

FARMINGTON CITY PLANNING COMMISSION

Thursday, October 26, 2004

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Cory Ritz, Commission Members Keith Klundt, Bart Hill, John Montgomery, Kevin Poff, and Cindy Roybal, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Commission member Jim Talbot was excused.

Chairman Ritz called the meeting to order at 7:00 P.M. **Cindy Roybal** offered the invocation. After reminding citizens that they needed to sign the register in order to give input during public hearing sessions, Chairman Ritz inquired about the car sale activities being held at the fairgrounds.

Mr. Petersen said he would investigate to make sure that all proper approvals had been obtained.

APPROVAL OF MINUTES

Keith Klundt moved that the Planning Commission approve the minutes of the October 14, 2004, Planning Commission Meeting. **Cindy Roybal** seconded the motion. The Commission voted unanimously in favor.

PUBLIC HEARING: EV DEVELOPMENT, HARLEY AND JEAN EVANS REQUEST FOR A RECOMMENDATION TO AMEND THE CORNERSTONE SUBDIVISION PLAT BY VACATING 5 LOTS AND CREATING 8 LOTS AND TO FURTHER VACATE OR ABANDON THE NORTH END OF 700 WEST STREET NORTH OF EMERALD OAKS DRIVE (S-1-03) (Agenda Item #2)

Background Information

In consideration of this application, the Planning Commission may wish to follow a “decision tree” approach as follows:

1. Should the City vacate the north end of the 700 west right-of-way north of Emerald Oaks Drive? In order to better respond to this question, the developer must provide information to the Planning Commission regarding the following:
 - a. The street should be vacated if Fruit Heights has approved building lots adjacent to the subdivision which make it impossible to extend the street north, however, the possibility of providing pedestrian access into Fruit Heights should be pursued whether or not the street is extended north or

- vacated. The developer must demonstrate to the City that it is impossible to extend the street north, furthermore, the developer must explore opportunities for pedestrian access into Fruit Heights and report these findings to the Planning Commission.
- b. The street should not be vacated if provisions of resolution 95-34 still apply (see enclosure).
2. If it is determined that the City should vacate the right-of-way, should the City allow for an increase in the number of lots as proposed?
- a. No. The subdivision as recorded constitutes an extension of a non-conforming dead-end street (Summerwood Drive). Section 12-7-040(4)(d)(iv) states, “until such time as non-conforming streets can be connected to a second access, lots on such streets shall not be approved which are less than 2 acres in size, unless the City Council in consideration of all circumstances shall differently approve by resolution.” The City approved this subdivision including the lots therein under 2 acres in size, for a number of reasons, among which the developer provided a stub street allowing for the possibility of a second point of access. If the stub street is extended through to another street, Summerwood Drive (or Emerald Oaks Drive) will no longer be a dead end street. A decision by the Planning Commission to recommend additional lots to the developer concurrently with vacating the street is inconsistent with previous actions of the City.
 - b. Yes. An increase in the number of lots should only be considered if the developer provides another stub street allowing the possibility for future connection into Fruit Heights.
 - c. Yes. If the City chooses to allow an increase in the number of lots without vacating the street and/or providing an acceptable second point of access then the developer must re-design the proposed amended plat. The developer is requesting a waiver. Nevertheless, the City cannot approve lots below 20,000 square feet in size and simultaneously waive open space requirements. The proposed Lot 15-B is 14,776 square feet in size, under this scenario of the “decision tree” the Planning Commission should table the agenda item until a redesigned plat is prepared by the applicant.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information. He presented information regarding the amended plat. He then discussed each of the decisions that the Planning Commission would need to consider. The road extension to the north was no longer needed because Fruit Heights had granted final plat approval for subdivision lots closing access through that property. Mr. Petersen talked about the very long dead end street that would impact the number of homes that could be allowed. City ordinance restricts the number of homes on dead end streets. However, an exception can be obtained for specific situations if the City Council approves the action by ordinance. In the 1990's the City Council did approve an exception by resolution whereby the developer stubbed a street to the north to provide for the possibility of a future second access to the subdivision for safety and planning reasons. The City Council did not require the developer to pave (or extend improvements on that street) until it could be assured that Summerwood Drive would not become a major through street for Fruit Heights citizens. If more homes were to be approved for the subdivision, the 1995 resolution (calling for the stub access) should be honored and the developer should be required to provide a second access either to the west or to the east, both for safety and for good planning practices. If vehicle access is impossible, the City should at least have pedestrian access from one neighborhood to another. The plat is a recorded plat. When such plats are amended there are stringent processes that must be observed, including public hearings and a period of time for appeal. The other option to the public process was to have all the property owners agree in writing to have the plat amended. The developer decided not to go to the property owners but to go through public hearing process.

Public Hearing

Chairman Ritz opened the meeting to a public hearing. He invited members of the audience to address the Planning Commission and reminded them they needed to sign the register in the back of the chambers. Written comment had also been submitted. Chairman Ritz invited the applicant to address the Commission.

Jean Evans (developer's wife) discussed the requested 50 foot access stub to the east. She said it would be impossible to construct the stub because it would impact the lot sizes and reduce the required frontage. She also asked that the petition to close the stub road to the north be granted.

Harley Evans (developer) said that when he and his wife had originally proposed the subdivision they had requested 23 lots. The City had reduced the number to 16. He would like to have approval to build on lots the same size as subdivisions in Fruit Heights adjacent to his development. Originally, every lot was 20,000 square feet. He wanted to get rid of the stub road to the north to enhance the lots being sold. He had worked with an engineer to maximize the development. The lots were as large as they could possible be. Mr. Evans stated he was only asking for 3 additional lots, one to replace the stub road and the other 2 would be a split of a larger lot.

Bradley James Stringer (Lot 5, 652 West 2060 North) stated that he was in support of not having any more accesses in to the subdivision. However, he was strongly opposed to allowing the addition of the lots. Those who had already built in the subdivision felt that the smaller lots would change the character of the development. Mr. Stringer felt the reason the lots to the north had not sold was because of the old, broken down home in that area. He had built his home with the promise that all the homes would be of the same nature and quality. The lot split requested had nothing to do with the access to the area.

Kari Whitelock (731 West Springwood Drive) said she was currently building in the subdivision. She agreed with the closing of the stub road. And she felt that her lot was expensive and the proposed lot splits would devalue the property.

Bradley Stringer felt one of the new lots would be very much like a flag lot and would be very difficult to find. The new lots would be difficult to reach by emergency vehicles and would pose safety issues for the neighborhood.

Mr. Petersen stated that Kathy Jones (resident of the development) voiced her opposition to the plat amendment by phone.

Bryan Romney (residing with the Evans) believed that stubbing the road would be undesirable. The developer just wanted to make the stub road into a building lot. Utilities would have to be redesigned if a road stub was constructed.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing and asked the Planning Commission for their consideration. The Commission discussed the agenda item, including the following points:

- The resolution passed in 1995 by the City Council is still in effect, impacting the stub street and the number of lots. The approval was given because the developer promised to provide a second access to the subdivision.
- Mr. Petersen stated he would check with Fruit Heights to see if they provided for a pedestrian access to connect the neighborhoods.
- Utilities have been installed. With a redesign of the development, the utilities may have to be moved.
- The Evans development was in Farmington, faced Farmington, and had been well planned. Changes at this point seemed inadvisable.

- Vacating the stub street because there was not access to Fruit Heights would be prudent.
- Ms. Roybal felt that the current property owners did have a justifiable concern over the possible devaluation of their property.
- The approval of additional lots would be contrary to the 1995 agreement. Safety for the development was a concern. A secondary access was needed.
- There seemed to be no compelling reason to amend the plat.
- The utilities in the right-of-way easement could be left where they were even if the access were not constructed. When vacating any right-of-way, the City is usually reimbursed by some beneficial action for the City.
- When the City approves a flag lot there must be a compelling reason to do so, never for the economic benefit of the development.
- In lieu of having the stub to the north, it would be beneficial to have an road access to the east.
- It would be helpful to know what Fruit Heights was planning before making final decisions.
- If there was a utility in the stub street, the developer would not be allowed to use the property as a building lot.
- There would need to be a plat amendment if the stub street was vacated.

Motion

John Montgomery moved that the Planning Commission table consideration of the request to amend the Cornerstone Subdivision plat by vacating 5 lots and creating 8 lots and to further vacate or abandon the north end of 700 West street north of Emerald Oaks Drive until the Planning Department has sufficient time to investigate the placement of utilities, the plans of Fruit Heights for pedestrian access to the development, and to determine the best way to accomplish a plat amendment. **Kevin Poff** seconded the motion, which passed by unanimous vote.

GEORGE HADDAD REQUEST FOR PRELIMINARY PLAT APPROVAL FOR THE MOUNTAINSIDE PLAT F SUBDIVISION CONSISTING OF 19 LOTS ON 7.523 ACRES LOCATED AT APPROXIMATELY 775 SOUTH 350 EAST IN AN LR-F ZONE (S-1-03) (Agenda Item #3)

Mr. Petersen introduced the agenda item. The agenda item had been reviewed in previous meetings. Mr. Petersen said the application was complete and ready for approval.

Motion

Keith Klundt moved that the Planning Commission grant preliminary plat approval for the Mountainside Plat F Subdivision located at approximately 775 South 350 East subject to the applicant providing a soils report acceptable to the City. **Kevin Poff** seconded the motion, which passed by unanimous vote.

Findings

(See Agenda Item #4.)

GEORGE HADDAD REQUEST FOR A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR THE MOUNTAINSIDE PLAT F SUBDIVISION CONSISTING OF 19 LOTS ON 7.523 ACRES LOCATED AT APPROXIMATELY 775 SOUTH 350 EAST IN AN LR-F ZONE (S-1-03) (Agenda Item #4)

Motion

Bart Hill moved that the Planning Commission recommend the City Council grant final plat approval for the Mountainside Plat F Subdivision located at approximately 775 South 350 East subject to all applicable Farmington City development standards and ordinances and the following:

1. Improvement drawings, including a lot by lot grading and drainage plan, shall be reviewed and approved by the City Planning Department, City Engineer, Public Works Department, Central Davis County Sewer District, the Fire Department, and FAPID.
2. A note shall be placed on the final plat complying with the subdivision ordinance indicating a soils report has been submitted to the City.
3. The property owner shall convey a conservation easement acceptable to the City encompassing areas illustrated on the final plat.

4. The applicant must obtain a flood control permit from the Davis County Public Works Department.

Kevin Poff seconded the motion. The vote was unanimous in the affirmative.

Findings

The application was consistent with the City's General Plan and master planning for the area. All requirements had been met by the developer.

PUBLIC HEARING: BRYCE DAVIDSON REQUEST FOR A RECOMMENDATION TO REZONE 4.3 ACRES OF PROPERTY LOCATED AT 837 NORTH MAIN FROM A AND LS TO LR (Z-13-04) (Agenda Item #5)

Background Information

The west half of the applicant's property is master planned for Commercial Mixed Uses (CMU). Nevertheless, the CMU area may be moved further west depending on the location of the road connecting Lagoon Drive to the one-way frontage road adjacent to U.S. 89. As Master Street Plan for the location of this road has not been prepared. Section 12-7-040(4) of the Subdivision Ordinance states, "Street patterns in the subdivision shall be in conformity with the master street plan for the most advantageous development of adjoining areas and the entire neighborhood or district. In the event a master street plan does not exist, the subdivider shall prepare such a plan for review and approval by the Planning Commission and City Council prior to consideration of a subdivision application." The applicant is not requesting subdivision approval. Notwithstanding this, the rezone request should be consistent with the General Plan therefore, an adequate recommendation cannot be offered by the Planning Commission for the western half of the subject property until a Master Street Plan has been prepared for the area.

Furthermore, even if the entire subject property was master planned for low residential density uses, it is uncertain whether or not the proposed subdivision meets Farmington City Standards until the applicant provides more information to the satisfaction of the Planning Department. The Planning Commission has the discretion to table a decision regarding a recommendation for a rezone until they receive additional information.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information. The property was currently located in 3 different zone designations. The plat design was a row of homes down a straight street. The location of the new CMU zone in the immediate area would be dictated by the placement of the

road coming from Lagoon Drive. The property in question will, therefore, be impacted by the placement of the road. The City Planner recommended that the Planning Commission table consideration of the request until the developer could get more information regarding a transportation plan.

Public Hearing

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

Bryce Parker (1117 South Valley Road) described the vision he had for the property. Part of the development would be in the CMU. He felt it would be advantageous for the residents in the area to have his project as a buffer between commercial uses and homes. He wanted to have the zone confirmed before the property was purchased. At this point, no firm plans had been made.

Doug Wood (823 North Main) stated he had come to the meeting to gain information. He did feel that 11 lots seemed to be a lot for the area.

Matthew Hess (947 North Main) was opposed to the project because it was not clear how the development would impact the surrounding property. The “straight shot” design would not be a quality, meaningful development. The entire area needed to be master planned before any smaller portion was approved.

Public Hearing Closed

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

- The application was for a very small piece of property. A zone change should take into consideration the entire area. On other similar applications, the City required a master plan for the larger area.
- Before such a zone change was considered, the Planning Commission wanted to know more about possibilities for the larger area.
- Wetlands will impact development in the area.
- There was a need for a master street plan for the area because of the importance of the property to the City. Much of the transportation plan would depend on the uses of the property and the wetland locations.

- The City was currently waiting for funding for a SAMP in the area.
- The Greg Bell proposal left several options for access through the property.
- The City Planner briefly discussed the process regarding master planning for areas, including transportation.
- There was a feeling that the CMU should be approved before developments in the area is approved.

Motion

Cindy Roybal moved that the Planning Commission deny the request for a recommendation to rezone of property located at 837 North Main from A and LS to LR until the applicant prepares a schematic plan which complies with City Ordinances and is consistent with an overall Master Transportation Plan prepared for the entire neighborhood or district and that the City Council consider a master transportation plan for the area. The motion died for the lack of a second.

John Montgomery moved that the Planning Commission table the request for a recommendation to rezone of property located at 837 North Main from A and LS to LR until the applicant prepares a schematic plan which complies with City Ordinances and is consistent with an overall Master Transportation Plan prepared for the entire neighborhood or district either by the City or by the developer.

The developer was willing to look at preparing a master transportation plan but he was hesitant because of the difficulty in getting cooperation from the other property owners.

Bart Hill seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: JEREMY PALMER REQUEST FOR CONDITIONAL USE APPROVAL TO ESTABLISH A HOME OCCUPATION BUSINESS (“BEEHIVE HOT RODS LLC”) IN A DETACHED ACCESSORY BUILDING LOCATED AT 552 SOUTH 1025 WEST IN AN AE ZONE (C-13-04) (Agenda Item #6)

Background Information

The applicant acts as a consultant to customers who want to build turn-key hot rods. He lines up outside contractors for machine work, body work, painting, upholstery, etc. All of this

work is done off-site. He anticipates that there will be some "bolt-on" work and some storage of vehicles between the off-site work. There will be no auto repairs, engine rebuilding, or similar work. It will be assembly of kit cars, including chassis part assembly, with potential for some fabrication of small parts when necessary.

The work will be done in an unattached accessory building, which requires a conditional use permit.

11-35-103(g) does not allow "repair shops." This home occupation should not be considered a repair shop as described. However, because of the potential for repair work to be done on the site, it is recommended that conditions prohibiting such should be included in any motion to approve.

END OF PACKET MATERIAL.

Mr. Petersen introduced the agenda item. He presented information regarding the location of the home. The City Planner briefly reviewed elements of the "home Occupation" (Chapter 35) of the zoning ordinance. He stated the application represented the occupation as a fabrication business and that it did not look like it was a repair shop (which was disallowed by the ordinance).

Public Hearing

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

Jeremy Palmer (552 South 1025 West) explained the nature of his business. The business would be to act as a consultant to those wishing to build old style cars. Large work would be contracted by off-site companies. There would be minor assembly and storage but no large-scale repair.

Public Hearing Closed

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

- The cars would not be repaired but rather assembled. All of the work would be done inside the building and not stored outside.
- The building where the work would be done was just over 2,000 square feet. The applicant would dedicate about 50% of the building to the business.

- Mr. Montgomery wanted to know what the difference between this business and a regular repair shop was. He felt a strong concern that the impact on surrounding property may be the same.
- A notice had been sent to the neighbors regarding the public hearing.
- The applicant stated all work would be done with new parts, not old parts. There would be no high traffic with customers coming and going. It was intended that there would only be 2 or 3 cars built during a year.
- The ordinance allowing for the application controls hazardous materials, etc. Commercial repair should not be allowed. Mr. Montgomery expressed concern regarding the use because of the chance for hazardous and unsightly activities at the location. He felt there should be strong, specific language in any motion that would restrict the business from ever becoming a nuisance or present any hazardous or harmful effects on the neighborhood.
- Other Commission members felt the ordinance restricting the business was sufficiently protective.

Motion

Kevin Poff moved that the Planning Commission grant conditional use approval to allow a home occupation business, consulting, program management and fabrication for turn-key hot rods, in an unattached garage on Lot 114, Farmington Creek Estates, Phase I, 552 South 1025 West, subject to all applicable Farmington City ordinance and development standards and the following conditions:

1. No commercial automobile repairs are allowed on site. All associated business must be conducted in an enclosed building.
2. No outside storage of automobiles or parts shall occur on the property.

Cindy Roybal seconded the motion. The motion carried with a 5 to 1 vote. Mr. Montgomery opposed the motion.

Findings

- The applicant had conducted previous similar work on the property with no harmful effects and no complaints from the neighbors.

- The conditions set forth in the ordinance provided that if any harmful or negative impact were to occur the conditional use permit could be revoked.
- Most members of the Commission were satisfied that the business was not a commercial repair operation and that the distinction between the requested business and a repair facility was clear.

R.K. BUIE CO., COWBOY PARTNERS, AND GARBETT HOMES REQUEST FOR PRELIMINARY PLAT AND OR DEVELOPMENT PLAN APPROVAL FOR THE PROPOSED FARMINGTON CROSSING PUD CONSISTING OF 159 “FOR SALE” RESIDENTIAL DWELLING UNITS ON 11.74 ACRES LOCATED AT APPROXIMATELY 850 NORTH SHEPARD CREEK PARKWAY IN A C ZONE (S-19-04) (Agenda Item #7)

Background Information

The City received a letter from Maxine Kerr on October 9, 2004. Unfortunately, the letter arrived after the Planning Commission conducted their schematic plan review of the development (see enclosed letter).

END OF PACKET MATERIAL.

Mr. Petersen reviewed information regarding the agenda item. The developer had some hesitation regarding items 2 and 3 of the proposed motion. Mr. Petersen reviewed the transportation plan for the development. City Staff strongly recommended that whatever road connects to Highway 89 should be a dedicated City street. Mr. Petersen reported that the City Engineer was not conclusive regarding item #3 of the proposed motion and suggested that any extension be dependant on the City Engineer’s eventual recommendation. The City Planner also referred to a letter from Maxine Kerr which stated opposition to the request. Ms. Kerr was concerned with impact of drainage from the creeks through the area which may be disturbed by the development. However, Mr. Petersen reminded the Commission that it was not the applicant that changed the flows of the creek corridors. City engineering would likely mitigate flows towards Ms. Kerr’s property. Also, historic flow would have to be accepted by property owners. The surrounding developments would likely decrease flow onto the Kerr property.

Kent Buie said the County was currently providing a channel for flow from his property directly to the detention basin. None of the flow would go onto the Kerr property. Mr. Buie then gave a general overview of the preliminary plat and accompanying site plans.

Mr. Montgomery asked if the City could take over the 24 foot roads in the future if needed.

In response, **Mr. Petersen** stated the roads were built to City code with the exception of the width.

Ms. Roybal raised a concern regarding visitor parking for the smaller units. Proximity to the housing would impact the benefit to the residents.

The Planning Commission members discussed the proportion of the visitor parking to the number of units. There was some concern about increasing the parking and where such increases would take place. Several alternatives were explored.

Mr. Buie stated that the pond was constructed as a settlement pond for silt. It would be dredged by the County when needed. The pond was an amenity built by the developer but it was owned by the County and would eventually have to be maintained by the County.

Mr. Poff raised a concern regarding public parking for those visiting the pond.

Mr. Buie stated he was hesitant about providing parking for the public pond on the private development. The road was adjacent to the pond and was a public UDOT road and would provide for parking for those wishing to use the pond. In response to questions from the Commission members, Mr. Buie discussed the construction of the connection road to U.S. 89. The road would provide 2 lanes of traffic. The location of the road had not been determined and would be impacted by the commercial development.

Motion

Keith Klundt moved that the Planning Commission grant preliminary plat and preliminary development plan approval for Farmington Crossing P.U.D. located at approximately 850 North Shepard Creek Parkway subject to all applicable Farmington City development standards and ordinances and the following:

1. The applicant shall provide a soils report to the City in compliance with Farmington City subdivision standards.
2. The applicant shall improve and dedicate to the City the street shown on the north side of the plat with two safe and passable drive lanes acceptable to the City.

3. If recommended by the City Engineer or otherwise shown by a traffic study acceptable to the City, the applicant shall extend the street to the frontage road adjacent U.S. 89.
4. The applicant shall prepare a recommendation regarding the signalization and/or signage of the T-intersection formed by Shepard Creek Parkway and the street running perpendicular thereto adjacent to the northwest corner of the subdivision.
5. The applicant shall receive approval for all public improvement drawings, including a grading and drainage plan implementing Best Management Practices set forth in the Farmington City Storm Water Master Plan, by the City Engineer, Public Works Department, Fire Department, Weber Basin Water Conservancy District, Central Davis Sewer District, and Davis County Public Works and shall provide mains for all drainage flow to be conducted to the County Detention basin.
6. The preliminary plat approval shall be subject to all conditions of the conditional use permit.
7. The applicant shall update the preliminary plat to include:
 - a. Vicinity sketch
 - b. Contours at one foot intervals for predominate ground slopes within the subdivision between level and 5 percent, and two foot contours for predominate ground slopes within the subdivision over 5 percent.
 - c. The location name and existing width of adjacent streets.
 - d. A grading plan.
 - e. Preliminary location and size of sanitary sewers, water mains, pressured irrigation lines, and any other public or private utility.
 - f. The dimension and location of all existing or proposed dedications, easements, and deed restrictions. These shall include easements for drainage, sewage, and public utilities.
 - g. Preliminary indication of needed storm drainage facilities with preliminary run-off calculations and locations, size, and outlets of the drainage system.

- h. The words “Preliminary Plat–Not to be recorded” shall be shown on the plat.
- 8. The applicant must obtain a flood control permit from Davis County Flood Control.
- 9. As part of the grading and drainage plan, all drainage flows shall be conveyed directly to the County detention basin.
- 10. A plan shall be submitted for adequate visitor parking for the development.

Cindy Roybal seconded the motion, which passed by unanimous vote.

Findings

- The developer was moving ahead in accordance with the approved schematic plan.
- The developer had shown good faith efforts to meet all the requests of the Planning Commission.
- The application complied with the General Plan for the area.

MOTION TO CONTINUE THE PLANNING COMMISSION MEETING PAST THE HOUR OF 10 P.M.

After a brief discussion, **Kevin Poff** moved that the Planning Commission continue the meeting past the 10 P.M. deadline. **John Montgomery** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: KEITH SALMON REQUEST FOR RECOMMENDATION TO THE CITY COUNCIL TO AMEND SECTION 11-5-107(7) OF THE ZONING ORDINANCE REGARDING “RECONSTRUCTION OF NONCONFORMING BUILDING OR STRUCTURE PARTIALLY DESTROYED” (ZT-7-04) (Agenda Item #8)

Background Information

The applicant has requested that the zoning ordinance be amended to allow restoration or replacement of a non-conforming structure that is damaged or destroyed as a non-conforming structure. Currently, the ordinance only allows the restoration of non-conforming structures that

are destroyed to the extent of not more than fifty percent (50%) of their reasonable replacement value. If a structure is damaged to the extent of fifty percent or more of its value, it can only be replaced with a conforming structure.

The way the ordinance now reads, the City can force an owner of a non-conforming structure to replace it with conforming structure if it is damage or destroyed to the extent described above. A change in the ordinance would take away the City's ability to do this.

The ordinances of some other cities in the area address this issue as follows:

City of North Salt Lake	Allows restoration if begun within one year and completed within two years.
Centerville City	Allows restoration if begun within 6 months.
Bountiful City	Allow restoration with no time limit or % limit
West Bountiful	Allows restoration started within 1 year and completed within 2 years.
Layton City	Restoration allowed if damaged under 60% of true value.
Murray City	Restoration allowed if damaged 60% or less of replacement value except single-family or multiple-family dwellings may be reconstructed.
Sandy City	Restoration allowed if damaged not more than 50% of market value, except residences and accessory farm buildings can be replaced.
Salt Lake City	Restoration allowed if damaged less than 50% based on a ration of repair vs. replacement costs.
West Valley City	Restoration is allowed.
Provo City	Restoration allowed if completed within one year.

The Planning Advisory Service provides information to cities concerning ordinances such as this one. They have been requested to provide us with information concerning national trends or standards concerning restoration of non-conforming structures. We have not received the information as of the time that this packet was distributed.

END OF PACKET MATERIAL.

Mr. Petersen explained that Mr. Salmon wanted to have the item considered because it seemed too restrictive not to allow the repair or reconstruction of a building damaged more than 50 %. Other cities had been canvassed to find what they do with the same situation. An amendment would impact the City as a whole.

Public Hearing

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

Keith Salmon (Centerville resident) had built a duplex on Main Street several years ago when the zone allowed doing so. His building was a relatively new structure. When he approached a lender to refinance the building, he found the lender was not cooperative because of the 50 % damage clause. When he was noticed about the OTR zone he did not realize the impact it would have on his property.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing and turned the discussion back to the Planning Commission.

Motion

John Montgomery moved that the Planning Commission table the request for an amendment to Section 11-5-107(7) of the Zoning Ordinance until the Planning Department had received input from the Planning Advisory Service or other sources identifying national standards for the rebuilding of non-conforming structures and to allow time for the Planning Commission to have adequate time to discuss the issues. **Kevin Poff** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: JAMES B. KENNARD REQUEST FOR A RECOMMENDATION REGARDING THE ANNEXATION AND ZONE DESIGNATION (“LR-F”) OF .671 ACRE OF PROPERTY LOCATED AT APPROXIMATELY 450 EAST STATE STREET (A-3-04) (Agenda Item #9)

Background Information

The subject property is landlocked, however, the developer owns 3 parcels of ground south of the subject property and said parcels are adjacent to Sunset Drive. Much of the subject property is characterized by slopes, steeper than 30 percent. Any future development of the property must comply with standards and requirements set forth in the Farmington City foothill ordinance and other laws and ordinances of the City.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the agenda item.

Public Hearing

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

James Kennard (the applicant) described what his plan for the development was. Detailed site plans would be forthcoming.

Mr. Montgomery asked about the developer's ability to meet the standards of the City.

The developer felt that since the property had been owned since 1960 portions of the City ordinances would not apply. There was discussion regarding what portions of the property would be allowed as "grandfathered" and which would have to comply with current ordinances. David Petersen stated that property now being annexed would not be "grandfathered" in.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing and turned the discussion back to the Planning Commission.

Motion

Bart Hill moved that the Planning Commission recommend that the City Council annex the property located at approximately 450 East State Street and zone the parcel LR-F as requested. **Keith Klundt** seconded the motion. The motion passed by unanimous vote.

Findings

- The area was within the annexation area of the City.
- The zone complies with the City's General Plan.

FARMINGTON STATION STATUS REPORT (C-2-96) (Agenda Item #10)

Due to the late hour, the agenda item was delayed until the next meeting.

ROD GRIFFIN DEVELOPMENT PROPOSAL (Agenda Item #11)

Mr. Griffin discussed his proposal. The site was located west of the County Court House. Mr. Griffin had held a town meeting with about 10 property owners the previous evening and planned another such meeting in the next few days. He invited Planning Commissioners to attend. Most of the input during the first meeting was positive. There were some negative comments because of the additional density and the increase of traffic. The plan was to provide an infill development of residential units. There were no plans to have any rentals in the development. Mr. Griffin briefly reviewed design ideas being considered.

ALTERNATIVE HEALING RETREAT PROPOSAL (Agenda Item #12)

Due to the late hour, the agenda item was postponed.

CITY COUNCIL REPORT AND MISCELLANEOUS

Mr. Petersen reported that the City Council tabled consideration of the DMV proposal to locate their new office on 200 West near the Farmington Junior High. The Council wanted to locate the facility near the County Fairgrounds. Mr. Forbush had expressed his concern that the DMV officials had not contacted the City and obtained their assistance in finding an appropriate location. A meeting had been scheduled with DMV officials, City Council members and City Staff. Planning Commission members were also invited to attend. Chairman Ritz volunteered to represent the Planning Commission at the meeting.

ADJOURNMENT

Kevin Poff moved that the Planning Commission adjourn at 10:30 P.M.

Cory Ritz, Chairman
Farmington City Planning Commission