

FARMINGTON CITY PLANNING COMMISSION

Tuesday, October 10, 2006

PLANNING COMMISSION STUDY SESSION

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

Chairman Talbot called the meeting to order at 5:30 P.M. The following items were reviewed:

Agenda Item #4: Noel Ballstaedt/Garbett Homes - Applicant is requesting a recommendation for final (PUD) master plan and final plat approval for the proposed Farmington Crossing North PUD consisting of 253 lots on 19.09 acres located west of U.S. 89, east of Shepard Creek Parkway, south of Shepard Lane, and north of the development known as Farmington Crossing at Spring Creek Pond PUD (S-30-05).

The Planning Commission discussed the proposed parking plan for the development. Concerns were expressed regarding the size of the existing parking stalls.

David Petersen said the developer has provided an adequate number of parking stalls. The developer plans to increase the size of the existing stalls so each parking space will be 8 ½ feet wide.

Chairman Talbot said a resident from the development expressed frustration since the developer had not followed through with certain commitments such as providing a playground area.

David Petersen said he spoke with a representative from the Homeowner's Association from the homes at Shepard Creek who indicated that they have instituted the landscaping plan which has made a substantial difference to the development.

The Planning Commissioners discussed the issue relating to the units being used for rental properties.

David Petersen said the developer has tightened its restrictions in an effort to prevent the units from being as rental property. He reviewed the conditions that were included as part of the "Possible Motion" which was included in the Commissioner's packets.

MINUTES

The Planning Commissioners reviewed the minutes from the Planning Commission meeting that was held on September 14, 2006, the Planning Commission meeting that was held on September 26, 2006, and the Joint Planning Commission/City Council meeting that was held

on September 26, 2006.

Agenda Item #3: The Boyer Company - Applicant is requesting an extension of preliminary plat approval for the Farmington Meadows subdivision (S-23-05).

David Petersen explained that the applicant has requested an extension of preliminary plat approval to allow them time to complete their improvement drawings. He recommended that the request be granted.

Agenda Item #5: Symphony Development Corp. - Applicant is requesting a recommendation for Final (PUD) Master Plan and final plat approval for the proposed Chestnut Farm PUD on 22.19 acres located at approximately 260 South 1100 West in an AE zone (S-33-05).

David Petersen explained that the developer plans to run the sewer line through the wetlands area. The Sewer District requires a hard based road so the developer will need to receive approval from the Army Corp of Engineers. In the event they can not receive approval from the Army Corp, the developer plans to run the sewer system in a straight line south of the project in an effort to by-pass the wetlands.

Jim Talbot recommended that the developer run the sewer line in a straight line since it has already been determined that it is possible.

Agenda Item #6: David M. Pringle - Applicant is requesting a recommendation to amend the Mountainside Subdivision, Plat F, by vacating all of Lot 307 and recording an amended plat for the same to reconfigure a conservation easement thereon (S-22-06).

David Petersen explained the applicant's request, as outlined in his letter to the Mayor and City Council dated September 17, 2006. The applicant wrote the following:

“Lot 307 contains a conservation easement meant to protect green space which is part of the 1.05 acre parcel. I believe the easement reads for the protection of the canyon toward the rear of the property. In viewing the plat map, it appears to do so as the demarcation line indicating the green space follows the contour of the canyon. After looking at the physical layout, it has become apparent that the survey performed was done in error. What the current survey portrays is a sizeable infringement on the west side of the property which is non-threatening to the intended green space. On the southeast corner of the property, it does not protect the canyon. It allows for the use of the land some 50 plus feet down inside of the canyon. One could rip out the side of the canyon wall as the current plat indicates.”

Mr. Petersen said he is accepting of the applicant's proposal.

Agenda Item #7: Lane Fishburn, Fishburn Development and Land Consulting (Public Hearing) - Applicant is requesting preliminary plat approval for a subdivision consisting of 8 lots on 2.78 acres located at the east end of 1175 North Street in an LR zone (S-12-06).

David Petersen passed out a copy of the schematic plan. He reviewed the “Background Information” which was included in the Commissioner’s packet. He explained that a restriction will be placed on Lot 5 to restrict its future subdivision or development. He recommended granting preliminary plat approval.

Agenda Item #8 - Gary & Jill Poll, Saddlebrook LLC (Public Hearing) - 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 applicants altered their previous schematic plan by increasing the conservancy lot size to 1.5 acres, thus possibly meeting the 25% open space requirement, but reducing the size of the other lots in the subdivision. He said the conservancy lot is not well placed within the subdivision since it does not abut 6 of the 9 lots and the open space will not be visible from Glover Lane.

Mr. Petersen said the applicants have explored the possibility of decreasing the number of lots but have found that it is not financially feasible. He reviewed the “Possible Alternative Motions”, as well as the conditions that were suggested which pertain to issues such as drainage, the water line, a temporary turn around for the fire department, and the [gravity] sewer flow.

The Planning Commission summarized their discussion relating to the Garbett Homes development which took place earlier in the meeting to update **Commissioner Wyss**, who was not present during that portion of the study session.

The meeting adjourned at 6:15 P.M.

PLANNING COMMISSION REGULAR SESSION

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

Chairman Talbot called the meeting to order at 6:20 P.M. **Kevin Poff** offered the invocation.

APPROVAL OF MINUTES

Kevin Poff moved that the Planning Commission approve the minutes of the September 14, 2006, Planning Commission Meeting. **John Bilton** seconded the motion. The Commission voted unanimously in favor.

Kevin Poff moved that the Planning Commission approve the minutes of the September 26, 2006, Planning Commission Meeting. **John Bilton** seconded the motion. The Commission voted unanimously in favor.

Kevin Poff moved that the Planning Commission approve the minutes of the September 26, 2006, Joint City Council Planning Commission/City Council Meeting. **John Bilton** seconded the motion. The Commission voted unanimously in favor.

CITY COUNCIL REPORT

A City Council report was not given.

THE BOYER COMPANY - APPLICANT IS REQUESTING AN EXTENSION OF PRELIMINARY PLAT APPROVAL FOR THE FARMINGTON MEADOWS SUBDIVISION (S-23-05) (Agenda Item #3)

Background Information

Section 12-6-100 of the Subdivision Ordinance states, “The Subdivider shall file an application for final plat approval with the Planning Department on a form prescribed by the City, together with one reproducible copy and two (2) prints of the final plat and all required fees. Application for final plat approval shall be made within twelve (12) months after approval or conditional approval of the preliminary plat by the Planning Commission. This time period may be extended for up to twelve (12) months for good cause shown if the Subdivider petitions the Planning Commission for an extension prior to the expiration date together with the required fees. One only (1) extension may be granted.”

END OF PACKET MATERIAL.

David Petersen recommended that the Planning Commission grant the applicant’s request to extend the preliminary plat approval which will allow him time to prepare the improvement drawings.

Patrick Moffat (The Boyer Company, 90 South 400 West) said he will provide the City with a copy of the letter they received from the Army Corp of Engineers authorizing whereby they accepted a wetland delineation. They meeting has been scheduled with the Corp to discuss the possibility of mitigating some of the wetlands.

Motion

Kevin Poff moved that the Planning Commission approve the extension as requested for an additional 12 months. **John Bilton** seconded the motion, which passed by unanimous vote.

Findings

- The applicant is intending to actively pursue final plat approval of the preliminary plat previously approved by the Planning Commission.

NOEL BALLSTAEDT/GARBETT HOMES - APPLICANT IS REQUESTING A RECOMMENDATION FOR FINAL (PUD) MASTER PLAN AND FINAL PLAT APPROVAL FOR THE PROPOSED FARMINGTON CROSSING NORTH PUD CONSISTING OF 253 LOTS ON 19.09 ACRES LOCATED WEST OF U.S. 89, EAST OF THE SHEPARD CREEK PARKWAY, SOUTH OF SHEPARD LANE, AND NORTH OF THE DEVELOPMENT KNOWN AS FARMINGTON CROSSING AT SPRING CREEK POND PUD (S-30-05) (Agenda Item #4)

Background Information

The developer previously received the following approvals:

1. Schematic plan approval. (Planning Commission: August 11, 2005 and City Council: October 5, 2005).
2. Amended schematic plan. (Planning Commission: November 10, 2005 and City Council: November 16, 2005).
3. Preliminary (PUD) Master Plan approval. (Planning Commission: December 19, 2005 and City Council: January 18, 2006).
4. Preliminary plat (Planning Commission: April 27, 2006).

Parking has been an issue for the Planning Commission in the past. The enclosed Final (PUD) Master Plan shows the parking proposed by the applicant.

END OF PACKET MATERIAL.

David Petersen reviewed the “Background Information” and the “Possible Motion” which were included in the Planning Commissioners packets. He passed out a copy of a portion of the proposed CC&Rs for the Farmington Crossing PUD which states that the HOA can restrict the units from being used as rental properties. He said **Paul Hirst**, the City Engineer, will contact UDOT regarding a possible deceleration lane for the proposed “right-in/right-out” to the US 89 collector distributor road. He displayed the schematic plan and said a round-about was never planned for the south end of Shepard Creek Parkway. **Mr. Hirst** indicated that it will not

be necessary to construct a temporary detention basin on the church site since the size of the other basin is sufficient to accommodate the water.

Noel Ballstaedt (8501 South Taos Drive, Sandy) said they are accepting of the conditions that were included in the Staff Report. He provided the Commissioners with a copy of the existing rental agreements, the current CC&R's for the middle and southerly phase, as well as a copy of the notice that was sent to the homeowners stating that the CC&R's were amended. He said they plan to build a berm and a trail around the golf course to provide retention.

Mr. Ballstaedt said they are addressing the rental issue to the satisfaction of the City Attorney and City staff, as requested by the City Council and Planning Commission. The width of the "on street" parking areas in the southerly and northerly phases were increased to 8.5'. They plan to correct the parking areas in the original phase on Shepard Creek Parkway this year.

The Commissioners reviewed the proposed language to be added to the CC&R's regarding lease restrictions. **Commissioner Wyss** recommended that paragraph 7.(a)(3) be stricken since it allows for the requirement to be circumvented. He also expressed concern that paragraph 7.(b) has a "loophole" in the owner-occupied requirement.

In response to a question from **Commissioner Wyss**, **Noel Ballstaedt** said the document was drafted by their attorney but it was reviewed by the City Attorney. He said measures are being taken to limit the number of units being used for rentals. He said the developer acts as the committee to enforce the CC&Rs until two-thirds of the units are closed. The committee will then be turned over to the Homeowner's Association.

[**Cory Ritz** arrived at 6:48 P.M.]

Rick Wyss asked if Garbett Homes would be willing to eliminate 7.(a)(3) from the text.

Noel Ballstaedt said he is not opposed to eliminating the text. According to their attorney, the text was included as a provision to allow the units to be sold in the event an owner passes away.

Rick Wyss pointed out that 7.(b)(2) provides a provision for the property to be sold by an estate in the event the owner dies.

Noel Ballstaedt said he is willing to amend the text so long as the amendment is reviewed by the City Attorney, as well as the attorney for Garbett Homes. He indicated that it may be more difficult to amend the text for the middle and southerly phase.

David Petersen said it may be prudent for the Commission to recommend that paragraph 7.(a)(3) be stricken for all of the phases.

Jim Talbot informed **Mr. Ballstaedt** that the Farmington Crossing sales agents are informing potential buyers that the units can be used as rentals, so long as they are owner-occupied for the first year.

Noel Ballstaedt said he would address the matter with the appropriate staff.

In response to a question from **Kevin Poff**, **Mr. Ballstaedt** stated that the parking stalls are large enough to accommodate an entire vehicle.

Motion

Rick Wyss moved that the Planning Commission recommend that the City Council approve the final plat and final (PUD) master plat as requested subject to all applicable Farmington City development standards and ordinances and the following:

1. Condominium plats must be approved by the Planning Commission and the City Council for the development as descriptions are prepared for individual units (Note: the developers have prepared a “final plat” for consideration by the City which divides the property into three parcels and two lots in preparation for more detailed condominium plats, the development of an LDS Church, and future commercial development);
2. Demonstrate to the satisfaction of the City that all units will be “for sale” or “owner-occupied” dwelling units (Rental dwelling units shall not be allowed). Submit any proposed restrictions for such to be reviewed by our City Attorney;
3. Submit CC&Rs for review by Farmington City;
4. Obtain a flood control permit from Davis County;
5. Comply with all conditions of preliminary plat approval including, but not limited to:
 - a. Applicant must comply with all conditions of preliminary development plan approval for the PUD including Ordinance 2006-06.
 - b. All final improvement drawings related to the PUD must be reviewed and approved by the City Engineer, Public Works Department, Planning Department, Fire Department, Central Davis Sewer District, Weber Basin

- Water Conservancy District, Davis County Flood Control/Public Works, and Utah Department of Transportation (UDOT). The final improvement drawings shall include, but not be limited to, plans for a “right-in/right-out” ingress and egress from the development onto the UDOT collector distributor road adjacent to U.S. 89, and a grading and drainage plan and a storm water management plan for the project.
- c. Off site (or on-site if necessary) drainage facilities, including among other things, the size and location of a detention basin, must be reviewed and approved by the City Engineer and Davis County Flood Control.
 - d. The applicant shall obtain off-site easements if necessary for the perimeter trail (Note: apparently a portion of the trail is on adjacent property owned by Maverick).
 - e. A section shall be added to the Farmington Crossing CC&Rs for City review regarding owner-occupancy issues on the northern and southern phases. Thereby eliminating or drastically reducing the number of rentals that may occur in the project. The CC&Rs shall be in substantially the same form as those provided to the Planning Commission with the recommendation that subsection 7.(a)(3) in the recommended CC&Rs provided by Garbett Homes be stricken and that the requirement that the owner/occupied reference shall mean and refer to a lot occupied by one of the following: the owner of record or the owner of record and/or his spouse, children or parents.
6. Plans must be reviewed and approved by UDOT for the proposed right-in and right-out on U.S. 89 collector distributor road and the applicant must provide written verification of such from UDOT. Such ingress and egress shall be constructed concurrently with the condominiums. The applicant may, however, construct this access with the development of the church site upon receiving a recommendation from the City Engineer (especially with regards to traffic circulation) and posting a bond acceptable to the City to ensure the same.
 7. The applicant must prepare plans to be approved by the City for round-about improvements at the south end of Shepard Creek Parkway and post a bond acceptable to the City to ensure the construction thereof prior to the recordation of the final plat. These plans must be implemented concurrently with the construction of the condominiums.
 8. The developer must re-pave (or improve), to the satisfaction of the City, Shepard Creek Parkway upon completion of the project. In order to fulfill this

requirement, the developer may meet with the City officials to decide what is fair regarding participation in construction of the improvements. The cost of such improvements must be part of the overall bond for the project.

9. No detention basin shall be provided on the land designated for a future church site.
10. The applicant must comply with all conditions of schematic plan approval, and Preliminary (PUD) Master Plan and preliminary plat approval.
11. The applicant must comply with all existing development agreements, including but not limited to agreements for the trail.
12. All landscaping for the project must be completed and/or bonded for a manner acceptable to the City, prior to final occupancy of any buildings.

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

Findings

- Final development plans are consistent with the Preliminary (PUD) Master Plan and preliminary plat.
- The Project conforms to the goals and policies of the City’s General Plan.
- Due to the tremendous number of dwellings proposed for the project, the round-about at the south end of Shepard Creek Parkway, the connection to US 89, and the re-paving of both sides of Shepard Creek Parkway, must be completed as soon as possible.
- Landscaping will enhance the PUD.

[Kevin Poff was excused at 7:00]

SYMPHONY DEVELOPMENT CORP - APPLICANT IS REQUESTING A RECOMMENDATION ON FINAL (PUD) MASTER PLAN AND FINAL PLAT APPROVAL FOR THE PROPOSED CHESTNUT FARM PUD ON 22.19 ACRES LOCATED AT APPROXIMATELY 260 SOUTH 1100 WEST IN AN AE ZONE (S-33-05) (Agenda Item #5)

Background Information

The yield plan demonstrated that it is possible for the applicant to develop 34

conventional lots on the property. He is proposing to develop 38 lots which represents a density bonus 11.7%. The applicant is providing enough improved open space to qualify for a bonus of 6.7% but must meet the character, identity, and architectural and siting variation standards set forth in Section 11-27-720(h)(3) to obtain the remaining 5%. The Planning Commission must consider whether the applicant qualifies for the full bonus.

END OF PACKET MATERIAL.

David Petersen reviewed the “Background Information” and the items that were discussed during the Study Session. He indicated that the Commissioners considered amending condition #2 of the “Suggested Motion” by requiring the developer to run the sanitary sewer line on a straight line south to a stub street off of 475 South street rather than through the wetlands.

Tony Coombs (33 South Shadow Breeze Road, Kaysville) said the development will include attractive amenities such as a trail, manicured open space, a tot-lot, and a pool that will be enclosed by a fence that has the look of wrought iron. They should receive approval from the City Engineer and the Sewer District in the near future.

In response to a question from **Chairman Talbot, Chris Schulz** said due to the delineation of the wetlands, the wetland area is substantially smaller than what appears on the plan. Symphony Homes has acquired an additional 30 acres of property to the south of the development to accommodate the wetland mitigation, as well as to provide a regional storm water detention basin. Their wetlands expert, **Dennis Winger**, is confident that they will be able to install the sewer line with a minimal impact to the wetlands. If the sewer line were to be installed in an alternate location, it would impact the road and future home sites.

Tony Coombs said the Sewer District has an existing line that travels through the wetlands. The Symphony Homes sewer line will parallel the Sewer District’s line to the pump station.

Cory Ritz said the developer should pay special attention to the grading/drainage plan since the development is significantly higher than the surrounding neighbors.

Tony Coombs said Symphony Homes has two employees whose sole responsibility is to oversee the drainage and grading of the development. He said the roads have been raised 2 to 3 feet to allow the homes to have daylight basements. Each property will be provided with a french drain.

In response to a question from **Rick Wyss, Tony Coombs** said the sales price for the homes will range between \$500,000 to \$800,000.

Motion

John Bilton moved that the Planning Commission recommend that the City Council approve the Final (PUD) Master Plan and Final Plat for the Chestnut Farm PUD subject to all applicable Farmington City development standards and ordinances and the following:

1. The developer shall comply with all conditions of schematic plan, Preliminary (PUD) Master Plan, and preliminary plat approval, and Ordinance 2006-02.
2. The applicant must receive approval from the US Army Corp of Engineers to run a sanitary sewer line through wetlands south of the project or the applicant may construct the off-site sewer line in another location to by-pass the wetlands.
3. All public improvements for the development, including the off-site sewer line, grading and drainage plan, and a SWPP, must be reviewed and approved by the City Engineer, Planning Department, Public Works Department, Fire Department, CSDS, and Weber Basin Conservancy District. The applicant must specifically address issues here to for identified by reviewing agencies and departments.
4. The applicant provided a maintenance plan for the open space areas as part of the CC&R's, however, this document must be reviewed by the City Attorney and other City staff.
5. City staff and a member of the trails committee must walk the proposed trail connection to ensure that it is appropriately placed.
6. The Final Plat shall contain, among other things, a note indicating a soils report has been submitted to the City and a table showing the proposed building setbacks for the PUD.

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

Findings

- The development is appropriate for the zoning and approvals that have previously been granted.
- The project will enhance the area.
- The applicant has provided adequate open space and has met other criteria to qualify for a bonus.
- The development is consistent with the City's Master Plan.

DAVID M. PRINGLE - APPLICANT IS REQUESTING A RECOMMENDATION TO AMEND THE MOUNTAINSIDE SUBDIVISION, PLAT F, BY VACATING ALL OF LOT 307 AND RECORDING AN AMENDED PLAT FOR THE SAME TO

RECONFIGURE A CONSERVATION EASEMENT THEREON (S-22-06) (Agenda Item #6)

David Petersen displayed an overhead of the proposal and slide of an aerial photo of the lot. He explained that the purpose for the request is to allow the applicant to resurvey the property which will allow for the current unusable space on the west side of the property to be made useable. It will not decrease the amount of conservation land, but will reallocate it as it should be. **Mr. Petersen** recommended that the Commission approve the applicant's request.

Motion

Cory Ritz moved that the Planning Commission recommend that the City Council amend the Mountainside Subdivision, Plat F, by vacating all of Lot 307 and recording an amended plat for the same to reconfigure a conservation easement thereon. **John Bilton** seconded the motion, which passed by unanimous vote.

Findings

- The amendment to the Mountainside Subdivision, Plat F will rectify a surveying error that was previously made.

PUBLIC HEARING: LANE FISHBURN, FISHBURN DEVELOPMENT AND LAND CONSULTING - APPLICANT IS REQUESTING PRELIMINARY PLAT APPROVAL FOR A SUBDIVISION CONSISTING OF 8 LOTS ON 2.78 ACRES LOCATED AT THE EAST END OF 1175 NORTH STREET IN AN LR ZONE (S-12-06) (Agenda Item #7)

Background Information

In order to provide for lots less than 20,000 square feet in size, the property must be developed as a conservation subdivision. To do so, 10% of the unconstrained land on the property must be open space or conservation land, which equals .278 acres of 12,109 square feet. The open space may be included as part of a conservancy lot, but such conservancy lots must be 80,000 square feet in size. This would require a subdivision 18.3 acres in area in the LR zone. However, for smaller 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" (Section 11-12-110 of the Zoning Ordinance).

As an alternative to providing the required amount of open space, an applicant may also request that the City waive this requirement. However, the last sentence of Section 11-12-065 of the Zoning Ordinance states: "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".

END OF PACKET MATERIAL.

David Petersen displayed an overhead of the schematic plan and an aerial photo of the property. He reviewed the “Background Information” and “Possible Motion” which was included in the Commissioner’s packets. He said if Lot 5 is made a conservancy lot, the applicant will be able to develop eight lots without obtaining a waiver for the open space requirement.

Public Hearing

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

Lane Fishburn (799 West Millshadow Drive, Kaysville) said it was recommended by **David Petersen** that a conservation lot be created, as per Chapter 12 of the Ordinance. He is accepting of the proposal and acknowledges that the lot will be restricted from future subdivision or development. He said the soils report will be completed soon.

Public Hearing Closed

With no forthcoming comments, **Chairman Talbot** closed the public hearing. The Commission members discussed the issues relating to the conservation lot. **Mr. Petersen** indicated that he prefers the conservation lot be one lot rather than split among lots.

Motion

John Bilton moved that the Planning Commission grant preliminary plat approval subject to all Farmington City development standards and ordinances and the following:

1. Lot 5 shall be a conservancy lot. Prior to or concurrent with the recordation of the final plat for the project, an easement, or some other document acceptable to the City must be recorded against this lot to restrict its future subdivision or development.
2. The applicant must prepare final improvement drawings, including a grading and drainage plan and accompanying SWPP, and these plans must be reviewed and approved by the City Engineer, Public Works Department, Fire Department, Planning Department, Central Davis Sewer District, and Benchland Water District.
3. The applicant shall convey a storm drain easement acceptable to the City over the stream located in the southeast area of the property prior to or concurrent with the

recordation of the final plat.

4. The applicant must provide to the City a preliminary plat fulfilling all the requirements of the City's preliminary plat checklist.
5. The applicant must prepare a soils report in compliance with City standards.
6. The developer must comply with all conditions of schematic plan approval and Resolution 2006-58.

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

Findings

- The layout was approved by a previous Planning Commission in 1996.
- The property is unique since a road leading to the subdivision (700 West street) was deemed non-conforming.
- The conservancy conditions placed on Lot 5 will protect it from being subdivided in the future. The stream which is located on the property will also be protected.
- The project complies with the zoning for the area.

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 #8)

Background Information

The Planning Commission tabled this application on September 14, 2006, to allow time for the applicant to further pursue alternatives that would bring the development within the conservation subdivision requirements or alternatives that would increase the size of the lots. The applicants chose the former by increasing the conservancy lot to 1.5 acres, thus possibly meeting the 25% open space requirement, and reducing the size of the other lots in the subdivision accordingly.

END OF PACKET MATERIAL.

David Petersen displayed an overhead of the schematic plan. He reviewed the "Background Information" that was included in the Planning Commission packet and explained that the applicant altered the original schematic plan to increase the size of the conservancy lot to 1.5 acres. Only three of the nine lots are located near the conservancy lot. City staff suggested

that the Commission and applicant consider placing the conservancy lot near Glover Lane so the open space can be viewed from the street. He reviewed the "Possible Alternative Motions" which were also included in the Planning Commission packet.

Public Hearing

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

Gary Poll (874 Mountainside Drive, Farmington) said it is not possible for the conservation subdivision to be located near the required number of lots which is why they are requesting a waiver. His engineer believes that it will be possible to meet all of the City's requirements.

Eva Gissemann (465 West 125 South) asked the Commission to consider the fact that all of the abutting properties are at least one acre in size. She suggested that the area be developed with larger lots as was done in a subdivision that is located in West Bountiful and she passed out photos of homes and lots in that subdivision. She said it seems that the conservation lot is not appropriately located within the subdivision. She was concerned that the proposed density would detract from their rural setting.

Brad Pack (580 East 400 North, Bountiful) said he represents Joyce Pack who has property adjoining the proposed development on the west and south side. He expressed the following concerns regarding the proposal:

1. The County map shows the roadway is 6' lower than the proposal.
2. It is not possible for the road to continue without adding corners.
3. In order to provide a fire access, there would need to be an easement and encumbrance on the Pack property.
4. The Pack property will be negatively impacted if there is not a way to resolve the water issues off site.

Mr. Pack asked that he have the ability to provide additional input in the future, regardless of what action is taken by the Planning Commission.

Clark Nielsen (423 East 400 South) said he owns property adjacent to the proposed property. He read a letter which he wrote to the Planning Commission requesting that the area be kept as rural as possible. He also requested that subdivisions not be allowed that will create lots that are less than one acre.

George Chipman (433 South 10 West) said he represents the Trails Committee. He said the Committee would be pleased if the developer were willing to provide a trail easement,

preferably on the conservation lot.

Public Hearing Closed

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

John Bilton asked the applicant if he considered creating a development made up of one acre lots, as was suggested by the Commission at a previous meeting.

Gary Poll said they discussed the possibility of creating one acre lots with different developers and realtors. They found that it is not financially feasible to sell one acre lots in this area.

David Petersen suggested that the three lots closest to Glover Lane be combined so the conservancy lot can be located near the road. The size of the lots across from the conservancy lot could be reduced which would create additional open space. In the event the road T's in the future, it will eliminate the flag lot. Regardless of whether the proposal includes six or ten lots, there will still be drainage issues.

Cory Ritz said the proposal is a drastic departure from the zoning for the area. He is concerned that if a recommendation is given for schematic plan approval, a precedent will be set. He is also concerned about the drainage issues, the proposed turn around, and the concept of using fill to create gravity flow. In his opinion, large lots command a premium price in west Farmington. He suggested that the applicant reconsider the large lot configuration.

Chairman Talbot said the subdivision does not appear to flow well. He questioned whether the Pack family is willing to work with adjacent property owners. He said he is not in favor of making a large number of concessions on the west side. He suggested that the applicant acquire additional land so the project will comply with the Ordinance.

Motion

John Bilton moved that the Planning Commission recommend that the City Council deny schematic plan approval. The applicants chose to provide a large conservancy lot in order to meet their conservation land requirements. However, the lot is only 1.5 acres in size and does not meet the minimum size of 4.0 acres set forth in Section 11-12-110 of the Zoning Ordinance. Notwithstanding this, as per the same section, one conservancy lot not meeting minimum lot standards may be approved in small subdivisions, but at least half of the lots in a subdivision must directly abut conservation land or face conservation land across a street. Only three of the remaining nine lots meet this requirement. Therefore, the placement of the conservation land does not create a neighborhood with direct visual access to conservation land, nor does it

conserve scenic view and elements of the City's rural and scenic character, nor does it minimize perceived density by minimizing view of new development from existing roads. **Rick Wyss** seconded the motion, which passed by unanimous vote.

David Petersen said the applicant has the ability to proceed to the City Council.

Gary Poll said it was never his intention to create a development that does not enhance the area. In his opinion, the subdivision will be nicer than what currently exists in the area, but may not be as nice as what could exist.

Findings

- Alternatives exist that would be acceptable to the neighbors and would comply with the Ordinance.
- The placement of the conservation land does not create a neighborhood with direct visual access to conservation land, nor does it conserve scenic view and elements of the City's rural and scenic character, nor does it minimize perceived density by minimizing views of new development from existing roads.

PUBLIC HEARING: GARFF CANNON - APPLICANT IS REQUESTING APPROVAL FOR A TWO LOT SUBDIVISION (LOT SPLIT) BY METES AND BOUNDS OF 6.74 ACRES LOCATED AT 235 SOUTH 200 EAST IN AN R-2 ZONE (S-21-06) (Agenda Item #9)

David Petersen displayed an overhead of the site plan for the property. He reviewed the applicant's request and stated that the proposal would comply with the frontage requirements without creating a flag lot. He said there does not appear to be ponds or wetlands existing on the proposed lot. City staff recommends that the Planning Commission approve the lot split.

Public Hearing

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

Garff Cannon (235 South 200 East) said when they constructed their home, they made provisions to create an additional lot. He said a pond previously existed on the property but it was not deemed wetlands by the Army Corp of Engineers.

Public Hearing Closed

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

In response to a question from **Cory Ritz**, **Garff Cannon** said a curb cut for the property has already been created.

Motion

Rick Wyss moved that the Planning Commission approve the lot split as requested by metes and bounds. **Cory Ritz** seconded the motion, which passed by unanimous vote.

Findings

- The applicant and City previously anticipated the subdivision.
- The subdivision meets the standards of the zoning ordinance.
- A curb cut is already in existence.

PUBLIC HEARING: BRADY HALL/NORTH PARK DEVELOPMENT - APPLICANT IS REQUESTING A RECOMMENDATION TO REZONE APPROXIMABLE 9.8 ACRES LOCATED AT 48 WEST 600 NORTH FROM OTR-F, LR-F AND A-F TO R-2-F AND SCHEMATIC PLAN APPROVAL FOR A PLANNED UNIT DEVELOPMENT (PUD) RELATED THERETO CONSISTING OF 60 DWELLING UNITS (Z-11-06 & S-19-06) (Agenda Item #10)

Background Information

The Commission previously tabled this request in order to allow time to receive a recommendation from the Historic Preservation Commission, to conduct a field trip of the site, and to receive a more detailed schematic plan. All three have now been accomplished.

If the Planning Commission chooses to recommend this application to the Council, they may wish to consider also recommending schematic plan approval. The Planning Department did not receive major comments from any of the reviewing agencies. It appears that they are waiting for a preliminary plat or Preliminary (PUD) Master Plan application. However, any such application should address drainage issues. Moreover, the Planning Commission may also wish to require a traffic study as part of any such future submittal.

END OF PACKET MATERIAL.

David Petersen reviewed the “Background Information” as found in the Commissioner’s packets. He gave an overview of the recommendation that was given by the Historic Preservation Commission. They recommended that *“the City require the developer to obtain*

intensive-level surveys of 7 East and 16 West, the two structures most likely to be historically significant. If found to be up to National Register standards, the City should, as part of the development agreement, ensure the preservation of the structure/s. The properties on Main Street/600 North are zoned OTR, and special care should be taken to ensure that any infrastructures built here strictly adhere to the zoning's design guidelines in order to maintain the character of Farmington's most important historic street."

Mr. Petersen stated that if the Haugen home is preserved, the road will need to be reconfigured. The Historic Preservation Commission did not address the wood barn. He said there is an attractive new development in Provo that has a historic home in the entry way which could also be done in this area. He referred to the August 24, 2006, Staff Report and said the policy question that needs to be addressed is whether the applicant's proposal of 60 dwelling units on the subject property meet the densities prescribed by the General Plan for this area.

[**Rick Wyss** was excused from 8:10 P.M. until 8:15 P.M.]

[The Planning Commission recessed from 8:15 P.M. until 8:20 P.M.]

Public Hearing

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

Terry Drew (North Park Development - 1245 East Brickyard Road, Suite 590) reviewed the long term history of the project. The City has tried for 30 years to relocate the Haugen business which is viewed by many as an "eyesore". The current proposal is an improvement to the area, is sensitive to adjacent land owners, and preserves historic properties. He presented a slide show which included an artist's rendition of what the property will look like when the project is complete. They have asked for a slight increase in density but have taken a creative approach to place the units (which appear to be single family units) on 1/3 acre lots. The development will attract young professionals, as well as active adults. He said although many of the residents are in favor of the property being zoned R-1, the economics were not feasible. He listed the following reasons why the Planning Commission should approve their request:

- Properties contiguous to the property are zoned R-8 and R-4.
- A portion of the property is designated "Medium Density Residential" on the General Plan.
- The Haugen business, which could be a potential environmental hazard, will be relocated.

Mr. Drew said they have instituted a traffic study which should be complete in ten days.

It will likely point out that there are approximately 120 cars per day visiting the Haugen business. The units in the lower portion of the development should not increase the amount of traffic. The benefits of the project far outweigh the slight increase in density.

Richard Ellis (44 East 400 North) said the proposed project will enhance the “Gateway to the City” and the unit types will be desirable to senior residents.

Chris Judd (82 West 600 North) said he is in favor of the development being in his backyard. In his opinion, it is the best proposal for the property. The proposed units are twin homes which will likely have less occupants so there will be less traffic generated. There will be taxes generated for the school system, yet there will not likely be an increase to the amount of children attending the local schools.

Scott Harper (647 North 40 East) said he speaks on behalf of five individuals who own property on Rock Mill Way. He said four of their properties generate rental income, which could be decreased if the project is approved. They are concerned that the traffic in the area will increase. They are also concerned about the proposed access point on Rock Mill Lane. He said previously the City Manager committed that improvements to the area will not cause a financial burden to the existing land owners. He asked that the City make a written statement agreeing to the same.

Chris Taylor (629 North 100 East) said the developer’s profit should not take priority over the resident’s quality of life. She expressed concerns about the increased traffic and questioned whether emergency response vehicles will be able to access the area. She said it should be considered that the property was previously used by the pioneers as a dumping ground which may cause health issues. She would prefer that the area be developed with single-family homes.

Larry Haugen (94 East 500 North) said if the proposal is approved, the property where the Haugen body shop is located will be improved and will no longer be a detriment to the City. The cost to clean up the property will be the burden of the developer which will be a benefit to both the City and the County. He said the old Haugen home is a “disaster” and is not worth preserving as a historic home.

Joel Anderson (57 West 600 North) said he is in favor of the proposal and hopes to be able to live in one of the twin homes. He said the current property owners have a right to sell their property. The adjacent property owners should purchase the property if they want it developed with a different use. He compared the difference between single family developments which can be chaotic to twin home condominium projects which have a quiet atmosphere.

Don Bradshaw (650 North 90 West) said he is concerned about the proposed density

which will increase the traffic on 600 North. He said the development will detract from the area near the pond which is made up of attractive single-family homes.

Keith Ann Taylor (83 East 600 North) said there were eight individuals who were in favor of the project at the first public hearing. Five of those individuals will personally gain from the project. She said there are at least 100 individuals who have opposed the project by making public statements or by sending written statements to the City. She expressed concerns regarding increased traffic and the ability to provide emergency response to the area. She suggested that the geological issues be further studied and asked that the Commission consider the public input when making their decision.

Donald Hadden (554 North Main) said he proposed a similar development for the area 30 years ago. The proposed project is a PUD so it will be well maintained and will be less likely to deteriorate like other properties in the area. He presented the Commission with a list of residents who are in favor of the project and who believe the project will be an asset to the community.

Sherry Wilcox (432 North 200 East) said she is not opposed to the renderings that have been shown but hopes that the proposed density will not impact the traffic or detract from the area. She said the developers of the Palmer property are developing 17 homes on the same amount of property.

Rick Johansen (1293 West Burke Lane) said he is in favor of the project. He appreciates the efforts the developers have made to make the twin homes appear to be a single-family dwellings. He said the traffic in the area will increase less than it would if the development were made up of single-family homes.

Joe Judd (108 West 600 North) submitted a letter which was addressed to the Farmington City Officials. He said he disagrees with the recommendation to rezone the property. He believes that if the project includes fewer units, it will still be profitable. He said the City should honor its zoning commitment. The area has more than its share of duplexes and other rentals. He said he is also concerned about the increased traffic, public safety, and the ability to provide emergency vehicle access.

Public Hearing Closed

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

David Petersen said it is not likely that the existing property owners on Rock Mill Lane will be asked to contribute to the improvements since they do not have pending action with the

City. He said the geological issues will be addressed during preliminary plat approval if the application receives zoning and schematic plan approval. If the geo-tech study indicates that the property is located near a fault line, the developer would likely be required to do the appropriate testing.

Cory Ritz said it is inevitable that the zoning in the area will change. Due to the fact that there are R-4 and R-8 zones contiguous to the property, the density could actually be higher than what the developer is proposing. PUDs are an upgrade from a conventional development. The project will also protect the well head. He said the current proposal will likely generate less traffic than a traditional single-family development. The developer is willing to bear the burden of the environmental clean up which is also a positive for the City.

John Bilton said the Planning Commission is only considering whether or not the property should be rezoned. In the event the request is approved, details relating to schematic plan, design and structure will be addressed in the future. He said the Commission will consider the need to preserve the City's rural atmosphere, as well as its historic structures.

Drew Terry referred to the recommendation made by the Historic Preservation Commission. He said the old adobe home is not even located within the project area. The pink home has had drastic remodeling and is not likely worth preserving. He said he values historic structures, but according to the Historic Preservation Commission, they are not even aware of who lived in the home. He said that homes are not significant just because they are old.

Rick Wyss asked the developer if he is aware of what is involved in cleaning up the hazardous wastes.

Brady Hall said they will hire a team to study the environmental clean up after preliminary approvals have been reached. There were twenty test drills done a little over a year ago. Significant hazards were not found on the property.

Larry Haugen said the County drilled holes near the garage and by the pond. There is not a difference from the east to the west, or from the garage to the pond.

Brady Hall said they will not proceed if extensive environmental waste is found on the property.

Rick Wyss asked how many homes could be included in the project if it were developed with a single-family use.

Brady Hall said a single-family development could have up to four units per acre. If they reduce the density, the project will not be profitable.

Chairman Talbot said the project will likely be an improvement to the area. He is concerned about the traffic issues. He said it may be beneficial to consider the traffic study prior to taking action.

Brady Hall said he spoke with two engineering firms who indicated that twin home developments generally generate less traffic than that of single-family home developments. He said he personally studied the amount of traffic that was generated from a senior community in Kaysville and found that it was not significant. He said he would prefer to defer the results to an official traffic study rather than being speculative.

The Planning Commission discussed the traffic issues. They agreed that the traffic study will likely provide suggestions to improve the traffic in the area but will not likely indicate that the traffic from the twin-home community will generate a greater impact than that of a single-family community.

Motion

Rick Wyss moved that the Planning Commission recommend that the City Council rezone the property as requested and approved the schematic plan, as proposed. The Planning Commission recommends that the City Council address the density issues that have been raised and determine if there are other alternatives to the proposed density. The motion died for lack of a second.

David Petersen stated that the City Council has the option to adopt the recommendation or deny it. If the recommendation is adopted by the Council, the Planning Commission will have the opportunity to revisit the proposal as the PUD process begins. He suggested that the Commission may wish to consider that a reverter clause be placed in the ordinance if they are concerned about the developer selling the property.

Motion

Rick Wyss moved that the Planning Commission recommend that the City Council rezone the property located at 48 West 600 North from OTR-F, LR-F, and A-F to R-2-F and schematic plan approval for a planned unit development related thereto, with the recommendation that a reverter clause be included in the zoning ordinance stating that if the property is not developed by Brady Hall/North Park Development, the property shall revert to its original zone. **Cory Ritz** seconded the motion, which passed by a 3 to 1 vote.

Jim Talbot said he opposed the motion since he would have preferred taking action after reviewing the traffic study.

Findings

- A portion of the property is within an area identified “Medium Density Residential” on the General Lane Use Plan map and the overall density of the project should be higher than densities associated with “Low Density Residential.”
- The text of the General Plan, which supercedes the map, states: “*While low density, single-family residences are most preferred in Farmington, a few areas may be appropriate for some limited higher density residential development. The City should provide in its General Plan for a range of residential densities. Higher density development should be limited to those areas that are adjacent to commercial properties, and along high volume traffic corridors, where they can more easily be designed to buffer the impacts of these more intense land uses from lower density residential neighborhoods. Preference should be given to privately owned condominium or planned unit development projects over other types of multiple unit development.*” *The proposed development meets this criteria.*
- If the land resulting from the Owens trade is preserve, the proposed project may meet, or help meet, the following statements from the General Plan:
 - Recognize and preserve Farmington’s heritage of pioneer buildings and traditions for the enrichment of its present and future citizens.
 - Maintain Farmington as a community with a rural atmosphere, *preserving its historic heritage*, and the beauty of the surrounding countryside [emphasis added].
 - Explore the potential of preserving open space and greenbelt areas for recreation purposes and for use as buffer zones in developed areas where appropriate and cost efficient ... Encourage park land donations.... Consider planned unit development concepts to preserve open space.

PUBLIC HEARING: DAVE ROBINSON ARCHITECTS - APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL TO CONSTRUCT A DMV BUILDING ON 1.6 ACRES OWNED BY DAVIS COUNTY WEST OF THE FARMINGTON BAY YOUTH CORRECTIONAL FACILITY ON THE SOUTH SIDE OF CLARK LANE IN A BP ZONE (C-10-06) (Agenda Item #11)

Background Information

Several months ago, the DMV proposed to construct a building south of the Junior High. This location was denied. The DMV in consultation with City and County officials, selected the site identified in the current application. At the time, this site was acceptable to the Planning Commission.

END OF PACKET MATERIAL.

David Petersen displayed an aerial photo of the property and reviewed the “Background Information” that was included in the Planning Commission packet. He said the building will be owned by the County, who will lease it to the State. He explained how the queue will be configured. The Fairgrounds parking area can be utilized in the event there is excessive traffic. He recommended that the Commission grant conditional use. Any requirements that are recommended by the reviewing agencies can become a condition to the conditional use approval. He asked for the Planning Commission’s input regarding the proposed building elevations.

Public Hearing

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

Barry Burton (Davis County representative) explained that the County is attempting to facilitate the DMV’s relocation since they need the space in the courthouse. The proposed building is 5,300 square feet with 85 parking spaces. The building will include Farmington rock. He displayed colored elevations for the proposed facility which will blend with the existing facilities.

In response to a question from **Jim Talbot, Dave Robinson** pointed out that a mass of Farmington rock is located on the front of the building.

Rick Wyss questioned how long the facility will accommodate the needs of the DMV.

Barry Burton said the DMV is entering into a 20 year lease.

Public Hearing Closed

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

Motion

Rick Wyss moved that the Planning Commission grant conditional use approval as requested subject to all applicable Farmington City development standards and ordinances and the following:

1. Any queue which may occur in the operation of the DMV facility not contained on-site is unacceptable. In the event that this occurs, the County will reconfigure the site and accommodate such queues on adjacent County property.
2. The site plan and improvements related thereto must be reviewed and approved

by the City Engineer, Public Works Department, Fire Department, Planning Department, Central Davis Sewer District, and Weber Water Conservancy District.

3. A site plan, including among other things, a more detailed landscape complying with City ordinances, elevations for the proposed dumpster, and more information regarding the "PROPOSED NEW PAVED ACCESS DRIVE," must be reviewed and approved by the Planning Commission.
4. Any such conditions of site plan approval shall also be conditions of the Conditional Use Permit.

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

Findings

- The proposed site is an appropriate location for the DMV.
- The proposal is consistent with the BP zone.
- The proposed location will provide better public access than the previous location

Motion

John Bilton moved that the Planning Commission delegate the site plan review and approval to City staff. **Rick Wyss** seconded the motion, which passed by unanimous vote.

MISCELLANEOUS, CORRESPONDENCE, ETC.

David Petersen invited the Commissioners to attend the planning workshop that is being offered by URMMA in November.

Mr. Petersen informed the Commissioners that Reagan Outdoor Advertising appealed the Planning Commission's decision regarding Application #M-2-06, Special Exception for Billboard.

ADJOURNMENT

Rick Wyss moved that the Planning Commission adjourn at 9:55 P.M.

Jim Talbot, Chairman
Farmington City Planning Commission