimal and that other property owners will be responsible for its extension. He suggested that additional studies be done to determine the impact of the development prior to approval being granted.

John Kraczek (1037 South 650 West) said it seems inappropriate to remove a road that could likely qualify for a prescriptive easement since it has been used by the property owners in the area for over twenty years. He is not opposed to the one acre lot proposal but would like the alignment reconfigured to allow property owners to access their properties.

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 asked if the Polls plan to fence the perimeter of the property.

Dennis Petersen said it has not yet been determined whether a fence will be provided.

David Petersen said the ordinance does not require the developer to fence the perimeter of the property.

In response to a question from **Paul Barker** regarding the proposed trail, **David Petersen** said the adjacent property owners may be asked to extend the trail when their properties are developed. There is not another trail in the area for the proposed trail to connect to.

Kevin Poff questioned whether the applicant had considered joining two of the smaller lots to meet the conservancy lot requirement.

Dennis Petersen said the individual lots are needed to make the project fiscally sound.

Cory Ritz said it appears that all of the issues could be resolved if the applicant were to further pursue the one acre lot configuration (which is also more desirable to the residents in the area).

Kevin Poff asked **Brad Pack** if his family would be willing to consider working with the applicant to accommodate the one acre lot proposal.

Brad Pack said he is unable to make commitments regarding the property since it is currently under contract with another purchaser.

Andrew Hiller suggested that other options be pursued since the current proposal does not meet the City's requirements.

Kevin Poff asked if the City has jurisdiction to address the private road that is used to access the properties in the area.

David Petersen said if there is not an easement for the water line in the area, it is a private issue.

Motion

John Bilton moved that the Planning Commission table consideration of the schematic plan to allow the applicant to further pursue alternatives that would bring the development within the conservation subdivision requirements or to allow them to pursue alternatives that would increase the size of the lots. **Cory Ritz** seconded the motion, which passed by unanimous vote. **Rick Wyss** was not present for the vote.

NATE SHIPP/DAI - APPLICANT IS REQUESTING A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A PUD (17 LOTS ON 9.66 ACRES) LOCATED AT APPROXIMATELY 100 WEST 600 NORTH (S-17-06) (Agenda Item #5)

David Petersen displayed an overhead of the schematic plan. The proposal has been approved by all of the reviewing agencies. He listed the following conditions which are recommended by City staff:

- As requested by the Fire Chief, a secondary access shall be provided.
- The fire hydrant shall be connected near the existing duplex.
- The applicant shall identify the location of an existing storm water (or water conveyance) pipe.
- The applicant shall provide a topography map during the preliminary plat phase.
- The wetlands must be identified.
- The applicant shall receive input from Davis County Flood Control indicating whether it is appropriate to provide a flood flow path on the property.

Nate Shipp (406 West South Jordan Parkway) said they have not yet found records or proof of the piped creek but will continue their efforts to locate it. He said the exact layout of the homes has not yet been determined.

Jim Talbot asked if the applicant has considered the future of the historic homes.

Nate Shipp said the historic homes will be considered after the schematic plan phase. He said he has met with UDOT who is accepting of the proposed access points since it will reduce the number of access points on 600 North. UDOT will not allow a deceleration lane but they will attempt to provide a stacking area. He said a traffic study has been prepared that he will provide for the Commission's review.

Jim Talbot explained how the roads in the Somerset PUD were not built to City

standards, which made it difficult for the Public Works Department when the City took over the maintenance of the roads. He said it may prevent this type of scenario from occurring if the roads in the proposed development are built to the City's standards.

Nate Shipp said the development will be built around the mature landscaping. It will not be possible to maintain the integrity of the site if the road width is increased to 27'. The current road configuration has been approved by the Fire Chief and will also provide adequate drainage.

David Petersen explained that there were three issues that caused the Somerset road system to fail.

Motion

Paul Barker moved that the Planning Commission recommend schematic plan approval for a PUD located at approximately 100 West 600 North, subject to the following conditions:

1. The Fire Department must have secondary access to the development.
2. Culinary water must be looped through the development including a connection to the fire hydrant next to the Held Subdivision north and east of the property.
3. Verify whether or not a stream is currently flowing in an underground pipe through the property, and if so, relocate the pipe as necessary to accommodate the development.
4. Provide a topographic map of the property as part of the review of the preliminary plat.
5. Identify sensitive and/or wetlands located on site.
6. Determine the need for an emergency storm water, mud and debris flow path through the site and report your findings to the City Engineer prior to application for preliminary plat approval. Prepare the preliminary plat accordingly.
7. Explore the possibility of preserving the old "Haight Home." Obtain recommendation from the City's Historic Preservation Commission and report your findings to the City prior to preparation of the preliminary plat.
8. Prepare a traffic study as per UDOT standards and as acceptable to the City Engineer regarding ingress and egress to the site from SR 106. Receive any necessary permits from UDOT.
9. The City Council must approve a single family residential PUD as a use in the B and OTR zones.

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

PUBLIC HEARING: BRADY HALL/NORTH PARK DEVELOPMENT - APPLICANT IS REQUESTING A RECOMMENDATION TO REZONE APPROXIMATELY 9.8 ACRES LOCATED AT 48 WEST 600 NORTH FROM OTR-F, LR-F, AND A-F TO R-2-F (Z-11-

06) (Agenda Item #6)**Background Information**

The Planning Commission reviewed this agenda item on August 24, 2006, and tabled it for the reasons set forth in the attached letter to the applicant from David Petersen dated September 7, 2006. The items in the letter have not been completed although a field trip of the property is planned for September 14, 2006 at 5:00 p.m. Nevertheless, the notice for the newspaper was not posted in time for the August 24th hearing. Therefore, the hearing must be held to satisfy this requirement. It is recommended that the Chairman only encourage input that will not repeat comments received earlier by the Commission.

END OF PACKET MATERIAL.

David Petersen said the notice for the newspaper was not posted in time for the August 24th hearing. Therefore, the public hearing is being held to satisfy the requirement. He displayed a Vicinity Map and pointed out where the property is located. He said the Planning Commission tabled the application to allow time to receive a recommendation from the Historic Preservation Commission and to conduct a field trip to the site to inspect the historic buildings, to consider the nature of the land trade and how the property will be preserved, and other issues related to the application, and also to allow for the developer to prepare a more detailed schematic plan for consideration by staff and the Commission. The Planning Commission has conducted a field trip to the property but the other issues have not yet been addressed.

Public Hearing

Chairman Talbot opened the meeting to a public hearing. He suggested that the public only comment on issues that were not discussed at the previous meeting since there will be another public hearing held during the schematic plan process.

Joe Judd (108 West 600 North) submitted a letter to the Planning Commission that was written by **Megan Crowley** (108 West 600 North) opposing the proposal to rezone the property.

Brady Hall (182 East 650 South, Kaysville) said the schematic plan is complete but is lacking the signature of the Fire Chief. He will likely submit the plan to the Planning Commission on October 12, 2006.

Steve Purcell (59 East 600 North) submitted a petition that was signed by over 60 residents opposing the proposal to rezone the property. The residents in the area are concerned about the amount of traffic that the development will generate since the traffic in the area is already congested. There is already multi-family housing in the area so there should not be a need for an additional development. The proposal is not conducive to the small town

atmosphere that the residents enjoy.

Rebecca Fromberg (56 East 400 North) said she shares the concerns of the petition signors and questioned why this type of proposal would be considered at the end of a beautiful street. She will consider moving if the development is approved.

David Petersen passed out letters that were written by **Richard Ross** and **L. Hank & Virginia Semadeni** opposing the proposed rezone.

Public Hearing Closed

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

Cory Ritz suggested that a geo-technical survey be conducted since it appears the property is located in a slide area. He suggested that the residents consider that under the current zoning, there could be up to 80 residential units built on the property.

Motion

Cory Ritz moved that the Planning Commission table the application to allow time to receive a recommendation from the Historic Preservation Commission and also to allow time for the developer to prepare a more detailed schematic plan for consideration by staff and the Commission. **Paul Barker** seconded the motion, which passed by unanimous vote.

BOB AAMODT - APPLICANT IS REQUESTING SITE PLAN APPROVAL FOR AN OFFICE BUILDING AT 630 NORTH MAIN IN A BP ZONE (SP-1-06 - Agenda Item #7)

Background Information

It appears that the addition will match the existing rock building with respect to roof lines and window openings and other materials used. However, will the "Farmington Rock" proposed for the addition be made of synthetic material or will it be the real thing? And is this important to the Commission?

END OF PACKET MATERIAL.

David Petersen displayed an aerial photo of the area and pointed out where the historic home and footings are located. He displayed an overhead of the Site Plan. He reviewed the "Suggested Motion" and the suggested conditions.

Bob Aamodt (630 North Main) said he reviewed the staff report and agreed to the suggested conditions. The final landscaping will likely be done in the spring. They plan to pave the parking area with a cobble stone type product. He hopes the proposed elevation will exactly mimic the historic home.

Jim Talbot asked if the “Farmington Rock” proposed for the addition will be made of synthetic material.

Bob Aamodt said he plans to use real “Farmington Rock.” The landscaping will also be aesthetically integrated with the parks on both sides of the property since it is considered a “gateway” to the City.

Motion

John Bilton moved that the Planning Commission approve the site plan subject to all applicable Farmington City development standards and ordinances and the following:

1. City staff must approve the final version of the landscape plan, which shall include, among other things, a plant legend specifying the total number of each type of plant, each plant’s common name, and size of plants at time of installation.
2. Parking areas must be paved.
3. Natural stone shall be used on the exterior of the new structure (or addition).

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

Findings

- A historic building will be preserved.
- The property will enhance the “gateway” to the City.
- The developer has exceeded the requirements of the City.
- The office building is an appropriate use for the property.
- Adequate parking areas will be provided.

NIXON & NIXON, INC., DAN NIXON - APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL FOR A CLASS A SELF STORAGE FACILITY LOCATED AT 549 WEST BOURNE CIRCLE ADJACENT TO THE NORTH SIDE OF PARK LANE ON 3.011 ACRES IN A CMU ZONE (C-5-06) (Agenda Item #8)

Background Information

The Planning Commission tabled this application on July 27, 2006, to allow the City Council time to adopt standards for Class A Self Storage, and the Commission to further direct staff to determine the definition of primary and secondary commercial locations and to determine if Class "A" self storage is the best use for the property.

The City Council enacted the enclosed standards.

Staff was unable to find a precise definition of primary and secondary locations.

In determining whether or not Class "A" self storage is the best use for the property, the application provided information from James F. Kane of Meridian Storage in support of Mr. Nixon's project. City staff interviewed five independent commercial real estate professionals and they offered the following (note some of the people requested that their names not be used):

1. It would have a very detrimental effect on the area. This area is a gateway to the City and this type of use should not go there. The City should master plan the whole area between U.S. 89 and Main Street, from Park Lane to Shepard Lane, and all uses proposed for this area should conform to the plan.
2. It is not a good location for self storage. It will work there, but in the long-term it will not be good for adjacent property owners, and therefore, not good for the City.
3. I do primarily retail work. If the City chooses to allow self storage to be rented at the proposed site, it will drive away retail - it will run them out. I would not put self storage at this location. It is not a primary site. It is a secondary site.
4. Good site for self storage, but highest and best use for retail/commercial is at Farmington Station. Retail does not work 1200 feet from the off-ramp where the light is now located. Retail works best 200-300 feet away from the light. However, from a community standpoint, if self storage is the first thing you see - even Class "A" self storage - this may not be a good thing. It depends what the community wants.
5. It is a secondary site as far as retail and other commercial uses are concerned. The bulk of retail development will occur on the west side. It is still a nice "chunk" of property. And self storage will work nicely at this site. If the City allows this, everything will become industrial around it. It will effect the nature and flavor of everything. [He mentioned "flex warehousing" and office uses may be hard-pressed to located in area (except office uses for local tenants)].

* Note: All those questioned received a copy of Mr. Nixon's site plan, building

elevations, and City ordinances.

Kevin Poff asked if the Commission must consider a PUD or a Planned Unit Center application in order to even consider Mr. Nixon's request. Todd Godfrey gave a qualified "yes" to this question.

END OF PACKET MATERIAL.

David Petersen reviewed the "Background Information" which was included in the Planning Commission packet. He discussed the issue of whether the site is considered primary or secondary. He was unable to find a precise definition so he posed the question to five real estate experts in the area. He read their responses which were included in the Planning Commission packet. He discussed the issue of whether Class "A" storage is allowed in the zone if it is not a part of a planned unit center. He posed the question to the City Attorney who on two separate occasions responded with a qualified "yes." According to **Dan Nixon**, the provision was not enacted when **Greg Bell** developed the Fairway Fields.

Dan Nixon (895 Wall Avenue, Ogden) passed out a packet that included responses to the comments from the anonymous real estate brokers, his position on the planned unit center issue, and opinions from real estate experts who are supportive of the proposed location. He also spoke with **Frank McCullough** who said the property is an appropriate location for the project. He said the issue relating to the planned unit center should be handled between the City and **Greg Bell**.

Dan Nixon said the project meets all of the requirements of the CMU zone and the Class "A" Self Storage Zone text. They are willing to conform to the requests of the City. He passed out a letter that was written by **Greg Bell**. He also displayed a slide presentation which includes photos of similar type projects and other projects his company has developed.

Jack Nixon (500 East 275 North, Hyde Park, Utah) said they are particular about the properties they choose for their self storage facilities. He thinks the property is appropriate for this type of use. He does not consider the property a gateway to the City, but stated that the location has very little visibility from the freeway.

Kevin Poff said the proposal meets the requirements but according to the ordinance, it should only be considered as part of a planned unit center or a PUD.

John Bilton read from the ordinance pertaining to the planned unit center requirement.

The Planning Commission discussed whether the issue could be considered since the proposal was not included as part of a planned unit center. When considering the CMU zone, the Planning Commission was opposed to Class "A" storage as a use in the zone. The decision

was overturned by the City Council.

Jim Talbot said he would like to visit the property to determine how the facility will be situated on the property since he initially thought it would be near the wetlands. If the property is situated in a visible location, he has issues that he has not expressed in previous meetings. He said he visited the applicant's storage unit facility in Bountiful and felt it was appropriate for the Bountiful location but said the property in Farmington is considered a "Gateway to the City."

Rick Wyss said the City Attorney stated on two separate occasions that the project needs to accompany a planned unit center. It is not the Planning Commissions's responsibility to determine whether the Ordinance has a legal basis.

Motion

Rick Wyss moved that the Planning Commission deny the request for site plan and conditional use approval due to the fact that the request does not comply with the City's ordinance. Section 11-19-103(a) defines "Commercial Mixed Use" as "areas near residential and commercial areas with a mix of general commercial uses and multiple-family residential development within a pedestrian/bicyclist-friendly environment. Section 11-19-104 further states that "specific uses that will be allowed in a CMU zone . . . will be determined through the review and approval of either a Planned Unit Development pursuant to Chapter 27 of this Zoning Ordinance, or as a Planned Center Development pursuant to the conditional use permit process." To date the City has received no application for P.U.D. nor is the property being developed as part of a Planned Center Development. **Paul Barker** seconded the motion, which passed by unanimous vote. **Andrew Hiller** abstained.

PUBLIC HEARING: CENTERCAL - APPLICANT IS REQUESTING A RECOMMENDATION TO AMEND VARIOUS SECTIONS OF CHAPTER 18 OF THE ZONING ORDINANCE REGARDING TRANSPORTATION ORIENTED DEVELOPMENT (ZT-13-06) (Agenda Item #9)

David Petersen referred to an e-mail that was written by **Thomas Ellison** who is the attorney for CenterCal. The email includes a time line for the ordinance amendment, project master plan and development agreement process. According to the time line, the Planning Commission recommendation could be given on September 28, 2006. **Mr. Petersen** passed out the TOD Zone text and the amendments that were recommended by **Mr. Ellison** and **Todd Godfrey**, the City's attorney.

Public Hearing

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

address the Commission.

Elizabeth Angyal (CenterCal) said she received the draft earlier in the day. Their attorney was still reviewing the text. CenterCal is in the process of performing their due diligence and believes the project will be qualitatively better than what is required by the ordinance. It is her understanding that it is questionable whether the changes were necessary but feels it will clarify the text.

Public Hearing Closed

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

Rick Wyss questioned a few of the provisions recommended by the City Attorney which may invite litigation.

The Planning Commissioners agreed it would be appropriate to allow additional time for the Planning Commission and the CenterCal attorney to review the amendments recommended by **Todd Godfrey**. The issue can be discussed at the September 26, 2006, Planning Commission meeting.

Motion

Rick Wyss moved that the Planning Commission table consideration to amend various sections of Chapter 18 of the Zoning Ordinance regarding Transportation Oriented Development until September 26, 2006, to allow the City Attorney and Center-Cal attorney time to discuss the amendments, as well as to allow the City Attorney to address the text that was questionable to **Commissioner Wyss**. **Kevin Poff** seconded the motion, which passed by unanimous vote.

Motion

Kevin Poff moved that the Planning Commission continue past 10:00 P.M. **Jim Talbot** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: FARMINGTON CITY - APPLICANT IS REQUESTING A RECOMMENDATION TO AMEND CHAPTER 12 OF THE ZONING ORDINANCE REGARDING ACCESSORY BUILDING IN CONSERVATION SUBDIVISIONS (ZT-12-06) (Agenda Item #10)

David Petersen said the standards for accessory buildings in conservation subdivisions are meant for the AE zone. City staff recommends that the standards for conversation

subdivisions be the same as that of the LR zone. City staff recommends approving the request.

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

Rick Wyss moved that the Planning Commission recommend the amendment to Chapter 12 of the Zoning Ordinance regarding accessory buildings in conservation subdivisions. **Kevin Poff** seconded the motion, which passed by unanimous vote.

Findings

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REAGAN OUTDOOR ADVERTISING AND I-TRANSACT BUILDING LLC - APPLICANTS ARE REQUESTING APPROVAL FOR A SPECIAL EXCEPTION TO ESTABLISH A BILLBOARD ADJACENT TO THE EAST SIDE OF THE FRONTAGE ROAD/LAGOON DRIVE AT APPROXIMATELY 300 SOUTH IN A BP ZONE (M-2-06) (Agenda Item #11)

Background Information

The Planning Commission held a public hearing regarding this application on July 13, 2006. A special exception from Farmington City is being sought because billboards are not allowed in the BP zone. At the request of Reagan representatives, with concurrence by City staff, the Commission voted to table the request in order to allow time for representatives from Reagan and the City to meet together and discuss the issues.

Representatives from Reagan met with City staff on August 22, 2006. Reagan indicated that they need to raise the sign to 65 feet in height to avoid vegetation and trees that would otherwise block the sign (the existing sign is approximately 37 feet in height and the sign face is 588 square feet in area). They informed the City that the vegetation was not within the UDOT right-of-way but on the I-Transact property. They further stated that to mitigate impacts resulting from relocating the sign further from the freeway, lights must be provided for the sign, the sign face must be increased in area (to 672 square feet) and the sign must be reconfigured from a back-to-back type sign to a V-type sign.

Section 72-7-510(6)(a) of the Utah Outdoor Advertising Act was discussed. The attorney for Reagan informed the City that this Section is applicable because although the Legacy Parkway is not an interstate it is either a federal aid primary highway or a national highway systems highway. Subsequently, a UDOT representative has informed City staff that the Legacy Highway is not an interstate, a federal aid primary highway, or a national highway systems highway. The City has requested written confirmation of this from UDOT. To date, no written response has been received from UDOT.

Some members of the Planning Commission questioned whether or not the BP zone is a commercial zoned area. The Utah Outdoor Advertising Act defines a “commercial or industrial zone” as those areas within the boundaries of cities or towns that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations (Section 72-7-502(2)(a)). It appears to staff that the BP zone is a commercial zone as defined by the Act.

END OF PACKET MATERIAL.

David Petersen passed out an email from **Mike Sumsion** of I-Transact which states that they are not opposed to the proposed sign location so long as it does not block the view of their building. He also passed out a letter from **Jerrold Jensen** which states that UDOT will permit Reagan to relocate the sign to a new location.

Motion

Cory Ritz moved that the Planning Commission continue the agenda item until September 26, 2006, to allow the public hearing notices to be posted. **Paul Barker** seconded the motion, which passed by unanimous vote.

CONSIDERATION OF A REQUEST TO AMEND THE SIGN ORDINANCE TO ALLOW FOR MORE CORPORATE FLAGS IN CONJUNCTION WITH THE DEVELOPMENT OF LARGER SUBDIVISIONS - THE PLANNING COMMISSION BEING ASKED TO OFFER A RECOMMENDATION TO THE CITY COUNCIL (M-8-06) (Agenda Item #12)

Background Information

On December 29, 2005, the Farmington City staff sent an e-mail to Thane Smith of Woodside Homes noting a number of violations to the Farmington City Sign Ordinance (Title 15) at their Hunters Creek Subdivision. Among the violations found were the black and yellow flags on poles in the park strips surrounding the subdivision.

Thayne asked for Information on how to proceed to get a variance from this regulation until the ordinance could be amended. I indicated they would need to apply for a permit for the signs they wished to use. If, after the evaluation of the application, it was determined the flags would not be allowed, they could appeal the decision of the Board of Adjustment to try to get a determination from them that the flags were allowed. I indicated they could either apply for an appeal or a variance. However, since variances that allow a use not normally allowed by the ordinance are not possible, their only option would have been the appeal of the decision.

An application to approve the flags was received on February 2, 2006. On February 9, 2006, a letter was sent to Ryan Bybee of Woodside Homes, denying the request for a permit for the flags based on determination that the flags were not corporate flags and, therefore, were not exempt from the sign ordinance. The letter also indicated the flags needed to be taken down.

On April 3, 2006, an e-mail was sent to Mr. Bybee indicating that since the first notice of the violations of the sign ordinance, there had been 1026 violations of the ordinance since each flag (there are 19) was a separate violation every day it was up.

Mr. Bybee and Mr. Smith were both reminded of the violations on other occasions and they indicated they were planning to apply for a text change to the sign ordinance.

On April 19, 2006, Ordinance 2006-28 was passed amending the sign ordinance. Among other changes, a definition of "corporate flag" was added as follows: **Corporate flag means a flag with a corporate name or logo flown in front of a corporate office or facility for the purpose of identifying the company located within. Corporate flag does not include flags or banners with a company name or logo used to advertise products or homes for sale.**

On or about June 20, 2006, the City received a letter requesting a change to the sign ordinance that would include language allowing twenty corporate flags surrounding new subdivisions containing five or more lots.

On July 13, 2006, David Petersen presented the letter to the Planning Commission as a discussion item to get their input. Because the Planning Commission does not formally address changes in the sign ordinance, official action was not taken. Comments received can be seen in the attached minutes from that meeting. Generally, there was opposition to allowing the long term use of flags to advertise new subdivisions.

On August 17, 2006, an e-mail was sent TO the developers with a copy of the Minutes of the July 13, 2006, meeting and they were asked if they want to pursue the text change. The only responses were from Gary Harmer of Symphony Homes who did not want to proceed, but did want assurances that he could have a 30' flag pole with an American and a corporate flag on it, and from Ryan Bybee of Woodside Homes who indicated the consensus of the other buildings was that it was important enough to try to reach some kind of compromise with the Commission.

They requested time with the Commission to share their concerns and understand their point of view. That is the purpose of this discussion.

END OF PACKET MATERIAL.

David Petersen reviewed the “Background Information” which was included in the Planning Commission packet. He explained the applicant’s request to fly multiple flags in their developments so long as their development consists of at least five lots, and so long as the flag includes their corporate logo.

Ryan Bybee (Woodside Homes - 39 East Eagleridge Drive, North Salt Lake) said he represents Woodside Homes, as well as the other signors of the petition. He passed out a letter outlining the reasons why the sign ordinance should be amended. He feels their business would be hindered if the flags were not allowed since it would be difficult for the buyers to find the location of the development. He presented photos which illustrate that the flags are maintained and include the company logo.

Tom Cooper (Woodside Homes - 39 East Eagleridge Drive, NSL) said the flags are used to safely bring buyers to the Woodside Homes communities. He said it is a crucial part of their marketing strategy.

John Bilton asked how long the flags are left up.

Tom Cooper said the flags are removed when the community is finished.

In response to a question from **John Bilton**, **David Petersen** said the Ordinance allows for one corporate flag per development. Two off-site signs are allowed for open houses, which can be used for up to 72 hours.

Paul Barker said in his opinion, the flags are “visual pollution.” It seems discriminatory to only allow the flags to be used by builders who have 5 or more lots in their development.

Kevin Poff suggested that City website include the locations of the new developments in the area.

Tom Cooper said a large amount of their traffic is generated from customers driving by the development. It would be difficult and costly to take the flags down prior to the project being complete since they are so tall and are anchored into the ground.

Cory Ritz said if the Planning Commission were to approve the Ordinance amendment,

there would be a potential for 180 corporate flags in west Farmington.

Andrew Hiller said the intent of the Ordinance is to prevent an over abundance of corporate flags from being used. He suggested that builders amend their marketing strategies rather than attempting to amend the City's Ordinance.

The Commissioners discussed the fact that it would be difficult to enforce the Ordinance if the amendment were made. They were also opposed to making the use of flags an exception for the larger developers.

Motion

Cory Ritz moved that the Planning Commission recommend to deny the proposed amendment to Farmington City Ordinance 15-4-100 as follows:

add 15-4-100(4) (4) Subdivisions that include five (5) or more lots may install up to twenty (20) corporate flags surrounding the new subdivision. These flags may not exceed twenty (20) feet and must be anchored on approved posts, poles or standards.

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

Findings

- The proposed amendment does not implement principles established in the Farmington City General Plan which recognize that the special character of the City rests largely in the quality of its appearance.
- It does not minimize unnecessary distractions to motorists.
- The threshold of "(5) or more may install up to twenty (20) corporate flag" is arbitrary and capricious.

ADJOURNMENT

Rick Wyss moved that the Planning Commission adjourn at 10:25 P.M.

*Jim Talbot, Chairman
Farmington City Planning Commission*