FARMINGTON CITY PLANNING COMMISSION

Thursday, November 15, 2007

PLANNING COMMISSION STUDY SESSION

Present: Chairman Jim Talbot, Commission Members Andrew Hiller, Kevin Poff, City Planner David Petersen, Assistant City Planner Jared Hall, Recording Secretary Kami Mahan, and Alternate Planning Commission Member Randy Hillier.

Chairman Talbot called the meeting to order at 6:20 p.m. The following items were reviewed:

Agenda Item #1: Minutes

The Planning Commission reviewed the minutes of the October 25, 2007 Planning Commission meeting. **Randy Hillier** pointed out two corrections: On Page 3 of the minutes, the misspelling of his name, and the words"County Fairgrounds" should be "main city park."

Agenda Item #2: Public Hearing: Richard Lindsley -Applicant is requesting a Change of Zoning from A to AE on 3.55 acres of land located at 250 South 1525 West and further requests Schematic Plan approval for a 6 lot subdivision on the same. (Z-12-07 & S-22-07).

Chairman Talbot clarified that this request for a change of zoning from A to AE is consistent with the development in the area, and it is preferable to follow staff's recommendation to change to a two-lot, rather than a six lot development. **Jared Hall** said he has talked to the applicant, who is amenable to this.

The Commission discussed the dedication of the applicant's right-of-way, which he is willing to grant, and how this will enhance future connections to Farmington Ranches. **David Petersen** said many of the surrounding property owners are excited that someone is stepping forward to begin a developing road pattern in the area.

Chairman Talbot said it is important that the applicant's dedication of the road be a condition of approval. **David Petersen** said the road is required to be 55 feet wide, and **Mr. Lindsley** is dedicating 30 feet, which will be paved. Once he does this, one or two of the other property owners will later dedicate the remaining 30 feet.

Kevin Poff questioned the possible implications if no one else dedicated the remaining half of the right-of-way. **Jared Hall** replied that there could be one more one-acre lot behind the applicant's home.

Agenda Item #3: Public Hearing: SLI Request to amend the Spring Creek Estates Master Plan (or Preliminary Plat) increasing the number of lots from 162 to 169 (S-11-04)

David Petersen explained this request and the proposed land exchange. **Mr. Petersen** said that a wetlands expert determined that the wetlands may not be jurisdictional (meaning they do not flow into waters of the United States, as required under a new court ruling).

The Commission discussed at length the wetlands issue and the possible stubbing of a street in the proposed development, and determined that granting approval is premature until more information is available. **Chairman Talbot** suggested that an updated plan be required, as well as a letter from the Army Corps of Engineers verifying the condition of the wetlands.

Agenda Item #4 Public Hearing: SLI / Farmington City - Applicant is requesting Preliminary Plat approval for the Spring Creek subdivision, phases 4 & 5 located at approximately 675 North 1525 West in the AE zone. (S-24-07):

David Petersen explained that this issue can hinge on the existing master plan which is in place. The difference in this request from Item #3 is a decrease in size of three lots to make space for a detention basin.

Agenda Item #6: Public Hearing: Garbett Homes - Applicant is requesting a Conditional Use approval to allow the location of several temporary signs related to the Farmington Crossing North subdivision located at approximately 840 N. Shepard Creek Parkway in the C(PUD) zone. (C-19-07)

David Petersen clarified that the prior Conditional Use permit of the applicant has expired and they are now requesting twenty signs. Members of the Commission questioned the purpose of the number of increased signs, and who would be responsible for their removal The Commission asked **David Petersen** to reconstruct what had been previously approved.

[**John Bilton** arrived at 6:50 p.m.]

The Commission discussed how to present the motion.

Agenda Item #7 : Woodside Homes - Applicant is requesting a change to the text of a portion of the Sign Ordinance regarding subdivision signs, specifically Section 15-5-010(2). (ZT-9-07)

Chairman Talbot referred to the letter from Danville Land Investments contained in the Commission packet and questioned how signs can "add character and beauty". **Kevin Poff** asked if there was any provision to provide an exception to the zone text change, and said he did not think the ordinance should be changed to allow any and all signs. It was proposed that the applicant may be allowed to have one sign at each entrance only.

The meeting adjourned at 7:00 P.M.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Jim Talbot, Commission Members John Bilton, Andrew Hiller, Kevin Poff, Rick Wyss, City Planner David Petersen, Recording Secretary Kami Mahan, and Alternate Planning Commission Member Randy Hillier.

Chairman Talbot called the meeting to order at 7:05 P.M. **Andrew Hiller** offered the invocation.

APPROVAL OF MINUTES (Agenda Item #1)

The Planning Commission reviewed the minutes of the October 25, 2007 Planning Commission meeting. **Rick Wyss** moved to approve the minutes with changes as noted in study session. **Randy Hillier** seconded the motion, and the Commission voted unanimously in favor. **Andrew Hiller** abstained since he was not present at the October 25, 2007 meeting.

(PUBLIC HEARING): RICHARD LINDSLEY: APPLICANT IS REQUESTING A CHANGE OF ZONING FROM A TO AE ON 3.55 ACRES OF LAND LOCATED AT 250 SOUTH 1525 WEST AND FURTHER REQUESTS SCHEMATIC PLAN APPROVAL FOR A 6 LOT SUBDIVISION ON THE SAME. (Z-12-07 & S-22-07) (Agenda Item #2)

Background Information

The applicant has filed for a change of zoning and for a schematic plan approval for a potential subdivision of his property. In reviewing this application, staff began to look at what the likely natural progression of the interior block's development will be, and wishes to suggest a change to the schematic plan. The change does not affect the re-zoning, which is reviewed separately in this report.

Zone Change: The requested zone change represents a natural progression of the AE zone as it fills into the A zones in this part of the city. Up to now, property owners of these deep lots running from 1525 West to west of Bonanza Road area have come to the city with requests to subdivide and change their zoning (McOmber, Van Zweden). Given the general plan designation, the adjacent AE zoning to the west (and the likely potential that the parcels adjacent to the north will also request AE zoning in the future) staff is comfortable in suggesting that the Planning Commission recommend the re-zone.

Potential Subdivision & the Schematic Plan: There are some inherent problems with the schematic plan as the applicant has proposed it. The length of the access into the west portions of the property is greater than the ordinance will allow without another point of access. This problem may be alleviated if property owners to the north continue the previous pattern and extend Bonanza Road in order to subdivide their parcels. Also, the lot sizes indicated by the schematic are smaller than the ordinances will allow without a true conservation subdivision. The Fire Department has approved the 30 foot access proposed and the turnaround provided by the applicant's current lot set-up. Next to the Lindsley piece, the Jones parcel has a long narrow access (30' wide adjacent to Lindsley's 30') and staff understands that they may be willing to look at dedication for ½ of a 60 foot right-of-way in conjunction with Lindsley's 30' at some point (in order to facilitate subdivision and development of their acreage.) However, no formal agreement exists. If the application is to go to preliminary and final plats staff does feel that agreements for dedication must be necessary.

Summary: The applicant's main concern as we understand it is the subdivision of a portion of their acreage in front of their existing home to allow the building of another home for another family member. Staff is comfortable in recommending to the Commission and applicant that the best method to move forward in this case is to subdivide the existing 3.55 acres into a one acre parcel in front of the existing home, leaving the remaining 2.55 acres to the rear with the existing home for the time being. In the near future, Bonanza Road may extend, the Jones' may decide to develop and the underlying requirement for minimum lot sizes in the AE zone may change (to ½ acre as is currently being discussed). With those events on the horizon, it is planning staff's opinion that the further subdivision of the western portion of the parcel should be delayed. In this way the applicant can meet immediate goals, and if done carefully can preserve the potential of the west portions and potentially realize better, more saleable lots.

The applicants could at this point prepare a two-lot subdivision for consideration by the city and dedicate the 30' access as a public street, which must be widened if the other side of the street should develop. This is a possibility since the Fire Department has already OK'd the 30 foot access and turnaround.

END OF PACKET MATERIAL

Chairman Talbot introduced this agenda item. **Jared Hall** briefly explained the "Background Information" contained in the Planning Commission packet. He showed an overhead aerial photograph of the applicant's property and pointed out a 30 foot section of road from the property extending out to 1525 West, explaining that it would be dedicated to the City for a public right-of-way. Mr. Hall said it is anticipated that the adjacent 30 feet would be dedicated in the future by that property owner to make a 60 foot road with access to his property as well.

Jared Hall said the original proposal was for the applicant to keep his current home and divide the rest of the land into other parcels. It also proposes some additional parcels to the west. The fire chief has determined that the plan works well for fire protection. **Mr. Hall** said that there are still some utility questions to be reviewed. City staff has said that 14,500 square feet per lot would not work for current zoning, and is in support of a zone change to AE, as changing to that zone will continue to proceed southward.

Mr. Hall said the AE zoning allows for one-acre lots, and there is no good way for **Mr. Lindsley** to do a PUD or a conservation subdivision to reduce the lot size further in exchange for open space. In staff's estimation it makes sense for him to subdivide his property into two lots. In the future it may be easier for him if Bonanza Road extends, or if his adjacent neighbor dedicates his 30 feet, creating a 60 foot right-of-way. **Mr. Hall** stated there are some distance problems regarding the thousand foot limit on dead end streets, but for the time being this proposal makes sense.

Public Hearing

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

Richard Lindsley (250 South 1525 West) said when he originally started this process he wanted to let his children build a home on part of the property. He said he was told that in order to change to AE and do a conservation subdivision, they had to have half acre lots, which facilitated the current request for six lots. They had wanted only one lot. They were going to do six lots, then do Phase 1, which would have been the only lot. Mr. Lindsley said this was recommended by the City, which is fine with them. They do not want to divide the rest of the property.

Mr. Lindsley said they were very happy with the City's plan, because it reflects what he wanted in the first place. They have no desire to develop the back of the property. They want it to remain as it is for their horses. **Mr. Lindsley** pointed out that the number of lots on the map are wrong, and it should show only two lots.

Chairman Talbot asked **Mr. Lindsley** to confirm that he was in full agreement with the City's proposed drawing, as well as his willingness to dedicate the right-of-way. **Mr. Lindsley** replied that he was.

Jared Hall said he has taken a lot of public comment for the last week, and in response wanted to clarify that there is enough depth that the proposed home will not be violating setback requirements.

Clark Olsen (182 South 1525 West) said he was present to oppose a six-lot subdivision, but that this issue has now been cleared up. He said that before the meeting **Mr. Lindsley** showed him a plot plan showing three lots in the subdivision and would like this clarified.

Jared Hall explained that the existing home sitting on the long flag lot could be confusing the issue. There is also the 2.55 acre parcel, from which an acre could easily be taken. **Chairman Talbot** pointed out that as presented, the plan is a two-lot subdivision.

Todd Hyatt (226 South 1525 West) said he lives directly south of the applicant, and that the **Lindsleys** are asking for a flag lot, which goes against both his and the **Lindsley's** master plans. He said he and the Lindsleys moved to the area at the same time, and he constructed his house to sit 250 feet back from the road to maintain the open space.

Mr. Hyatt said that two 30 foot easements sound great when you are talking about a subdivision, but when the closest building to his house is 150 feet away, 30 feet is at his back door.

In response to a request from a member of the Commission, **Jared Hall** pointed out on the aerial map where **Mr. Hyatt's** house sits in relation to the applicant's property. Mr. Hyatt restated his opinion that this is a flag lot on a 30 foot wide road. He said the way the area is planned out already does not make sense with the blocks scattered as they are. They bought their property knowing that the **Lindsley** lot did not have 100 feet of frontage so there was no way to put another house in. He said he and the **Lindsleys** worked together and planned ahead, that he is the one most affected, and was not informed of this action until recently receiving a letter.

Mr. Hyatt questioned if, when **Mr. Lindsley** dedicates his road , this would be considered public access, and **Chairman Talbot** said that it would be. **Mr. Hyatt** said his biggest concern is maintaining his open space.

Adam Moffat (248 S. 1525 West), said he lives in the adjacent house, and that he just spent a lot of money landscaping his property. He pointed out his and **Hyatt's** homes on the overhead aerial photo, and said **Mr. Hyatt** could develop his property. He said that he is fine

with the **Lindsleys** dedicating the road, but he does not know how the neighbors feel. He pointed out where the **Lindsleys** could build a home using the frontage, and said this could be a solution.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing, and opened the discussion up to the Planning Commission for their consideration.

John Bilton asked that flag lot and frontage issues raised by **Todd Hyatt** be addressed. **Jared Hall** said the property is currently a flag lot, but once the road is dedicated it is technically no longer a flag lot.

In response to questions from the Commission, **Jared Hall** clarified that there are approximately 60 feet between **Hyatt's** home and **Lindsley'**s property. He also said the **Lindsleys**' plan could not work under current zoning restrictions.

The Commission discussed the possibility of building a home further west on the property. **Jared Hall** said that there could be difficulties with utilities, and that the interior of the block will not develop well until Bonanza Road is put through. The Commission discussed what will be required for future development.

Rick Wyss asked if, with the change in zoning, the applicant would need a variance or conditional use permit, and if they would have the ability to develop as a two lot subdivision as proposed. **Jared Hall** said the ordinances are not a problem, but that sewer and other utilities could be. **David Petersen** pointed out that in order for the subdivision to go through, the City Council will have to approve the half road.

John Bilton asked if moving the home further west would cause a public safety concern. **David Petersen** said that the applicant drives a school bus and uses the area as a turnaround, which is approved by the Fire Chief. If he builds a home further west on the property, this would necessitate going back to the Fire Chief to work on this issue. **Kevin Poff** pointed out that this would not be a public easement, but rather for emergency use.

Kevin Poff said he understands the neighbor's concerns, but he does not see this proposal as violating the requirement of the zoning ordinance. He stated that there are still some issues to be approved, but these are not necessarily a condition for approval for zone change. There is already a lot of AE zoning in the area, so this is not an isolated zone.

Motion

Rick Wyss moved that the Planning Commission recommend approval of the change of zoning from A to AE for the subject property, and further recommends that the City Council approve a schematic plan for a two lot subdivision with the following conditions:

1. The applicants must work with city staff to prepare an acceptable preliminary plat. The preliminary plat must show the possible future dedication of the 30' strip of Jones' property and dedication of the 30' strip of Lindsley property as a public right-of-way to facilitate potential future development of the block interior.

2. The applicant must work with city staff to assure that any issues remaining regarding the provision of sewer and water to the potential subdivided parcels are addressed.

3. Per the Fire Department approval of the schematic plan, a fire hydrant must be placed on the property interior to the satisfaction of the Fire Chief.

4. The applicant shall grant an access easement to the City over and across the turn around area for emergency and maintenance vehicles until such a time as an improved full-width street and permanent turn-around is dedicated to the city.

The motion was seconded by **John Bilton**, and passed with a vote of 4 to1, with **Randy Hillier** voting in the negative.

Findings

1. The change of zoning is in keeping with the General Plan;

2. The density of the schematic subdivision plan is in keeping with the general plan designation (rural residential);

3. The proposed schematic subdivision is in keeping with the character of the surrounding area and preserves options for the future development of the block interiors.

4. The schematic plan will preserve larger lots than neighboring developments.

5. This plan is preferable to a six-lot subdivision.

Chairman Talbot said that the applicant and the neighbors can talk together and resolve any issues.

Randy Hillier said that the concerns of the two most affected neighbors is significant

and were not considered strongly enough. He said he hoped **Mr. Lindsley** will work with his neighbors to come to a happy compromise.

(PUBLIC HEARING): SLI - REQUEST TO AMEND THE SPRING CREEK ESTATES MASTER PLAN (OR PRELIMINARY PLAT) INCREASING THE NUMBER OF LOTS FROM 162 TO 169 (S-11-04) (Agenda Item #3)

Background Information

Howard Kent of SLI inc. received preliminary plat approval for the Spring Creek Estates Development on March 24, 2005. This plat became memorialized as the master plan for the project by development agreement between the applicant and the City dated. Since that time the applicant re-delineated the wetlands on site and modified the yield plan to show an increase of lots. Hence, he is requesting approval for an increase in the total number lots for the project.

END OF PACKET MATERIAL

David Peterson showed the existing master plan/preliminary plat on the overhead map. He said that due to a new yield plan, if the city is amenable, the development can go from 162 lots to 169.

[**Rick Wyss** left the meeting momentarily.]

Mr. Petersen said that the Commission recommended schematic plan approval for phases 4 and 5 with the condition that a street be stubbed to the Flanders property to the south. The wetlands area would make it difficult to put in a road without losing a lot, and staff suggested moving Lot 313 in phase 3 to allow a road to be stubbed from this phase west to east instead.

Mr. Petersen said that Lot 301 seems to be hanging in an open space, and that **Mr. Howard** is agreeable to moving it, and Lot 302 should be widened to include the adjacent swatch of open space.

Mr. Petersen referred to Condition 4.C. in the staff report in the Planning Commission packet, said that Lot 313 has shifted. Typically lot depth should be 100 feet, and the present lot depth is quite shallow. Mr. Petersen said he talked to both property owners, and that Steve Flanders could give **Howard Kent** 10 to 20 feet to make it a more buildable lot. In exchange for this dedication a land swap could be done for the right-of-way.

In response to a question by **John Bilton, David Petersen** said the City likes this proposal better because everyone wins. He said this may benefit Steve Flanders in the long run because of the proposed stub street, and that a bank of lots could be added in the future.

Kevin Poff said that the proposed road goes over the same wetlands which were an issue in the past. **David Petersen** said that a wetlands scientist determined that the wetlands are probably not jurisdictional, that they look like an isolated spot of wetlands. However, the specialist said that even if they can be filled in, there are still unknown questions.

Mr. Petersen said perhaps the Commission would be uneasy requiring someone to stub the street into an unknown situation. This is not typically done in the foothill areas. He said that Steve Flanders may be able to develop the property in the long run. Perhaps there could be a road dedication on paper only, and there would be a dedicated right-of-way available for Mr. Flanders.

Mr. Petersen said moving Lot 313 creates an isolated pocket of open space, and that the Planning Commission may want to recommend extending the lots instead. As has been learned in the Ranches, open space which does not have some connectivity is hard to maintain, particularly in rear yards.

Public Hearing

Chairman Talbot opened the meeting to a Public Hearing.

Howard Kent (SLI Commercial) stated that he liked **David Petersen's** presentation.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the Public Hearing.

John Bilton said that when wetlands abut back yards, they become a mess and a liability. **Kevin Poff** asked if the applicant got the 3 larger lot spaces and gave up Lot 301, if he would still meet his open space requirement. **David Peterson** replied that if he doesn't, staff recommends a waiver be granted because it is so close. The liability of the City having to enforce open space standards involving an HOA or third party has become a hassle for the City.

The Commission discussed moving Lot 313, and the impact this would have on Mr. Flanders' railroad. **David Petersen** said that Mr. Flanders informed him that if he needs to give 25 feet, he needs time to move his railroad track.

Kevin Poff questioned if open space is moved and it later becomes a road, if this would significantly curtail open space. **David Petersen** said it would be very close to the percentage portion.

Randy Hillier raised the issue of whether the lots that would be between the stub street and the edge of Mr. Flanders' property would be deep enough. **David Petersen** said that Lot 313

may grow slightly in size to make the others deep enough. He explained that it is best to keep the stub street in the general location as proposed.

Andrew Hiller raised the issue of wetlands, stating that the Commission has not, throughout the process, received verification on the wetlands in the area. **Chairman Talbot** said that moving forward without verification could put the applicant in a precarious position with the Army Corps of Engineers (ACE).

John Bilton called attention to a letter from the City to **Howard Kent** dated November 3, 2005, and suggested taking Condition #9 in the letter and making it a condition of the Master Plan. **Chairman Talbot** said he did not think it was necessary to have a study done, but it would be in the best interest of **Mr. Kent**, the City, and other parties to have a letter from the ACE giving verification on the wetlands. He would like the plat re-drawn to show what the parties are agreeing to.

In response to questions from the Commission, **Howard Kent** said that he was confident in the three experts he has consulted with, and he believes it could take a year to get a letter from the ACE. **Mr. Kent** explained that the changes in the plat were made to accommodate what the City was trying to do with Phases 3 and 4 of the development, and that if there are problems with the wetlands, he will accept that responsibility. He said they are avoiding the wetlands.

John Bilton said that according to the conditions in the November 2005 letter, verification from the ACE should have been received at some point before now. **Kevin Poff** asked **Mr. Kent** if the ACE had looked at the original studies done two years ago, and Mr. Kent explained that he was not anxious for the ACE to look at it at the time due to drainage and other issues.

Kevin Poff said his main concern is the City's liability if approval was granted and wetland issues arose later. **Chairman Talbot** asked **David Petersen** for clarification on the six lots at issue, and said that if the City approves this request, it may not have anything to do with the wetlands quota. **Kevin Poff** said he is still concerned, and would like to see this issue firmed up before the Commission moves forward.

Motion

Kevin Poff moved to table the request to provide time to make modifications to the Master Plan as discussed and to further ensure that the conditions of the November 3, 2005 letter from **David Petersen** to **Howard Kent** are met. **Randy Hillier** seconded the motion, which passed unanimously.

David Petersen said he would identify and review updated wetland requirements with the Planning Commission at the next meeting. **Chairman Talbot** asked **Howard Kent** to work further to resolve this issue, and said that the Commission would review the issue again. **Kevin Poff** asked **David Petersen** to clarify the City's liability on this issue before any approvals are given.

Rick Wyss asked **David Petersen** to address this issue as one of the conditions in the Suggested Motion for next month's meeting.

(PUBLIC HEARING): SLI / FARMINGTON - APPLICANT IS REQUESTING PRELIMINARY PLAT APPROVAL FOR THE SPRING CREEK SUBDIVISION, PHASES 4 & 5 LOCATED AT APPROXIMATELY 675 NORTH 1525 WEST IN THE AE ZONE. (S-24-07) (Agenda Item #4)

Background Information

The City Council approved the schematic plan for Spring Creek Estates 4 and 5 on October 16, 2007 (see enclosed draft minutes and Planning Commission recommendation set forth in a memo from staff to the applicant, October 12, 2007).

In previous meetings an adjacent property owner, Steve Flanders, requested that the developer stub a street to his property. If this occurs, City staff recommends that this stub street come from Spring Estates Phase 3 and not Spring Creek Estates Phase 4 (see related item for Phase 3 as part of this Planning Commission agenda).

The site is characterized by beautiful undulating and rolling topography indicative of the Farmington slide or liquefaction event that occurred some 2000 years ago. It is recommended that the applicant work with City staff to provide for roads a lots in such a way that the development will not overly detract from this geographic feature unique to Farmington.

The preliminary plat lacks the required information (see Section also 12-6-030 of the Subdivision Ordinance):

(a) The names and numbers of adjacent subdivisions and the names of owners of adjacent unplatted land;

(b) At the discretion of the City, a grading plan showing, by appropriate graphic means, the proposed grading of the subdivision. Contours should be consistent with Subsection (j). Proposed subdivisions located in the Foothill Zone shall comply with requirements of the

Farmington City Foothill Development Ordinance set forth in the Zoning Ordinance;

(c) Preliminary indication of needed storm drainage facilities with preliminary runoff calculations and location, size, and outlets of the drainage system;

(d) The words "Preliminary Plat" shall be shown on the plat not "Preliminary Plan".

END OF PACKET MATERIAL

David Petersen referred to an overhead aerial map of the area and reviewed the "Background Information" contained in the Planning Commission packet. City staff is recommending approval, with a caveat being the extension of the lot lines of Lots 401 - 404.

Public Hearing Opened

Chairman Talbot opened the meeting to a public hearing.

Public Hearing Closed

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

Kevin Poff asked if it was premature to grant preliminary plat approval on something the Commission has not seen yet. **David Petersen** said the only change is the extension of three lots. This works when the Master Plan is in place and the preliminary plat is approved with a development agreement.

In response to a concern expressed by **John Bilton** about the detention basin, **David Petersen** said they want to make sure that Parcel H is big enough for a detention basin. The City Engineer has tentatively determined that a basin can be created in that location. The basin has not been designed but the City Engineer has taken a preliminary look and made measurements of the site. She is confident it can be made in the space available.

John Bilton asked about a waiver for Phases 4 and 5, and **David Petersen** said they do meet the open space requirement. However, a waiver should be granted because although the area is smaller, its value is greater.

Kevin Poff asked if the applicant loses anything if this issue is tabled, and **David Petersen** said the issue is on the City Council docket for November 20th. The Commission discussed how to make the motion.

Motion

Rick Wyss moved the Planning Commission grant preliminary plat approval subject to all applicable Farmington City development standards and ordinances, with the following conditions:

1. The development thereof shall be subject to all conditions of preliminary plat approval for the entire Spring Creek Estates project.

2. The applicant shall comply with all conditions of schematic plan approval including but not limited to:

    a. The City must have the ability to establish a detention basin in Parcel "H" which parcel is shown on the plat.

    b. The City Council must approve a waiver as set forth in Section 11-12-065 for the loss of overall open space in the Spring Creek project.

    c. The developer shall convey a conservation easement acceptable to the City over and across the proposed remaining open space in the Spring Creek Subdivision Phase 5.

    d. An agreement must be executed to allow the City to acquire the Phase 5 property from Howard Kent.

3. Review and approval of improvement drawings, including a grading a drainage plan, by the City Engineer, Planning Department, Public Works Department, Fire Department, CDSD, and Benchland Water District.

4. The development of phases 4 and 5 must comply with the soils report prepared and submitted for the entire Spring Creek Estates project.

5. The development of the subdivision must compliment and rolling topography of the site.

6. The applicant must update the preliminary plat to include the items mentioned in the staff report.

7. The extension of Lots 401-404 of the plat shall match the Master Plan.

Andrew Hiller seconded the motion, which passed unanimously.

Findings:

a. Provides better traffic circulation in the area.

b. Provides the benefits outline in the report titled "Farmington City–Benefits Analysis of North Park Development Transaction, October 1, 2007".

c. The waiver of the minium open space requirement is justified because the loss of approx. 3.07 acres of open space in the Spring Creek project is being replaced by 1.27 acres of open space in Canyon Park which open space is more than double the value of the Spring Creek open space.

d. The extension of the lots 401-404 create an opportunity to clean up potentially landlocked open space which does not have much visibility.

(PUBLIC HEARING): RICHMOND AMERICAN HOMES - APPLICANT IS REQUESTING A TEMPORARY USE APPROVAL FOR A MODEL HOME WITH A TEMPORARY SALES OFFICE IN THE AE ZONE ON LOT 203 OF THE SPRING CREEK SUBDIVISION. (TU-7-07) (Agenda Item #5)

The request was withdrawn by the applicant.

(PUBLIC HEARING): GARBETT HOMES - APPLICANT IS REQUESTING A CONDITIONAL USE APPROVAL TO ALLOW THE LOCATION OF SEVERAL TEMPORARY SIGNS RELATED TO THE FARMINGTON CROSSING NORTH SUBDIVISION LOCATED AT APPROXIMATELY 840 N. SHEPARD CREEK PARKWAY IN THE C(PUD) ZONE. (S-19-07) (Agenda Item #6)

Background Information

Standards for property signs which advertise the sale or lease of property or other contemplated improvements are set forth in Section 15-4-100 of the sign ordinance (see enclosed). More specific standards are set forth in paragraph 4d of this section for large subdivisions or Planned Unit Developments consisting of more than 150 units or 10 acres. The last sentence of this paragraph states, "These sign requirements may be adjusted by means of the City's Conditional Sue Permit process." Therefore, Garbett Homes has submitted a Conditional

Use application to deviate from the standard requirements.

In 2005, Garbett Homes had a Conditional Use to allow such a deviation on this project. That permit has since lapsed, and they have subsequently applied for another Conditional Use to replace it. The locations are slightly different (see attached site plan) but the conditions that the Planning Commission imposed in 2005 would still be reasonable. If the Planning Commission chooses to approve the Garbett Homes request, staff recommends the following conditions:

1. The placement of the signs is restricted to 12 months with an option for the applicant to receive extensions thereafter.
2. When the temporary use ends, the applicant shall restore the site to its original condition.
3. The signs shall be placed in such a way as to not obstruct the safe flow of traffic.

END OF PACKET MATERIAL

Chairman Talbot introduced the agenda item.

David Petersen reviewed the "Background Information" in the staff report contained in the Planning Commission packet. He said that at this time the applicant is not asking for a sign on the I-15 freeway, but rather two larger signs on Highway 89. **Mr. Petersen** pointed out on the overhead aerial map where the applicant wants to place twenty signs to be placed on Saturdays only.

Kevin Poff asked **David Petersen** if the applicant's current conditional use permit allows for anything east of Highway 89. **Mr. Petersen** said that it did not, and **Mr. Poff** said he has seen signs placed there.

Rene Oehurking, (899 Tendoy Court, Draper, Utah) said that they have been placing "bootleg" signs out on Shepard Lane at 7:00 a.m. on Saturday mornings and pulling them up around sunset. He said most cities where they place these have no ordinance specific to these type of signs, and they turn a blind eye to realtors and signs relating to existing home sites and new construction.

Mr. Oehurking said they have been doing this for approximately two to three years, and it has only been within the last couple of months that they were first taken down by a city worker. At this point they turned to **David Petersen** and told him these signs have been very effective. **Mr. Oehurking** said he was told there is a provision for this type of sign saying that there can be one sign per home sale.

David Peterson clarified that these are open house signs, and that two offsite signs are allowed for the duration of the open house. To qualify, a person has to be at the house to

show it. **Mr. Oehurking** said that there is no provision specifically related to what they are requesting. He is here to ask 1) for an extension on the current conditional use approval and 2) to be allowed to have some 18 by 24 inch offsite directional signs to be allowed during daylight hours on Saturdays.

Kevin Poff asked how this compares with what other realtors are doing, or if allowing this is a violation of the ordinance. **David Petersen** said that this is in violation of the ordinance and others often leave the signs up, which are removed or notices of violation are issued if it comes to the knowledge of City staff.

Kevin Poff questioned whether giving official sanction to this practice will open the City up to an entire line of people wanting to follow suit. **David Peterson** replied that the only real difference is Garbett's size. Right now the ordinance prohibits smaller projects from this practice.

Kevin Poff said that the City has traditionally been stingy with signs that are allowed. He asked **Mr. Oehurking** why Garbett removed their sign on I-15, because it was much more visible than the one on Highway 89. **Mr. Oehrking** explained that the I-15 sign was too near the wetlands, and they would have been in violation of proximity so they decided to move it.

Public Hearing Opened

Chairman Talbot opened the meeting to a public hearing.

Leroy Larsen (1017 Prestwood Circle) said his home is across the street from the development and that he drives by it every day. He said they put signs up on Saturday, they do not disturb anything, and they do take them down. He pointed out that the signs are placed too close to the end of the median, which obscures vision. He asked if they could be moved, and that otherwise he has no objection. He said he understands why they do it.

Public Hearing Closed.

Chairman Talbot closed the public hearing and asked for discussion from the Commission.

In response to a question by **Randy Hillier, Rene Oehurking** said that the signs were on the median islands, but once they saw the ordinances they asked for a designated spot that fits within the City's guidelines. **Mr. Hillier** said that the request for twenty signs seems excessive. He said it would be serving the same purpose to have fewer signs. **Mr. Oehurking** said he is asking for twenty but would be happy with ten. He said people are confused at Shepard Creek Parkway and need guidance to the development.

Andrew Hiller said he understands the point of the signs, but that having them every Saturday for the next five years seems excessive. **Chairman Talbot** said he had no problem with the interior signs. He said he understands that this is needed in Commercial development, but that on Shepard Lane this is a little bit like Las Vegas. **Mr. Talbot** said he is a big fan of Noel Balstaedt, but that this is huge acreage and easy to see. He said in view of Farmington's goals, giving approval would be slapping ourselves in the face.

Randy Hillier said he agrees that having a sign off of Highway 89 may be needed, that this area might be confusing to some people, and that he would be amenable to having a directional sign there.

Motion

Kevin Poff moved to extend the original Conditional Use approval regarding the signs for the Farmington Crossing project granted on February 10, 2005 (application #C-1-05) to December 31, 2009, as set forth in the attached plan dated November 15, 2007, except that only one off-site 18" x 24" sign shall be allowed (on Saturdays only) and the location thereof must be approved by City staff. In no event shall any signs be placed in the center median park strip of Shepard Creek Parkway.

Findings:

1. This is consistent with what was previously granted.

2. This will help move the development forward, and will get the City closer to the day when no signs are needed.

3. The developer has done a tasteful job with their signs in the past

4. Allowing numerous directional signs in the City would be opening doors that are not wanted.

WOODSIDE HOMES - APPLICANT IS REQUESTING A CHANGE TO THE TEXT OF A PORTION OF THE SIGN ORDINANCE REGARDING SUBDIVISION SIGNS, SPECIFICALLY SECTION 15-5-010(2). (ZT-9-07) (Agenda Item #7)

Chairman Talbot introduced this Agenda item. **David Petersen** said that the applicant wants a project identification sign. He referred to the Zoning Standards for signs in the Planning Commission packet, specifically section 15-5-010, and said the applicant wants either Option A and Option B.

Kevin Poff asked if there was anything which would prohibit granting the request. The Commission discussed the appropriateness and advantages of monument signs. **Chairman Talbot** said that if the ordinance is changed this may open up the possibility of other developers wanting the same thing. He stated that he did not see the need to change the zoning text, but that an additional sign may be appropriate. **Mr. Talbot** questioned if a second monument sign for a large development could be granted.

David Petersen reiterated the sentence in Option B that the final size of the signage needs to be approved through the City's standard sign permit process. The Commission may allow one sign on a major street.

In response to questions by **Kevin Poff David Petersen** said that the details of the requirements are spelled out on the Master Transportation plan, and that a second sign should be approved not by staff, but by the Planning Commission.

Kevin Poff suggested using the last line of Option B of the zoning standards, "these signage requirements may be adjusted by means of the City's conditional use permit process." The Commission discussed the meaning of Option B, and clarified how to present the motion.

Motion

Kevin Poff made a motion to recommend that the City Council add to Section 2 of the Zoning section for signs, a sentence stating, "These signage requirements may be adjusted by means of the City's Conditional Use process." **Randy Hillier** seconded the motion, and the voting was unanimous in the affirmative.

Andrew Hiller suggested having the recommendation examined by the City attorney before it goes before the City Council.

Findings:

1. This allows flexibility in the ordinance for those developments which may or may not require an additional/wall sign.

2. Monument signs depict the character of the development.

3. This relieves City staff of the burden of making these decisions.

DISCUSSION - POTENTIAL VACATION OF PORTION OF A PUBLIC RIGHT-OF-WAY (ROCK MILL LANE AND 600 NORTH STREET). (Agenda Item #8)

David Petersen referred to an overhead map of the area and pointed out the location of the right-of-way, and explained its history. He said that staff is agreeable to the vacation, providing it goes with the landscaping and berm plan.

The current and proposed width of the street, and future needs for a wider street, were discussed at length by the Commission. **David Petersen** said that staff reported the existing extra width of the street is not necessary, but that extra ground would enable the developer to have extra lots.

[**Randy Hillier** left momentarily.]

Chairman Talbot said that having another public road will not make a difference for the developer, and that the lots on the back side would be deeper. Developer **Brady Hall** said they have minimums to achieve, they were not trying to make the lots bigger. **Chairman Talbot** expressed concern about the narrowness of the road, and said that a public right-of-way should meet, as much as possible, the conditions set upon for a public right-of-way. It is important to maintain for the future a standard for an access road.

The Commission discussed the issues connected with having two paralleling standard size roads.

Kevin Poff emphasized that in return for the vacation of the ground the City should receive more compensation than just the installation of curb and gutter. The Commission discussed the yield plan and the value of the property being vacated. **David Petersen** pointed out that a public hearing was scheduled for November 20th, and that the City Council is looking for a recommendation.

Motion

Kevin Poff made a motion to refrain from making a recommendation due to the absence of valuable information. The motion died for lack of a second.

The Commission discussed how to present a motion.

Motion

Andrew Hiller moved to recommend that the City Council approve the vacation from both 600 North and Rock Mill Lane, provided that the City retains a city standard sized street, 32 feet in width from back of curb to back of curb and that the City is being fairly compensated for

those portions, to be determined by the City Council. **Randy Hillier** seconded the motion, which passed by a vote of 4 to 1, with **Kevin Poff** voting against.

[**Randy Hiller** left the meeting at 9:55, and also **Rick Wyss** took place on the stand.]

DISCUSSION - POTENTIAL VACATION OF PORTION OF A PUBLIC RIGHT-OF-WAY (BELLA VISTA). (Agenda Item #9)

David Petersen showed an overhead map the area and explained the background of the right-of-way. He said that the adjacent homeowners are frustrated about four wheelers, and the fire department and public works are frustrated due to having no turnaround. It is dangerous for trucks, especially in the snow. It would be very costly and involve federal government red tape to do a turnaround. **Mr. Petersen** said that the City has looked at different options, and with this vacation everyone wins.

Brian Crockett, the adjacent homeowner of the property in question, clarified the location of his home as it relates to the property. The Commission discussed the size of the area to be dedicated, the implications of the vacation to **Mr. Crockett**, the future needs of the City, and the benefits to the City.

Motion

Kevin Poff moved to recommend vacation of Bella Vista Right-of-Way from the back of the sidewalk to the property line, in exchange for an ample turnaround for safety and city needs, to be determined by staff. **John Bilton** seconded the motion, which passed unanimously.

MISCELLANEOUS, CORRESPONDENCE, ETC. (Agenda Item #10)

a) Conservation Subdivision Ordinance Revision - subcommittee appointees

David Petersen said the Committee to revise this ordinance needs to be re-formed, and **Kevin Poff** and **Randy Hillier** volunteered to participate.

b) 2008 Calendar

The Commission agreed to stagger Planning Commission meetings with City Council meetings in May and October of 2008, to avoid back to back meetings in the same weeks. The second meeting in July would be cancelled.

c) Other

Chairman Talbot raised the issue of who would be on the Planning Commission for next year. The next meeting is scheduled on December 6th.

ADJOURNMENT

Andrew Hiller moved to adjourn. **John Bilton** seconded the motion, which passed unanimously.

The meeting adjourned at 10:25 p.m.

_____

Jim Talbot, Chairman
Farmington City Planning Commission