

# FARMINGTON CITY PLANNING COMMISSION

Thursday, November 11, 2004

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## PLANNING COMMISSION STUDY SESSION

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

**Chairman Ritz** began discussion at 5:30 P.M. The following items were reviewed:

**Agenda Item #2– Randall L. Rigby’s request for preliminary plat approval to increase the size of the Miller Meadows subdivision.** Mr. Rigby wanted to gain a waiver from the City regarding the amount required for open space. Mr. Ritz mentioned that the road cuts made for the subdivision needed repair.

**Agenda Item #3– Harley and Jean Evans request for a recommendation to amend the Cornerstone Subdivision.** The developers were requesting a recommendation to the City Council to amend the subdivision by vacating a road stub and allowing the addition of 3 lots. Public input from existing homes owners in the subdivision was negative.

**Agenda Item #6– Greg Bell’s request for a recommendation to the City Council to rezone property on 400 west from BP to CMU.** It was decided to amend the agenda to address Agenda Item #9 prior to Agenda Item #6. Agenda Item #9 presented the CMU text. Discussions of the CMU committee indicated an opposition to allowing either the auto body shop use or the storage unit use in CMU zoning.

**Department of Motor Vehicles relocation.** Mr. Petersen reported the City Council had upheld the Planning Commission’s decision to deny the DMV conditional use for relocation on 200 West (near the Junior High). The City was working with DMV officials to find a more appropriate location. One option was property near the Davis County Fairgrounds.

**Agenda Item #9–Text for the proposed Commercial Mixed Use Zone (CMU).** Mr. Petersen and Matt Hess reviewed changes to the text. Specific changes are noted in Agenda Item #9.

**Agenda Item #4–The Boyer Company request for a recommendation to rezone property located at approximately 550 North 2000 West from A to AE and a recommendation for schematic plan approval for a subdivision on the same parcel.** The Planning Commission expressed concern regarding the need for a master transportation plan for the entire area. Mr. Petersen reported a few other developers had requested rezone for nearby property and had obtained both rezone and schematic plan approval. Developers are not vested until preliminary plat approval. Granting rezone and schematic plan approval could aid developers in moving forward with a cooperative transportation plan for the entire western area. It would be well to

inform the applicant that upon schematic plan approval, no other action would be taken until a master transportation plan was approved by the City.

**Agenda Item #5– Gardner/Gust Cherry Hill, LLC, request for a recommendation to amend the General Plan by re-designating property west of northern Main Street as CMU.**

The Planning Commission expressed concern that the public be given ample opportunities to gain all available information and to express their input. The request would need to have the utmost care and cautious study before any recommendation was made.

**PLANNING COMMISSION REGULAR SESSION**

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

**Chairman Ritz** called the meeting to order at 7:00 P.M. **Bart Hill** offered the invocation.

**APPROVAL OF MINUTES**

**Kevin Poff** moved that the Planning Commission approve the minutes of the October 26, 2004, Planning Commission Meeting. **John Montgomery** seconded the motion. The Commission voted unanimously in favor. Jim abstained.

**PUBLIC HEARING: RANDALL L. RIGBY REQUEST FOR PRELIMINARY PLAT APPROVAL TO INCREASE THE SIZE OF THE MILLER MEADOWS SUBDIVISION CONSISTING OF 86 LOTS ON 49.154 ACRES TO 107 LOTS ON 56.829 ACRES LOCATED IN AN AE ZONE AT APPROXIMATELY 700 WEST 650 SOUTH BY ADDING TO ROBERTA DONAHUE, ET. AL PROPERTY NORTH OF THE EXISTING PROJECT (S-16-04). (Agenda Item #2)**

**Mr. Petersen** explained the plan for the subdivision. Mr. Rigby wanted to add approximately 21 lots to the current subdivision plan. Staff recommended approval of the request with conditions as outlined in the packet. Mr. Rigby wanted to request a waiver from the City to reduce the amount of open space required. Mr. Petersen reviewed open space requirements according to City ordinances regulating the subdivision. The requested number of lots was within the number allowed by ordinance.

**Public Hearing**

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

**Randall Rigby** (245 North Cobblecreek Road) stated the reason three of the additional lots were included was because the City had revised storm drain system requirements. The revision would increase the infrastructure cost by more than \$100,000. The three extra lots would help pay for the increase. Because of this concession given by the developer, he felt the City should grant a waiver of open space requirements.

### **Public Hearing Closed**

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

- Mr. Montgomery asked if the cost of the drainage system revision was indeed an extra cost or if it would have been required eventually anyway? Mr. Rigby reported that as the City assessed the system, they realized there would need to be an upgraded system to handle the runoff. Mr. Petersen stated he was not as familiar with the drainage needs as the City Manager, however according to Mr. Forbush costs required of Mr. Rigby were costs that would have been eventually borne by the developer. Mr. Rigby stated he understood the costs to be above and beyond normal drainage expenses. The City had offered to provide labor and the developer would pay for the materials.
- Mr. Petersen reported the development design lacked approximately 33,000 square feet of required open space.
- There were lots that could be reconfigured so that the large conservancy lots could remain at 4 acres. The number of lots requested by the developer could still be maintained.
- The Planning Commission and other City officials felt strongly about open space. If there is a way to preserve the 4 acre conservancy lots, the Commission felt it should be done.
- Mr. Rigby stated he felt he had made considerable concessions to the City for which he should be compensated. He felt the waiver for the open space was justified. However, in order to move the project along he was willing to reconfigure the plat to increase the size of the conservancy lots.

**Motion**

**Jim Talbot** moved that the Planning Commission grant preliminary plat approval subject to all applicable Farmington City development standards and ordinances and the following:

1. The existing development agreement between Farmington City and the developer must be amended to include the expanded area of the project.
2. Due to the number of lots proposed by the applicant, the open space requirement for the Miller Meadows subdivision shall be no less than 16.2837 acres. All proposed conservancy lots shall be at least 4 acres in size as set forth in Section 11-12-110(b) of the Zoning Ordinance. Any significant new lot configuration as determined by the City Planning Department must be presented to the Planning Commission for approval.
3. The soils report submitted to the City for the original Miller Meadows Subdivision must be updated to include the expanded area.
4. The applicant shall resolve issues regarding the remnant parcel adjacent to Lot 431.
5. The expanded preliminary plat shall become an exhibit to the development agreement. Therefore, it must be updated to comply with all City standards for preliminary plats and shall include, but not be limited to the following information:
  - a. The names and numbers of adjacent subdivisions and the names of owners of adjacent unplatted land.
  - b. The contours at one foot intervals for predominate ground slopes within the subdivision between level and 5 % and two foot contours for predominate ground slopes within the subdivision over 5%.
  - c. A grading plan showing, by appropriate graphic means, the proposed grading of the subdivision.
  - d. Preliminary indication of needed storm drain facilities with preliminary run-off calculations and locations, size, and outlet of drainage system.
  - e. The lot table shall be updated on the preliminary plat.

- f. The legal description must be amended to reflect the larger preliminary plat.

**John Montgomery** seconded the motion, which passed by unanimous vote.

**Findings**

The action was in compliance with City ordinances, zoning requirements, and the master plan for the area. The applicant had been through several approval processes and had presented a good plan. The developer was in agreement with providing a much needed drainage system as part of the project.

**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-20-04) (Agenda Item #3)**

**Background Information**

The Planning Commission held a public hearing and reviewed this agenda item on October 26, 2004. The Commission approved a motion to table the request to allow 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. Thus far, it appears there are not utilities located in the stubbed street. Fruit Heights is also on the verge of recording a subdivision plat that would prevent pedestrian access to the north. It may be possible to provide a pedestrian access to the east, but it appears that the property owner at this time is unwilling to do so.

Regarding the proposed flag lot off of the cul-de-sac at the east end of Springwood Drive, the applicant insists that he is being damaged because the City is preparing to utilize the 15 foot public utility and storm drainage easement on the north side of the lot. The applicant is requesting that the City approve this portion of the plat amendment due to the storm drain issue. Therefore, the Planning Commission may wish to consider an alternative “2D” as an addition to the October 26, 2004, Planning Commission Staff Report as follows:

Yes: The City may elect to increase the number of lots on a limited basis within the Cornerstone Subdivision provided that the applicant prepares a traffic study acceptable to the City demonstrating negligible impact to the street and public safety. Said study must be reviewed by the City before considering an action to add additional lots or to amend the subdivision plat.

END OF PACKET MATERIAL.

**Mr. Petersen** reviewed the agenda item. The location of the subdivision was in the northern end of the City, adjacent to Fruit Heights. The developer wanted to amend the plat by adding 3 new lots. Mr. Petersen reviewed the reasons for trying to get either road or pedestrian access through to other neighborhoods.

**Harley Evans** (713 Springwood Drive) said that he could get a 105 foot frontage on a new lot created from portions of existing lots and the vacation of the road stub. The frontage would be similar to that of lots in the subdivision on the south side. Mr. Evans showed where the other 2 lots would be placed. He stated there was a time urgency because property owners were ready to build and needed a decision.

**Mr. Klundt** asked if it would be possible to stub a road to the east.

**Mr. Petersen** said the property directly to the east of the subdivision is already developed. Summerwood Drive was a long dead end street which was problematic for the City. The City Council had approved the subdivision providing the developer would eventually provide a secondary access. Because of the development in Fruit Heights it would not be possible to connect through to the adjacent community . If the stub to the north was vacated, then a stub to the east likely should be provided. If not a road, then a foot path would be good. A storm drain easement had been planned to accept run off from thirteen homes located in Fruit Heights to the east. If the 15 foot drainage easement was obtained from the east then the existing 50 foot easement could be abandoned.

**John Montgomery** stated the City had approved the subdivision the way it was for specific reasons. The design included a longer-than-legal dead end street. He had no problem vacating the stub to the north because no connection could be made with Fruit Heights, but he saw no compelling reason to increase the number of lots by making some lots smaller. He noted public input had been strongly in opposition to the action.

**Mr. Klundt** said the subdivision would probably have to be redesigned if the developer were to accomplish an access easement to the east.

**Mr. Talbot** said he felt the stub to the north should be abandoned and that the land should be divided between the two adjacent lots. He was not sure the stub to the east should be implemented because it could attract traffic from Fruit Heights. It was Mr. Talbot's opinion that the City should work with the applicant to obtain a pedestrian path to the east.

**Mr. Petersen** reported there was a fire hydrant on the land that would need to be relocated if a connection were to be made going east.

**Mr. Talbot** commented that property owners had expressed strong concern about the redesign of the subdivision because of the impact on their property values and the general esthetics of the community. They had purchased their property with specific lot sizes and traffic patterns in mind. Mr. Talbot also felt the redesign would put undue impact on lots 5 and 12 to suddenly have a road between them.

### **Motion**

**John Montgomery** moved that the Planning Commission recommend that the City Council amend the Cornerstone Subdivision plat by vacating the right-of-way between lots 15 and 16 subject to the applicant conveying to the City a 15-foot wide public pedestrian access easement through the easterly end of Emerald Oaks Drive. The Planning Commission further recommended that the City Council abandon a 50 foot wide drainage easement traversing the southerly portion of Lots 1 through 4 subject to the installation of an adequate storm drainage facility acceptable to Farmington City in Springwood Drive and in the drainage easement on the northeast side of Lot 4.

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

**John Montgomery** moved that the Planning Commission recommend the City Council deny the request to vacate 5 lots and create 8 lots, increasing the number of lots in the Cornerstone Subdivision by 3 additional lots. **Bart Hill** seconded the motion, which passed by a 6 to 1 vote. **Keith Klundt** opposed the motion, stating he felt the request for the 105 foot frontage lot on property obtained from the vacated stub street and additional property from the two adjacent property owners was acceptable.

### **Findings**

The Planning Commission members found no compelling reason to allow the additional lots in a subdivision which had been previously approved after long negotiations with the City. The motion complied with the original approval granted. The lots sizes will remain as they are avoiding possible damage to existing property owners. Vacation of the northern right-of-way was reasonable because there was no possibility of future connection with Fruit Heights.

**PUBLIC HEARING: THE BOYER COMPANY REQUEST FOR A RECOMMENDATION TO REZONE ALL PROPERTY WITH AN ELEVATION HIGHER THAN 4,218 FEET ABOVE SEA LEVEL ON AN 80 ACRE PARCEL OF LAND LOCATED AT APPROXIMATELY 550 NORTH 2000 WEST FROM A TO AE, AND A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A SUBDIVISION CONSISTING OF 60 LOTS ON THE SAME PARCEL (Z-15-04) (Agenda Item #4)**

**Mr. Petersen** stated that the development was on the far western edge of the City limits. The zoning designation for either A or AE were appropriate for the property. There had not been a compelling reason to deny other previous applicants requesting for the AE zone for property adjacent to the site. Mr. Petersen showed the proposed schematic plan. A large amount of land had been left in conservancy parcels.

### **Public Hearing**

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

**Patrick Moffat** (representing the Boyer Company) stated there were 61 lots planned for the development. He said he would remain available for questions.

**Nathan Zaug** (334 North Frontier Road, representing the Home Owners' Association of Farmington Ranches) stated the HOA had no concerns regarding the rezone or the increase in size of the project. There were, however, concerned about the maintenance of the conservancy lots. The HOA would like to be allowed to review the plat plans prior to final approval.

**Paul Hayward** (1663 West 1410 North) stated that the road planned through the subdivision was currently a very long dead end street. He had great concerns about the road because of fire protection on emergency vehicle access to such roads. The safety needs of the citizens in such situations needed to be addressed. The west side of Farmington needed to have a fire station located there. Long term solutions may take care of the problem, but immediate needs have proven very dangerous.

### **Public Hearing Closed**

With no further comments, **Chairman Ritz** closed the public hearing. The Planning Commission discussed the following:

- There are traffic design and safety issues which need to be resolved.
- The schematic plan seemed acceptable. However, the developer will need to work with adjacent property developers to create an acceptable transportation master plan for the entire area before further approvals could be granted.

### **Motion**

**Keith Klundt** moved that the Planning Commission recommend the City Council approve the application to rezone all property with an elevation higher than 4,218 feet above sea

level on an 80 acre parcel of land located at approximately 550 North 200 West from A to AE, and a recommendation for schematic plan approval for a subdivision on the same parcel as requested subject to the developer providing a legal description for all property east of the “Forty-Two Eighteen Line” and preparing a wetland delineation plan acceptable to the Army Corps of Engineers. **Jim Talbot** seconded the motion, which passed by unanimous vote.

### **Findings**

The Planning Commission determined the application should be handled in the same manner as similar applications in the area. No further approvals would be granted until an area-wide master transportation plan acceptable to the City had been created.

### **AGENDA AMENDMENT**

**John Montgomery** moved that the agenda be amended to allow Agenda Item #9 to be handled prior to Agenda Item # 5 **Bart Hill** seconded the motion which passed by unanimous vote.

### **PUBLIC HEARING: FARMINGTON CITY REQUEST FOR A RECOMMENDATION REGARDING TEXT FOR THE PROPOSED COMMERCIAL MIXED USE ZONE (CMU) (ZT-6-04) (Agenda Item #9)**

**Mr. Petersen** stated the Planning Commission had studied the document extensively in the study session prior to evening’s meetings. Changes stated that auto repair and auto sales facilities would not be allowed in the CMU. “Class A self storage” would also be allowed but with no multiple overhead exterior doors. Mr. Petersen reviewed the changes in detail.

### **Public Hearing**

**Chairman Ritz** opened the public hearing and announced that a draft of a the CMU zone would be available to the public.

### **Public Hearing Closed**

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

### **Motion**

**John Montgomery** moved that the Planning Commission recommend the City Council approve the CMU text draft as modified in the Planning Commission study session. **Kevin Poff** seconded the motion, which passed by unanimous vote.

**Findings**

The draft represented a great deal of work by citizens, staff, and City officials. The Planning Commission felt it was a quality product for the City and felt good about recommending to the City Council. It was consistent with the General Plan.

**PUBLIC HEARING: GARDNER/GUST CHERRY HILL, LLC REQUEST FOR A RECOMMENDATION TO AMEND THE GENERAL PLAN BY RE-DESIGNATING PROPERTY BETWEEN U.S. 89 AND MAIN STREET SOUTH OF THE CHERRY HILL INTERCHANGE (APPROXIMATELY 28.0 ACRES) FROM NEIGHBORHOOD MIXED USE (NMU) TO COMMERCIAL MIXED USE (CMU) AND TO FURTHER REZONE THE PROPERTY FROM A, LR, AND LS TO CMU (Z-14-04) (Agenda Item #5)**

**Background Information**

The subject property was recently master planned for Neighborhood Mixed Uses by the City in July of this year. The General Plan is a policy document which guides future development in the City. The plan sets the direction which the City should take, but should be flexible enough to adapt to changing conditions. It should be understood that, once adopted, the plan is not static, but should evolve as the community evolves. The economy, new administrations, and unforeseen events, may effect the plan. For this reason, it should be re-evaluated from time to time to ensure its relevancy. The applicant is requesting that the City amend the General Plan. Therefore, the burden is on the applicant to demonstrate or provide the rationale to support his request.

In preparation for the last General Plan amendment. Tom Wooten of the Ross Consulting Company prepared an evaluation of commercial uses and development within the City of Farmington. Enclosed for Planning Commission review are excerpts from this report.

END OF PACKET MATERIAL.

**Mr. Petersen** reviewed the agenda item. He showed a map of the General Plan and described specific areas and why they had been designated the way they were. A tax-payer advocate had visited the City when a tax increase had been proposed. When the City offered to allow the advocate access to the records and practices, the advocate took advantage of the offer. After thorough study, the advocate gave highly unusual support to the tax increase. Farmington City runs very lean, and City officials are very hesitant about burdening its citizens with increased taxes. They are also very hesitant about approving commercial growth in an effort to protect the rural atmosphere of the town. When officials were faced with the reality of a serious budget shortfall, it was startling to them. City officials requested that Staff analyze future financial needs on a 10 to 15 year time horizon. Much of the current City revenues come from

building permits. When the City is eventually built out, that source will no longer exist. An economic steering committee was organized to consider the needs of the City while protecting the character of Farmington. The committee worked for about 14 months. An outside consultant had been hired to assist. After that work was completed, the City updated the General Plan to reflect what had been learned. Because of the delay in construction of the Legacy Highway, UDOT contracted to have the U.S. 89 project constructed. That project is now completed. As part of their work, the economic development committee studied the 89 corridor and the commuter rail stop location in west Farmington. The resulting recommendations were included in the packet. Recommendations by Tom Wooten of the Ross Consulting Group as part of that study stated that commercial developments along U.S. 89 be located in a concentrated manner in order to support one another. Mr. Wooten also suggested that a “life style” format would be successful in the area. Mr. Petersen stated that the property had not been zoned CMU. The General Plan suggested it be zoned NMU.

### **Public Hearing**

**Chairman Ritz** opened the meeting to a public hearing and invited the applicant to address the Planning Commission. For the information of the large audience in attendance, the Chairman noted there was a need to give careful study to a great deal of information. There would be another public hearing regarding the proposal.

**John Gust** (developer) stated he had met with citizen groups and discussed the project. He had also met with the Boyer Company and will purchase the Foxglove Center and thereafter upgrade the site in order to be a good citizen of the community. He said a concern expressed by citizens involved the proposed residential area of the project. He felt further study of the residential component was justified. Mr. Gust was aware that the City Council wanted to be careful about protecting Main Street. He stated the project would provide a 90 foot to 130 foot buffer strip of green space adjacent to Main Street running the full length of the project containing gazebos, trellises, decorative lighting and other amenities. Of the 28 acres of the total project, 9 ½ acres would be either residential or park property. Mr. Gust also stated that the project would be a “life style” project similar to the kind recommended by Tom Wooten.

**Ron Morimer** (traffic engineer) had done a traffic study of trips generated by the project forecast to the year 2040. There would be an additional 9000 new trips because of the project. That increase would demand a series of improvements. There would be a need to create one new connection to the U.S. 89 corridor. That would keep traffic off Main Street. Main Street adjacent to the project would have to be improved to a 5-lane highway. There would also be a need to create a signalized access to the project no closer than 1000 feet to the Cherry Hill interchange. The suggestion was to have that signalized intersection line up with the Somerset entrance. The five lanes would have to go from the intersection south to Leonard Lane. Then it would transition to 3 lanes.

**Bob Springmeyer** (Bonneville Research) stated he had looked at the economic impact on the City potentially created by the proposed project. The total area of the project would be 34.6 acres. Economic studies suggested the site could support 2 anchors, 8 sub anchors, and 15 additional store pads. The residential component could handle 88 units. The project was a “neighborhood center” development. The “big box” concept was not a part of this project. It was planned that one of the anchors would be a grocery store. Mr. Springmeyer discussed population and walkable neighborhoods that would be drawn to the center. He said 60 to 80 percent of the total sales would come from the nearby neighborhoods and detailed the makeup of the population within the market area. The retail market study also indicated the area would support a restaurant. Impact on Smiths would be negative by 48 percent the first year, 15 percent the second year, but then the business would increase after that. Other retail establishments would be impacted similarly. Mr. Springmeyer gave data regarding the revenue increases for the City if the project were constructed. The fifteen year total was 2.7 million dollars. It was likely that commercial development would come to the surrounding areas. If the development was not allowed in Farmington, it would mean that the tax revenues would not be realized by the City and that citizens would be spending their money in another city. The project would provide unmet retail potential, provide additional employment opportunities, reinforce the Cherry Hill area, keep retail sales by Farmington in Farmington, and keep the retail climate in Farmington viable.

**Ms. Barber** (representative of Harmons Grocery Stores) stated that the Harmons company had been looking for 6 ½ years for a location in Davis County. They had looked at the Kmart building with no favorable result. When approached about the property in the current proposal, the Harmons board of directors liked the idea. Market studies had come back very positive regarding the location. It was now their first choice. Harmons is a Utah, family-owned company which makes decisions very slowly. They have only built 11 stores since the founding of the store in 1932. There were presently customers that drive from Davis County to the Brickyard store in Salt Lake. Harmons is not just a grocery store but a part of the community. Employees become active with the community and participate momentarily and with their time.

**Glen Leonard** (672 Leonard Lane) wanted to speak on behalf of property owners. The owners had been stewards of the farmland for 150 years. It had always been farm land. Owners had never dreamt that it would be anything else. They had denied many proposals for other uses. Not until this project came along did they feel good about selling the property for a use other than farming. The project would be good for the owners and the community. The owners were aware that there would be a negative impact on surrounding neighbors. However, there would be a positive side. Those residents would not have to drive miles for the commercial uses. Farmington is lacking in several of the retail and commercial facilities. The owners had confidence in the developers and felt they would do quality work and make the project viable. Mr. Leonard liked the park zone and the fact that the historic nature of the area would be preserved. He liked the size and feeling of the project with the tree-lined streets and the decorative lighting. Mr. Leonard said his 93 year old father would like to be a part of the decision of how the land would be used.

The project would provide much needed tax revenues for the City. Farmington is no longer a farming town. There would need to be a buffer between residential uses and the commercial that would be coming to the area between the two highways. The project was well designed and comfortable

**John Patterson** (resident on 900 West) said he represented those living on 900 West. The area had been approved as family/residential. He was aware there were drainage problems in the area and felt there could be an increase of flow if the project were constructed. He knew the residents would rather sell than be impacted by the commercial development. They may seek legal redress if the commercial project impacts their home. Mr. Patterson said that 900 West would likely be used to link developments to the north and south. The paved area of the street is only 35 feet wide and could not handle the increased traffic. The traffic flow of the area presented significant safety problems. If the families on 900 West wanted to relocate they would not be able to because their property would be devalued. He submitted a petition signed by residents on 900 West in opposition to the proposed project.

**Chairman Ritz** wanted the public in attendance to understand the Planning Commission had made no preconceived decisions. They were grateful for public input, which would be carefully listened to and considered, and were in an information gathering process. The Planning Commission had made no representations regarding any opinions to either the developer or the public.

**David Mulholland** (434 West Welling Way) asked the Planning Commission not to use money as the determining factor in deciding whether or not to allow the commercial center. He said it would not be good for the community to have a regional retail draw in that location.

**Julia Brown** (1618 North Main) said she would be impacted by the project because she lives directly across the street from the property. She was concerned about the size of the stores and felt they could become eyesores like the Kmart building. It would be more wise to use the property that was already there for any commercial development. Her home was 90 years old and could not be relocated. If the center is built it would devalue her property and home. If it is approved she asked that there be a wall of pine trees along the street so that she didn't have to look at the buildings, lights and concrete jungle. Ms. Brown felt the developer would come in and make as much money as possible and then leave the community with all the negative impacts.

**Gary Wilde** (1582 North Main) said he also lived across the street from the project. It was difficult to watch change come to the City. He loved Farmington and knew that the project land would eventually sell. But he did not want to see it go to commercial uses. If the commercial use was allowed, it would snowball and extend into the residential areas. The traffic in the area is already bad and it will get much worse.

**Maren Folsom** (1745 Ramsgate Road) stated she represented parents of school-age children living in Somerset. The children had to walk to Knowlton Elementary along Main Street. There was already a great deal of traffic along the road. With the construction of the project, the traffic would increase and would present a great risk for those children. She opposed the project and asked the Planning Commission to protect the safety of the children

**Harv Jeppson** (682 North 1000 West) stated the proposal was an emotional issue for all of the neighbors. The issues to be decided were tough and could place a wedge between people. The question was what to do with this piece of ground. He had been asked his opinion and felt he was right in the middle of the controversy. The area will be impacted by the growth that is coming. The neighborhood needed to come together the best they could and resolve the issues as a community. He suggested that everyone involved become as informed as possible in order to make a logical decision. Since the interchange had been constructed the entire area was changed. It was likely that the parcel between the two highways was a good area for commercial. A commercial outlet may be very successful. If the market wants to go there and no where else there isn't much the citizens can do to change their minds.

**Rich Robins** (represented the Kmart building owner, resident of Salt Lake City) stated he also represented the developer. He said citizens cannot tell retailers what to do. They do studies and will go where they think they will be successful. If a neighborhood does not create life style centers then Walmart will come in and property values will go down. Harmons have not had a negative impact on their neighbors where they have located. It would be important to do what is best for the community.

**Bryan Floyd** (792 Dandelion Circle) said his back yard would be adjacent to the residential part of the project. He had great concerns about the multi-family dwellings. He had been a life-time resident of Farmington and loved the town. It was a great place to live. He wanted to make sure the City was doing the right thing and would take time in studying all the facts. He was concerned with the high density of the residential portion of the project.

**Patricia Anderson** (671 Somerset Street) said she had lived in many places and seen other areas oppose commercial development. It was possible to do so. She also wondered if the area would be made a redevelopment agency. Ms. Anderson felt that would be very detrimental to the community. She also wanted to make sure those presenting the information did not have a conflict of interest, such as the gentleman representing the Kmart building. Ms. Anderson suggested that a 3 to 5 year plan regarding viability be conducted. She questioned the results of the studies done by the developer and wanted to know who funded the studies. She felt that the park space would be lost to the road widening. Ms. Anderson felt the property should be used for high quality residential developments with commercial projects near the highway

**Don Leonard** (715 West 1550 North) wanted to convey two thoughts from his father (property owner). The reason this project was being considered after 40 years of denying projects was because the development respected the property and the people of Farmington. His father was very aware of the impact of the project on the land owners. He was not a stranger to impacts. Traffic had increased significantly since the interchange had been complete. The traffic increase from the commercial project would be less than from subdivision development. Mr. Leonard also asked that the City and his neighbors not limit the rights of a private land owners right to do with their property what they wish.

**David Safeer** (791 South Hampton) said his family had lived in Farmington for 4 years. He was friends with the property owner and the neighbors. He was concerned that the issue may cause problems between friends and asked that every citizen remain civil. The current owners were under economic pressures to sell their land. They had refused better financial offers in order to protect the property. They needed to get the highest and best use of the land, which was likely commercial. It would be unfortunate for legal courts to make the decision, rather than have citizen decide. Roads in the area need to be widened. Commercial uses for the property are viable. Residential uses are only suitable for a portion of the land. He invited members of community to collaborate. The green space needed to be protected. The NMU zone allows high density housing. He felt the community needed to take advantage of the guarantees offered by the project developers.

**Spencer Henderson** (1893 North Kensington) said the only reason the property was valuable was because of the proposed commercial use. There was obviously too many issues needing attention to make a decision tonight. He asked the Planning Commission to take their time to study all information.

**Matt Poulson** (1732 North Main) said he represented his mother (Doreen). He had grown up in Farmington and had witnessed many changes. Some were hard to take. When Somerset was developed it was hard to see the hillside be destroyed. However, he had many friends in the Farms and had adjusted to the development. He was concerned about property values of existing homes if the project were to be constructed. He was also very concerned about the 5 lanes of road and where the property would come from to accomplish the widening.

**Chris Boyd** (1822 Oakhampton) felt the project would be a nice addition to the community. Since it was inevitable that commercial development would come to the area it would be wise to make it a quality project. He felt it could be something that would enhance the community and would like to have the Planning Commission consider approval. There was a great deal of need to get information to the citizens. He asked that the Planning Commission make a concerted effort to educate residents so they could make a reasonable decision.

**Steve Young** (1434 North) stated he was opposed to the development. He felt the Planning Commission should act as the guardian of citizens. Developers were not objective about residents. Those living on 900 West would likely be treated unfairly. If they are to be removed from their homes they need to receive fair market value for their property. He also felt that the entrance to the project should be from the frontage road and not Main Street.

**Stephen Morgan** (987 West Melbourne) felt there were many unanswered questions; for instance, what kinds of tenants will be coming into the project?

**Carman Samuelson** (Kingston Road) felt there should be a master plan for commercial use in the town. There had been many people waiting for the completion of the interchange. Now that it was completed the City is going to deprive them of their profits by adding another commercial area. Why not have the currently developer build within the restrictions listed in the NMU. It took two years for the City to agree on the NMU for the area through careful thought and work. Changing it now would not be wise.

**Sharon Treu** (931 West Northridge) represented a group of property owners in nearby areas. They wanted the NMU zone to remain as it was planned for the property in question. The NMU zone had taken 2 years of work to accomplish. It was premature to make a change in the General Plan even before the NMU zone text was approved. She felt developers should be required to build to suit the zone and not have the zone changed to suit developers. Ms. Treu also had concerns about building a competitive grocery store next to the existing Smith's store. The population of Farmington may not support the project. Traffic on Main Street would be negatively impacted by the project. There would also be commercial creep, an increase in crime control, and a negative impact on other retail stores. Ms. Treu noted the empty Kmart building and felt there was not information sufficient to support the construction of more commercial properties. She also asked that the City take care regarding those involved in the development. Ms. Treu asked that there be a better system of public notification regarding meetings.

**Jenny Shepard** (1798 Hampton Court) felt the safety issues with the children walking to Knowlton outweighed the benefits of the commercial revenues. There was already too much traffic on the road which created a hazard for the children. She suggested the land be used for other purposes, such as a library or a charter school, something that would enhance the lives of the children.

**Paul Hayward**(1663 West 1410 North) stated he did not think it would be possible for Farmington to become like Layton because there was enough land. He felt the Leonard family was being sensitive to the community and knew that the neighbors would be impacted. However, there was a need for more economic growth. The area between the two highways was ideal for commercial development. It was not suitable for residential homes. There was a need to have Farmington people spend their money locally. Green space and houses do not pay the bills. Taxes

will have to be increased if commercial development is not allowed in the City. There was a need to look at the good of the entire City. He urged approval.

**Richard Heindel** ((715 Somerset Drive) stated a lot of work had been done on NMU zone. He felt the residents needed information so they could make decisions in a sensible way. He had concerns regarding the information presented by the developer. He was also concerned with the impact on main street because there would be a significant increase of traffic. This was a City issue not just a north Farmington issue. He also had concerns regarding property devaluation.

**Mark Howard** (681 Eastbourne Court) felt the studies about Kmart needed to be considered. He had a concern about that store's impact and how it may relate to the current proposal. He realized Farmington needed to have a better tax base but did not feel that projections presented by the developer would prove true. He wanted guarantees regarding the viability of the commercial project.

Later in the meeting, **Mr. Petersen** reported having receive 6 letters regarding the agenda item: (1) a petition from residents on 900 West in opposition to the project, (2) a letter from Tracy and Bart Harris, (3) a letter from David Potter, (4) a letter from Greg and Debbie Gardner, (5) a letter from Susan Post, and (6) a letter from Jeff Taylor.

**Harry Hayter** said the current NMU zone was the result of compromise over a 2 year period. The Planning Commission should think hard before changing it. It was also important that the Commission consider the safety of the children. They would have to cross five lanes of traffic to get to school which would be very bad planning.

### **Public Hearing Closed**

With no further comments, **Chairman Ritz** closed the public hearing. He recessed the meeting at 10:10 P.M. for 5 minutes. The Planning Commission reconvened at 10:15 P.M.

**Mr. Talbot** said he was proud of the citizens for conducting themselves in a courteous and respectful manner. He was also appreciative of the input received.

**Mr. Montgomery** said the application clearly represented a significant change in the direction currently taken by the City. It must be considered very carefully. There was not enough information to make any decision during the current meeting.

**Chairman Ritz** asked if information from Tom Wooten, traffic and other studies, and an expanded economic study could be made available to the Planning Commission members prior to their next meeting.

### **Motion**

**John Montgomery** moved that the Planning Commission table consideration of this agenda item to allow the Planning Commission time to carefully gather and study all applicable information. **Kevin Poff** seconded the motion, which passed by unanimous vote.

**Chairman Ritz and David Petersen** suggested there be a study session to which the developer and a citizen focus group would be invited.

**Mr. Petersen** reported that the Department of Motor Vehicles would like to remain in Farmington. The City Council had upheld the Planning Commission's denial of the DMV's request for relocation to 200 West. City and DMV officials were currently working to find an acceptable location, possibly near the County Fairgrounds. It may be possible for the City to create a municipally building authority whereby the City could build a building for the DMV which would be leased and eventually owned by the DMV. Parking could be used by surrounding uses during off hours. Because the DMV will lose budget funding if not used before the end of the year, they feel it important to at least acquire the land. They have requested the Planning Commission hold a special meeting to accommodate their request. The study session for the last agenda item could be considered at the same time.

### **MOTION TO EXTEND THE MEETING**

**Jim Talbot** moved that the Planning Commission extend consideration of business past the 10 P.M. hour. **Keith Klundt** seconded the motion, which passed by unanimous vote.

### **GREG BELL REQUEST FOR A RECOMMENDATION TO REZONE 12.16 ACRES LOCATED AT APPROXIMATELY 400 WEST 675 NORTH FROM BP TO CMU (Z-12-04) (Agenda Item #6)**

#### **Background Information**

The Planning Commission's decision regarding this agenda item hinges on the Commission's decision whether or not to recommend the CMU zone text set forth in agenda item number 9. If the Planning Commission is ready to offer recommendation on the CMU zone text, it should be appropriate for the Commission to offer a recommendation as to whether or not the City Council should re-zone the subject property.

END OF PACKET MATERIAL.

**Mr. Petersen** reviewed the agenda item. In recent action by the Planning Commission, it was decided to eliminate storage rental units and auto repair shops from the permitted and conditional use lists. He said that he was prepared to recommend the rezone of the subject property to CMU, even with the changes made in the CMU text.

**Chairman Ritz** invited the applicant to address the Planning Commission

**Greg Bell** said he would like the property rezoned and that he would come back to the Planning Commission with uses for the property that would be appropriate for Farmington and compliant with the CMU zone.

### **Motion**

**Keith Klundt** moved that the Planning Commission recommend the City Council rezone property located at approximately 400 West 675 North from BP to CMU as requested. **Bart Hill** seconded the motion, which passed by unanimous vote. Several members of the Planning Commission commented they would like to see the property before considering uses.

### **Findings**

The action was consistent with General Plan for the area. The rezone was timely considering the CMU had been recommended for approval.

### **PUBLIC HEARING: RANDALL AND KIM HILLIER REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO CONSTRUCT AN ATTACHED GARAGE LOCATED AT 122 SOUTH 300 EAST IN AN OTR ZONE (C-14-04) (Agenda Item #7)**

### **Background Information**

The City has received a request from Randall and Kim Hillier to allow them to build their new house closer than the 30 feet from the property line required in a OTR zone. The area of town where this is located has a 99 foot right-of-way for the street. The street is 44 feet wide, leaving approximately 28 feet on either side for curb, sidewalk and park strip. The developer of the subdivision, Davis School District, is constructing a new sidewalk and park strip. The park strip starts at the curb and goes back 8 feet. Then there is a 4 foot sidewalk. This leaves 16 feet behind the sidewalk to the property line.

Typically, a property line starts where the sidewalk ends, so a 30 foot setback would allow a house to be built 30 feet back from the sidewalk and 42 feet back from the curb. In this

case, the 30 foot setback means the house will have to be built 46 feet back from the sidewalk and 58 feet back from the curb. The house to the south of the subdivision is about 47 feet back from the curb. The school building to the north is about 45 feet back from the curb. In order to be in line with the existing buildings, the Hillier house should be about 35 feet back from the sidewalk and 47 feet back from the curb. This would be a 19 foot setback from the property line. Therefore, they are requesting a special variance of 11 feet from the 30 foot front yard setback requirement in the OTR zone.

In addition to matching the setback of the existing buildings more closely, this special exception will also allow them to have less front yard and more back yard, which they desire. This is significant in lot 3, which is about 23 feet shallower than the other two lots in the subdivision. Section 11-17-070(1) of the Zoning Ordinance states:

(1) Setback and Orientation. Situate new buildings such that they are arranged on their sites in ways similar to existing buildings in the area. This includes consideration of building setbacks, orientation, and open space. The Planning Commission may grant a special exception from the minimum setback standards contained herein, provided such exception shall conform to the following standards:

- (a) The reduction in the setback shall not exceed fifteen (15) feet;
- (b) The setback proposed shall be compatible with the character (including historic qualities related thereto) of the site, and the existing setback of structures on adjacent and surrounding properties.
- (c) The Planning Commission may request a recommendation from the Farmington City Historic Preservation Commission regarding the requested special exception.
- (d) The Planning Commission may require conditions consistent with the Farmington City General Plan, the intent and purpose of this Title, and other provisions contained herein.

This request is less than a 15 foot reduction, the setback will be the same as the neighboring house to maintain the character, no recommendation from the Historic Preservation Commission has been requested since this subdivision has been approved for residential development, and not special conditions are being recommended.

END OF PACKET MATERIAL.

**Mr. Petersen** explained the background information. He presented the Historic Preservation Commission's recommendation. The builder was willing to comply with all suggestions by the Commission except that he had concerns regarding the placement of the garage. Because of the limited space on the lot, it was very difficult to set the garage back from the front line of the home. Mr. Petersen recommended approval with the condition that staff work with the applicant to see if there could be mitigating factors applied to the garage front.

### **Public Hearing**

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

**Randall Hillier** (applicant) said he would be willing to work with Mr. Petersen to make sure that the appearance of the garage was acceptable. He had chosen a country style house specifically to blend in with the neighborhood. After realizing the requirement set forth by the OTR, he has spoken to Heartstone representatives (the designer of the homes) who would require additional costs for a new house design. Mr. Hillier said he wanted his home to comply with the look of the neighborhood.

### **Public Hearing Closed**

With no further comments, **Chairman Ritz** closed the public hearing and asked the Commission for their consideration.

**Mr. Talbot** stated the new home design would not stand out in any way in the neighborhood.

**Mr. Petersen** reported there were design techniques that could be applied to the garage that would soften the appearance of the large door.

### **Motion**

**Bart Hill** moved that the Planning Commission approve the request for a special exception from the 30 foot front yard setback to allow a 19 foot setback on lot 3 of the Monte Vista subdivision. **Kevin Poff** seconded the motion, which passed by unanimous vote.

**Findings**

The home is consistent with the rest of the homes on the street.

**PUBLIC HEARING: RANDALL AND KIM HILLIER REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO CONSTRUCT AN ATTACHED GARAGE LOCATED AT 122 SOUTH 300 EAST IN AN OTR ZONE (C-14-04) (Agenda Item #7)**

**Background Information**

The applicant has purchased a lot in Monte Vista subdivision, which is zoned OTR. The home design he has selected has a garage in the front of the house. Originally, the house design had the garage about four feet in front of the house, but this is not allowed in OTR zoning, so the designer has expanded the porch in front of the house to be flush with the garage. Attached garages constructed even with the front setback line of the main building require a conditional use permit.

END OF PACKET MATERIAL.

**Public Hearing**

Public comments were considered during the last agenda item.

**Public Hearing Closed**

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

**Motion**

**Kevin Poff** moved that the Planning Commission grant the conditional use approval request to allow construction of a new home with a garage flush with the front of the house in the OTR zone, lot 3, Monte Vista subdivision at 122 South 300 East subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The front setback of the residence aligns with the home on the adjacent property.
2. The applicant work with the City Planner regarding the plan for windows and the garage door

**Keith Klundt** seconded the motion, which passed by unanimous vote.

**Findings**

The action was a reasonable decision considering the situation. The large front porch will fit the OTR zone.

**RUSSON BROTHERS REQUEST FOR SITE PLAN APPROVAL TO DEVELOP A FUNERAL HOME ON 2.116 ACRES LOCATED AT 1940 NORTH 1075 WEST IN A C ZONE (SP-1-04) (Agenda Item #8)**

**Background Information**

Several weeks ago, the City Council re-zoned the subject property to C, subject to a number of conditions among which the property owner and/or future property owners must agree to re-zone the property NMU when the text for said zone had been approved by the City.

END OF PACKET MATERIAL.

**Mr. Petersen** reviewed the agenda item. Staff recommended approval.

**Motion**

**Cindy Roybal** moved that the Planning Commission grant site plan approval subject to all applicable Farmington City development standards and ordinances and the following:

1. The stone veneer illustrated on the building elevations shall be “Farmington Rock” typically found on non-residential buildings in Farmington.
2. The landscape plan shall receive a recommendation from a second landscape architect acceptable to the City prior to approval by the Planning Commission.
3. Any dumpster proposed for the site shall be adequately screened pursuant to Chapter 7 of the Zoning Ordinance.
4. Where outdoor lighting is proposed, lighting plans shall be required which illustrate the type and location of lighting proposed for structures, walkways, and parking lots. Lighting shall be designed, located, and directed so as to eliminate glare and minimize reflection of light into neighboring properties.
5. Public improvement drawings and a transportation and circulation plan, including a grading and drainage plan implementing Best Management Practices as set forth in

the Farmington City storm water management plan, shall be reviewed and approved by the City Engineer, Public Works Department, Fire Department, FAPID, Central Davis Sewer District, the Planning Department, and UDOT (Utah Department of Transportation).

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

### **Findings**

The motion was in accordance with the Master Plan for the area and the NMU zone text. The funeral home had good access from 1075 West Street. The funeral home was the best use of the property and is consistent with the General Plan.

### **PUBLIC HEARING: FARMINGTON CITY REQUEST FOR A RECOMMENDATION REGARDING TEXT FOR THE PROPOSED NEIGHBORHOOD MIXED USE ZONE (NMU) (ZT-8-04) (Agenda Item #10)**

**Kevin Poff** moved that the Planning Commission postpone consideration of Agenda Item #10 until their December 2<sup>nd</sup> meeting. **John Montgomery** seconded the motion, which passed by unanimous vote.

### **CITY COUNCIL REPORT AND MISCELLANEOUS**

**Mr. Petersen** reported that work on Farmington Station was progressing. It would likely be completed this coming weekend. Property owners reported satisfaction with the work.

### **ADJOURNMENT**

**Cindy Roybal** moved that the Planning Commission adjourn at 11:30 P.M.

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*Cory Ritz, Chairman  
Farmington City Planning Commission*