

FARMINGTON CITY PLANNING COMMISSION

Thursday, October 23, 2003

PLANNING COMMISSION REGULAR SESSION/KENDALL BUILDING

Present: Chairman Kent Forsgren, Bart Hill, Cindy Roybal, Cory Ritz, Jim Talbot, Jordan White, Sid Young, City Planner David Petersen, and Deputy City Recorder Jeane Chipman

Chairman Forsgren called the meeting to order at 7:10 P.M. **Jordan White** offered the invocation.

APPROVAL OF MINUTES

Sid Young moved that the minutes of the October 9, 2003, Planning Commission Meeting be approved. **Bart Hill** seconded the motion. The Commission voted unanimously in favor. Cindy Roybal, Cory Ritz, and Jim Talbot abstained due to their absence during the October 9th meeting.

PUBLIC HEARING: KIM DUNN REQUEST FOR RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A PLANNED UNIT DEVELOPMENT (PUD) CONTAINING 11 TWO-FAMILY DWELLINGS (TOWNHOMES) CONSISTING OF 22 DWELLING UNITS ON 4.75 ACRES LOCATED AT APPROXIMATELY 275 EAST 100 NORTH IN AN LR-F ZONE (C-15-03) (Agenda Item #2)

Background Information

A two-family dwelling is a conditional use in the LR zone. Technically, upon obtaining a conditional use permit, a property owner could develop a multi-lot subdivision consisting of all tow-family dwellings. The applicant, Kim Dunn, proposes to do just that. Furthermore, he is requesting eventual approval for a planned unit development (PUD) and as part of this he is requesting a density bonus of 20% over and beyond what one could develop conventionally. Development of the proposed PUD raises a number of issues, including, but not limited to those outlined below:

- ▭ The minimum area for a planned unit development shall be give (5) acres in [the LR] zone (Section 11-27-111(2)). The area described in the PUD application encompasses some 11.663 acres, but plans have only been received for the lower or western 4.73 acres. What are the plans for the eastern or the upper 6.933 acres? And how does all this fit into the overall development plan for the property? For example, in the lower parcel, property covered by buildings equals .80 acres (16.8%) of the total area. Other impervious surfaces (road and driveways) encompass .76 acres or 16 % of the property. The remaining 3.19 acres or 67% of the property is left as impervious surface of which 1.32 acres consist of grades

greater than 30% in slope. How do all these numbers change when the upper property is included as part of the development?

- ▮ A planned unit development is conditional use in the LR zone. Conditional use applications must be reviewed in accordance with and shall conform to all the standards set forth in Section 11-8-105 of the Zoning Ordinance. (See enclosure.)

Paragraph 3 of that section states: “The proposed use shall conform to the goals, policies, and governing principles of the comprehensive plan for Farmington City.” Included in this staff report is Chapter 10 of the General Plan regarding residential development. The third paragraph of the first page of that chapter states in part:

“While low density, single-family residences are most preferred in Farmington, a few areas may be appropriate for some limited higher density residential development. Higher density development shall 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. Preferences should be given to privately owned condominium or planned unit development projects over other types of multiple unit development”

The developer is proposing privately owned condominium or a planned unit development project, but his proposal is not adjacent to commercial properties or along a high volume traffic corridor. What justification does the developer present to resolve this dilemma in the General Plan, and how will the Planning Commission decide whether or not the developer’s proposal is consistent with the policy statement referenced above?

Farmington City adopted an Affordable Housing Plan in December of 1998. This plan is an element of the Farmington City General Plan. It contains two overall goals and several policies. Although not required, does the proposed Kim Dunn development fulfill any of the policies implementing the goals contained in the Affordable Housing Plan?

- ▮ Another conditional use standard outlined in Section 11-8-105(5) calls for adequate transportation access, drainage, fire protection, and safe, convenient pedestrian and vehicle circulation. The Proposed PUD receives access from 100 North which is a long, dead-end street beginning at 200 East. Section 12-7-040(4) (c) outlines standards which shall apply to all dead-end streets. Dead-end streets shall serve as access for not more than 24 residential lots and shall not exceed 1,000 feet in length.

Not including the vacant home which exists on the subject property, 100 North

presently serves access to 12 dwelling units, three vacant platted lots, and two more building sites previously approved by development agreement with Farmington bringing the total number of residential dwelling units to 17. This development would add an additional 22 dwelling units, bringing the total number of dwelling units served to 39, well beyond the 24 residential lot threshold mandated by ordinance. The same section regarding dead-end streets does provide an exception provision. (See Section 12-7-040(4)(c)(iii).)

- ↯ The recent fire in the foothills above Farmington increased the hazards for mud slides and other debris flow if a great deal of precipitation is received in the area. One of the ravines leading from this area goes through the developer's project. How does the developer propose to mitigate geological hazards created by the Farmington fire?
- ↯ The developer submitted two yield plans for the property. The first consists of eight lots. The second includes a flag lot bringing the total number of lots to nine. The yield plan must reflect a reasonable development scenario. It is unlikely that the City would approve a flag lot in this development.
- ↯ The owner of the property entered into an agreement with Farmington City in conjunction with an annexation petition on May 18, 2001. In the agreement it was acknowledge that it was the owner's intent to develop the western 4.75 acre parcel via a stub street ending in a cul-de-sac and also it was the desire of the owner to install two flag lots off of a common stem for the northern 6.933 acre parcel. By the agreement the City Council stated that they were willing to approve the two flag lots subject to a number of conditions including, but not limited to, the owner conveying a 15 foot wide trail in fee title to the City extending north at a location mutually acceptable to the parties. The developer shows a trail leading from the lower 4.75 acre development, but will this trail work? What is the slope of the trail, and can it reasonably happen at the location proposed by the developer? None of the yield plans show the trail. Will the trail affect the position or development potential of any of the lots in the yield plan, or will the trail be located on the upper parcel?
- ↯ Regarding public safety, are the turnarounds proposed within the development acceptable to the Fire Chief?
- ↯ What is the proposed cross section of the street from back of curb to back of curb and is the developer proposing this to be a public street or private street?
- ↯ If this application appeared before the Planning Commission for preliminary plan approval, such approval can only be made after the Planning Commission makes the findings outlined in Section 11-27-107 of the Zoning Ordinance. The findings established several points among which the Planning Commission must ask, "Will the proposed development provide a more pleasant and attractive living

environment than a conventional residential development established under the strict applications of the underlying zone?"

- ▭ Although the Planning Commission is not considering this application for preliminary plan review (only schematic plan review at this time), it may be appropriate to still require that the developer justify the need for a 20% density bonus increase. Section 11-27-111(9) sets forth a criteria whereupon an applicant can receive a density bonus. Does the developer meet this criteria?

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information. He reminded those present that the process of approval included a schematic review in order for a developer to gather important information from City officials and the public prior to investing in expensive final engineering and architectural designs. He stated the Planning Commission was a recommendation body. He reviewed the site plan and conditional use criteria required for approval. Problems existed with the schematic design, including density, traffic designs, dead end street limitations, trail access to the foothills, fire mitigation and revegetation, easements for devices to check flooding, and geographic hazards. The yield plan may not be accurate. The amount of open space designated may not be enough to acquire the bonuses requested. Also, roads must be constructed to City standards. If conditional use is granted, it must be done so meeting the five standards listed in City ordinances. It was his recommendation that the Planning Commission recommend that the City Council deny the application.

Public Hearing

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

Kim Dunn (developer, 81 East 1900 North, Centerville) stated he had designed the attached dwelling units for senior citizens. There are two plans, both of which have the master bedroom on the main floor. The buildings will appear as an attractive single family home.

David Petersen distributed letters from the public that had been submitted as testimony during the public hearing. One letter was from Todd and Melinda Adams stating reasons for their opposition to the development. Reasons included high density, the area should have been included in the OTR zoning, flood control would be a concern, and there are currently too many multi-family dwellings in the area. The second letter was signed by 9 citizens opposed to the development because of density, narrow streets, safety, slope and drainage, property values, and protection of the original townsite.

John Bradshaw (259 East 100 North) was not opposed to development in the area, especially if that development enhances the neighborhood. However the current plans for 22 units on a dead end street where there should be 4 or 5 nice homes on large lots was not acceptable. The senior housing was a good idea. However, most senior citizens could not afford

the type of homes being proposed. The neighborhood currently was fairly low density and there were many children who played in the area. With the increase of homes and traffic there would be significant safety problems. The developer needed to stay within the character of the zoning in the area. He hoped the Planning Commission would deny the application until more study could be done regarding the impact of the proposed development on existing homes. The developer needed to construct something compatible with the community in which they were building. Mr. Bradshaw also felt there would be a negative impact on property value if the development was allowed.

Judy Anderson (45 East 300 North) had been a nurse for 28 years, with much experience in geriatrics. Seniors with arthritis will not buy the two story homes being designed.

Kin Brown (322 East 100 North) felt property owners should be able to have rights, however there were great concerns with the plans as proposed. The development would negatively impact the current residents. The area has narrow streets with no sidewalks and the increased traffic would cause a safety problem for the children who live there. Trash collection would be a big problem. Such problems would be aggravated with increased traffic.

Mark McSwain (245 East 200 North) stated there were reasons for the Master Plan. He wanted to have single family homes built in the area as planned. Having the duplexes there would completely change the landscape of the community and would disrupt the reasons for which he had moved to the area. He was against the application.

Russell Whittaker (248 East 200 North) said the majority of the proposed development abutted his property. He felt no one else would want the duplexes next to their property. He could foresee problems with drainage because of the steep slope of the terrain. He also thought there would be problems with infra structure because of the grade. He felt the developer was trying to make the most of the property financially. It would be much nicer to put three to four estate

homes on the property. The neighbors would like to see the land developed but they want to see it improved in a way that would better the area and not devalue their property.

Todd Adams (112 North 200 East) agreed with most of what had been said in the public hearing to this point. In the census taken in 2000 there were 3.03 people per acre in Farmington. The current development would increase that density to between 10 and 14 people per acre. He was not opposed to duplexes because he lived in one. However, the density of the 22 units in the area was much too high. He also stated he did not get notification of the public hearing.

Ernestine W. Hale (112 North 200 East) said she had seen tremendous gully washers in the area. There would be erosion and flooding again if plans were not in place to protect homes.

Shauna Smith (240 East 100 North) felt there was a big concern with the proposed plans. She agreed with all those who opposed the application. The multi-family dwelling units should be used as a buffer between single family homes and other uses. No such need exists on the foothills. The development of subdivisions was pushing animals and nature further up into

the hills. There would be mud slides and flooding. Even though there was a need for senior citizen housing they should be smaller and more affordable.

Ruth Brown (322 East 100 North) said the area was not zoned for the density being proposed. The streets were too narrow and there was no sidewalk along the streets. There were great safety issues and the project would be detrimental the neighborhood. The development would compromise what the neighbors have and devalue their property. The Planning Commission should represent the citizens of the City and protect them from such building.

Lisa Last (208 North Main) was on the committee which worked on the OTR zoning. She felt a great deal of time had been devoted to the creation of the OTR and wondered why the area in question had not been included in the OTR zone as requested.

Mr. Petersen explained that the OTR zone did not include provisions for conservation easements. Conservation provisions would help protect the foothills and trail improvements. Because of this, it was felt the LR zone would give the best position for the City to protect the property bordering the Forest Service land.

Ms. Last stated that the committee working on the OTR zone had discussed this very problem and had directed that the property in question be included in the OTR zone. The high density was a very real problem. She said she was very upset that the property had not been included in the OTR zone. The committee had worked for hours and she couldn't believe that this issue had even been raised.

Public Hearing Closed

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

- ⌞ Duplex development is a conditional use in the LR zone.
- ⌞ There was a question whether or not the application did indeed meet the criteria in place for two-family dwelling conditional use approval.
- ⌞ The dead end street limitation had been violated in the schematic plan design.
- ⌞ The plans for the two-family dwellings did not fit with the surrounding area.
- ⌞ The density was too high to meet with City standards.
- ⌞ The development does not provide for a more pleasant and attractive development for the neighbors.
- ⌞ There are concerns regarding safety and welfare.

- ¬ The design of the subdivision may not be best for senior citizens since they are usually lower income and do not like two-story homes.
- ¬ The multi-family dwellings should probably be used for a buffer between single family dwellings and other uses.
- ¬ The citizens have come out and made their wishes known. It would be well for the developer to meet with neighbors and work out what may fit better on the land in question.

Motion

Sid Young moved that the Planning Commission recommend that the City Council deny schematic plan approval for a planned unit development located at approximately 275 East 200 North based upon the following findings:

- The proposed development does not conform to the goals, policies, and governing principles of the comprehensive plan for Farmington City nor is the proposed use compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing and proposed development, in that the higher density development is not limited to those areas that are adjacent to commercial properties or along high volume traffic corridors where they can be more easily designed to buffer the impacts of these more intense land uses from lower density residential neighborhoods.
- Adequate transportation access and safe and convenient pedestrian and vehicular circulation are not available at the site. The proposed use will significantly increase the number of residential lots from 17 to 39 dwelling units all receiving access from 100 North east of 200 East Street. This is in violation of Section 12-78-040(4)(c) of the Subdivision Ordinance.
- The developer failed to justify the need for a 20% density bonus increase for the project.
- The developer did not adequately show in conjunction with Section 11-27-107 of the Zoning Ordinance that:
 - The proposed development will provide a more pleasant and attractive living environment than a conventional residential development.
 - That the proposed planned unit development will provide a more efficient use of land and more useable open space than a conventional development.

- That the increased density allowed within the planned unit development will be compensated by better site design and by the provision of increased amenities, open space and recreational facilities.
- The proposed development is on land with geographic characteristics which could pose hazards for homes in the area. Plans were not sufficient to mitigate such hazards.

In discussion of the motion, Mr. Ritz suggested that an amendment be made as follows:

- The application does not meet City ordinance 11-27-107 pertaining to standards for planned unit developments.

Mr. Young concurred with the amendment.

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

Findings

Findings were listed as part of the motion.

PUBLIC HEARING: THE BOYER COMPANY REQUEST FOR PRELIMINARY PLAT APPROVAL FOR THE PROPOSED FARMINGTON RANCHES EAST SUBDIVISION CONSISTING OF 55 LOTS ON 27.86 ACRES LOCATED AT THE NORTHEAST CORNER OF CLARK LANE AND 1525 WEST STREET IN AN AE ZONE (S-6-03) (Agenda Item #3)

Background Information:

The Planning Commission recommended schematic plan approval for this project on August 14, 2003. Shortly thereafter the City Council approved the Planning Commission's recommendation. Any approval for a preliminary plat or conditions of approval for a preliminary plat should be consistent with the conditions set forth in the schematic plan approval. (See letter to Dick Moffat dated August 25, 2003.)

The Utah Transit Authority (UTA) is now the owner of the Denver & Rio Grande right of way, and they are in the process of converting the old railroad into a trail. The developer is providing connection to this UTA trail off of a cul-de-sac in the southeast area of the subdivision. Who will own this trail connection and how will it be maintained?

Under normal circumstances and based upon the yield plan for the subject property, the developer is only able to receive approval for 53 lots. However, it is proposed by the developer

to transfer the development of two lots off site to the property bringing the total number of lots to 55. The off-site property is a 17 acre parcel located further south on 1525 West Street. The yield plan shows that three lots can be developed on the parcel. It is proposed that the developer transfer two of those lots to the subject property with a conservation easement over the 17 acre off site property leaving an opportunity to develop one residential “estate-type” parcel.

Lot 24 is a flag lot. However, the arrangement of lots 23, 24, 25, and 26 is perhaps the best configuration that is possible. Section 12-7-030(10) allows the Planning Commission to approve flag lots where due to unusual parcel dimension, configuration or topographic conditions traditional lot design is not feasible. Approval of flag lots shall not be permitted solely on the basis of economic benefit. It is possible for the developer to reconfigure the 55 lots to eliminate the need for a flag lot. However, the integrity of some of the lots may be compromised although

they will still meet the standards of the subdivision and conservation ordinances. Therefore, it is recommended that Lot 24 be approved as illustrated on the preliminary plat.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information and recommended the Planning Commission grant preliminary plat approval.

Public Hearing

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

Dick Moffat (representing the developer) asked about the road development requirement in condition #3 regarding Clark Lane as stated in the suggested motion.

Mr. Moffat stated that the 55 lots would not provide the finances required for the total Clark Lane road improvement. The developer had not yet been reimbursed from previous street construction through nearby subdivisions.

Mr. Petersen explained the details of the Clark Lane road requirements in that the road would be an 80-foot right-of-way, for which the developer would be responsible to fund 66 feet of improvement. Impact fees would cover 14 feet of the improvements. The City would pay for the middle of the street. Farmington Greens would be responsible to reimburse the developer for their fair share of the costs.

Mr. Moffat withdrew the application on the grounds that his development could not financially pay for the curb and gutter on both sides of the street and the full width of the asphalt. The 55 lots in the application could not bear the burden of the cost.

Public Hearing Closed

Chairman Forsgren closed the public hearing and accepted the withdraw of the agenda item. He asked that the developer contact the City Planner. A brief discussion ensued which included the fact that the developer should be responsible to contact the City Planner, that public safety and road construction were important factors to consider in relation to the subdivision, and that it was possible the trigger for the road development may not be clear.

PUBLIC HEARING: HOMELAND UTAH L.L.C., MARK SHIELDS, REQUEST FOR CONDITIONAL USE NAD SITE PLAN APPROVAL TO ESTABLISH A TEMPORARY SALES OFFICE IN A MODEL HOME LOCATED AT 1898 WEST CLARK LANE IN AN AE ZONE (TU-4-03) (Agenda Item #4)

Background Information

The Farmington Ranches Subdivision contains scores of lots. The applicant currently owns or is building homes on 3 of these lots. Section 11-28-102(h)(l)(iii) states in part

“A temporary office for the sale and lease of property in a major subdivision or a planned unit development (PUD) may be used until the last lot or unit in the development is sold.”

Notwithstanding this provision, it seems reasonable to set the termination date based upon the sale of the last lot owned by the applicant. It appears that this provision did not envision large subdivisions where more than one builder or companies purchased large groups of lots for resale.

END OF PACKET MATERIALS.

Chairman Forsgren declared a possible conflict of interest and turned the meeting over to Vice-Chairman Young.

Mr. Petersen reviewed the background information. When questioned, Mr. Petersen felt there would be no real problem with the location of the proposed temporary office across from the elementary school.

The Planning Commission briefly discussed possible ways to determine the length of the temporary use permit.

Public Hearing

Vice-Chairman Young opened the meeting to a public hearing and invited the applicant to address the Commission.

Mark Shields (Homeland developers, 380 Melody, Layton) stated the developers needed the sales office in order to sell the homes being offered by his company. He said the office would comply with all City standards.

Public Hearing Closed

With no further comments, **Vice-Chairman Young** closed the public hearing and asked the Planning Commission for their consideration.

Motion

Cindy Roybal moved that conditional use and site plan approval be granted to establish a temporary office in a model home located at 1898 West Clark Lane subject to compliance with all applicable ordinance requirements and development standards and the following conditions:

1. Permanent signs are prohibited. The size and location of signs shall be in compliance with applicable provisions of the Zoning Ordinance for the zone in which the use will be conducted. All signs shall be removed when the activity ends.
2. No loudspeakers or other amplifying devices shall be used in conjunction with the temporary use.
3. Outdoor lighting, if used, shall be subdued. All lighting shall be designed, located and directed so as to eliminate glare and minimize reflection of light into neighboring properties. Search lights shall not be permitted.
4. For the conduct of the temporary use shall be limited to the hours between 8:00 A.M. and 8:00 P.M.
5. The temporary office in the model home may exist up and until January, 2005. At the first Planning Commission meeting in January of 2005, the developer may ask for an extension, if necessary, based upon a number of factors including the number of lots at that time under the ownership of the applicant within the Farmington Ranches Subdivision.
6. If the office is located in the area of the home intended for a garage, any alterations made to accommodate the office shall be removed and the space shall be converted to function as a garage.

Jim Talbot seconded the motion, which passed by unanimous vote. Mr. Forsgren abstained.

Findings

1. The action was reasonable and complied with City standards for temporary use permits.
2. There will be an indication placed on the Planning Commission calendar for January of 2005, wherein the action will be noted.

PUBLIC HEARING: HAV JEPPSON REQUEST FOR RECOMMENDATION TO THE CITY COUNCIL TO AMEND THE ZONING ORDINANCE TO ALLOW “BED AND BREAKFAST/INN” AS A CONDITIONAL USE IN RESIDENTIAL ZONES (ZT-3-03) (Agenda Item #5)

Background Information

The Planning Commission completed a thorough review of bed and breakfast ordinances and bed and breakfast inns from and located within various municipalities in the State. The enclosed draft ordinance provisions incorporates information gathered from this extensive research effort and also comments received from the Planning Commission at the October 9th meeting.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information. Because three Commission members were unable to attend the last Planning Commission meeting, it had been decided to delay consideration of the Bed and Breakfast issue until the entire Commission could be present. Mr. Petersen stated that in the current General Plan the property in question is designated as A (Agricultural). Current consideration of the agenda item included whether or not to allow Bed and Breakfast/Inns as a conditional use in residential areas in Farmington. It had been proposed that a single building bed and breakfast facility be allowed as a conditional use in the following zones: AE, LS, SLR, R, R2, R4, R8, BR, OTR, and B. Multi-building bed and breakfast facilities could be allowed as a conditional use in the A, CH, and CR zones. There would be no bed and breakfast facilities allowed in the C, BR, LM and B?

When questioned, **Mr. Jeppson** stated that it would take at least a year for him to get plans and financing in place to begin the project he would like to do on his property.

The Planning Commission discussed the agenda item, including the following points:

- ¬ Farmington could benefit from the bed and breakfast business if properly controlled and in the proper locations.
- ¬ The business could be appropriate in almost all zones under the right

circumstances.

- ↯ Mr. Talbot suggested that “weekly rental” be eliminated and that “less than a week” be inserted.
- ↯ Minimum square footage should be included in the ordinance. It was proposed that 400 square feet be the minimum. There should be a different threshold for multi-buildings and single building facilities.
- ↯ Parking restrictions were discussed.
- ↯ Meals should be provided only for guests. There was some discussion regarding breakfast versus dinner. By consensus, it was decided to allow breakfasts only.
- ↯ The Planning Commission felt that further study should be made and assigned a subcommittee to consider the issues. Jim Talbot, Cindy Roybal, Bart Hill, and the applicant will serve on the committee.

Motion

Cory Ritz moved that the Planning Commission table consideration of the agenda item pending the findings of the committee which will be reported on November 13th. **Jordan White** seconded the motion, which passed by unanimous vote.

CITY COUNCIL REPORT AND MISCELLANEOUS

Mr. Petersen reported the City Council meeting held October 15, 2003. The City Council took the following actions:

- ↯ They approved the annexation of 1.09 acres located at approximately 1507 North/1500 West and zoned the land “A.”
- ↯ Consideration of the H.H.I appeal of the Planning Commission’s decision to deny application for conditional use permit allowing a small auto dealership in the downtown area was tabled. The main question was whether or not the application complied with the downtown Master Plan.
- ↯ The Board of Adjustment had overturned the decision of the Zoning Administrator when he denied the building permit application by David Allen. The City Council considered a petition of citizens in support of the Zoning Administrator regarding the decision, but took no action.

Mr. Petersen asked the Planning Commission for their general response to the special meeting held on October 22, 2003. The report of the economic study consultant had been presented. The Commission felt there was no real new information. They discussed current

development proposals and the City's responsibility to make plans for the future beneficial growth of the City. It was mentioned that the Highway 89 corridor would not likely be a successful place for retail businesses.

ADJOURNMENT

Jim Talbot to adjourn at 9:45 P.M.

Kent Forsgren, Chairman
Farmington City Planning Commission