FARMINGTON CITY PLANNING COMMISSION

Thursday, December 2, 2004

PLANNING COMMISSION REGULAR SESSION

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

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

APPROVAL OF MINUTES

John Montgomery moved that the Planning Commission approve the minutes of the November 11, 2004. **Keith Klundt** seconded the motion. The Commission voted unanimously in favor.

AMENDMENT OF AGENDA

Cindy Roybal moved that the Planning Commission hear a miscellaneous item regarding a proposed redesign of the City's logo prior to Agenda Item #2. **Keith Klundt** seconded the motion, which passed by unanimous vote.

PROPOSED CITY LOGO REDESIGN

Mr. Rick Dutson, member of the City Council, stated a committee had worked redesigning the City logo. They had tried to maintain the historic feel of the logo without having a dated image. They also wanted to have a strong yet simple design that could be applied in many different ways. Mr. Dutson showed the art board of the design. He asked that the Commission take time to think about the design before responding to it.

PUBLIC HEARING: HOWARD KENT REQUEST FOR PRELIMINARY PLAT APPROVAL FOR A SUBDIVISION CONSISTING OF UP TO 75 LOTS LOCATED ON THE MCKITTRICK PROPERTY AT APPROXIMATELY 675 NORTH 1800 WEST IN AN AE ZONE (S-11-04) (Agenda Item #2)

Background Information

The proposed preliminary plat for the entire McKittrick property consists of 158 lots. On September 23, 2004, the Planning Commission tabled consideration of the entire preliminary plat

to allow time for the developer and the City to execute an agreement regarding transportation issues in the area and to allow time for the developer to complete the unfinished items required as part of the application for preliminary plat approval. The main unresolved transportation issue dealt with the two unsafe railroad crossings: one at 675 North (Burke Lane) and the UTA tracks and the other at 1525 West and the UTA tracks. Two independent traffic engineers recommended that the City not approve another lot until safety was improved at these two crossings. In the meantime, the developer was anxious to move forward with a portion of the preliminary plat which would not create additional traffic on 675 North or 1525 West street, east and north of te UTA tracks.

The applicant is requesting preliminary plat approval for two separate distinct groups of lots. The southerly group, consisting of 46 lots, receives access from the Farmington Ranches Phase 5 subdivision to the south and from undeveloped property owned by Rodney Hess to the west. Twenty-eight of the 46 lots are situated on a dead-end street (1129 feet in length). Section 12-7-040(4)(c)(i) states "Dead-end streets shall serve as access for not more than 24 residential lots and shall not exceed 1000 feet in length." Paragraph (iii) of that same section provides for an exception as follows: "Exceptions to the requirement for second point of independent access may be granted by the City Council after receiving a recommendation from the Planning Commission upon a finding that the topography or other physical conditions of the development site make it impossible to provide a second access which complies with the street design standards established by the City and that an increased street length and/or density will not unreasonably impact the ability to provide emergency and other public services." Under the circumstances, an exception may be warranted to provide an adequate turn-around thereby increasing safety in the area. The 1000 foot length ends in the middle of Lot 204. The Subdivision Ordinance states that dead-end streets shall have a 40 foot radius temporary turn-around at the end. Temporary turn-arounds are often not an adequate solution because sometimes they do not provide enough maneuvering area for the fire trucks, garbage trucks, etc., and because of the temporary nature of the improvement, long term maintenance is problematic if the dead-end street does not connect to another point of access. It is possible for the applicant to provide the City with a permanent turn-around or cul-de-sac area if he is allowed to develop an additional 5 lots. Alternatively, an exception is not necessary if the developer provides another point of access from the Rodney Hess property.

The developer is also pursuing approval of the northerly portion of the subdivision consisting of 28 lots adjacent to the Hunter's creek subdivision. Hunter's Creek received preliminary plat approval for approximately 170 lots after entering into a development agreement with the City regarding transportation issues related to that subdivision. If the Planning Commission chooses to grant preliminary plat approval for the northerly lots, any such approval should be subject to the same agreement that the City entered into with Woodside Homes (the developer of the Hunter's Creek Subdivision).

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information and explained the preiminary plat, including the transportation corridors.

Public Hearing

Chairman Ritz opened the meeting to a public hearing.

Howard Kent (developer, Salt Lake City resident) felt there had been a great deal of progress made in the plan for the transportation needs of the area. There were three developers involved. He felt the design resolved the traffic problems that existed. He needed to have approval for the application because he needed to begin work on the subdivision.

Dick Moffat (representative of the Boyer Company) stated he was in support of the project. His development, Farmington Ranches, was a development adjacent to the subdivision under consideration. Mr. Moffat's company would be coming before the Planning Commission to request preliminary plat approval for the adjacent development within several months. Mr. Moffat stated that although there had been efforts to purchase and develop the Hess property as part of the project, the Hesses had declined, and that property was unavailable.

Paul Chase (1163 Alice Lane) stated he represented the Farmington Trail Committee. He wanted to know what the status of the railroad which went through the subdivision.

Mr. Petersen said UTA was planning a bike path along the railroad right-of-way. The path will be adjacent to the subdivision, but not within the subdivision's boundaries.

Public Hearing Closed

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

When asked, **Mr. Kent** stated that the three developers involved will contribute funding to fix one railroad crossing (the Burke Lane crossing) and possibly the 1525 West crossing permanently so that those areas will be safe for traffic.

Mr. Petersen said eventually the south crossing may be closed. Financing specifics have not been totally resolved.

Cindy Roybal discussed the possibility of using the two acres of open space as a park. Doing so would add a very nice amenity for the community.

[Kevin Poff arrived at 7:50 P.M.]

Motion

John Montgomery moved that the Planning Commission grant preliminary plat approval for a southerly portion of the subdivision subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The applicant must receive an exception to the 1000 foot dead-end street limitation from the City Council after receiving a recommendation from the Emergency and other public service providers.

2. The preliminary plat shall be limited to lots only located on property owned by the developer, and shall also not include Lots 204, 205, 231, 230, 229, and 228.

3. The applicant shall enter into a development agreement with the City to set forth, among other things, the timing of on-site and off-site transportation improvements related to the subdivision.

4. The developer must prepare improvement drawings including a grading and drainage plan implementing Best Management Practices as set forth in the Farmington City Storm Water Management Plan by the City Engineer, Public Works Department, Planning Department, Fire Department, Central Davis County Sewer Department, and Weber Basin.

5. The preliminary plat shall be updated to include the following:

    a. The name of the subdivision.

    b. Location, if any, of all isolated trees worthy of preservation.

    c. The boundaries of areas subject to 100 year flooding or storm water overflow.

    d. The average lot size.

    e. Preliminary indication of needed storm drain facilities and preliminary run-off calculations.

    f. The location of improvements which may be required to be constructed beyond the boundary of the subdivision shall be shown on the subdivision

plat or on the vicinity map, as appropriate.

g. The words "Preliminary Plat–Not to Be Recorded" shall be shown on the plat.

h. The applicant must submit a soils report based on adequate test borings and excavations prepared by a civil engineer specializing in soil mechanics and registered by the State of Utah.

i. The applicant must submit a maintenance plan as set forth in Section 11-12-160 of the Zoning Ordinances.

6. The applicant must preserve, under permanent easement or other means acceptable to the City, a proportionate share of the open space required by the conservation subdivision chapter of the Zoning Ordinance.

Mr. Montgomery also moved that the Planning Commission table preliminary plat approval for the northern portion of the subdivision consisting of 28 lots.

Jim Talbot seconded the motion. The vote indicated unanimous vote. Kevin Poff abstained.

Findings

a. The application was in compliance with applicable zoning ordinances.

b. The developer demonstrated a willingness to resolve problems related to safety at the two railroad crossings.

c. The transportation plan will provide a loop giving emergency vehicles a turn around and improved access.

d. The motion to table discussion of preliminary plat approval for the northern portion of the subdivision consisting of 28 lots would give the developer time to gather further information.

PUBLIC HEARING: JMR LAND DEVELOPMENT REQUEST FOR A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A SUBDIVISION CONSISTING OF 32 LOTS ON APPROXIMATELY 14.5 ACRES LOCATED EAST OF 200 EAST OR S.R. 106 (APPROXIMATELY 300 EAST) BETWEEN 1100 SOUTH AND 1370 SOUTH IN AN LR-F ZONE AND AN A ZONE (S-23-04) (Agenda Item #3)

Background Information

The enclosed schematic plan was very preliminary. Except for 3 or 4 lots, the property is mostly zoned Agriculture/Foothill (A-F). A schematic plan should be reviewed either concurrently with or after a zone change is considered. The proposed subdivision is adjacent to large and deep parcels that abut 200 East. It is possible for the owners of these parcels to subdivide the easterly half of their properties without developing flag lots if the main north/south road in the proposed subdivision is located farther to the west. Typically, lots located on the western side of a north to south road in the foothill areas of Farmington are considered "View" lots and often tend to sell for a higher premium. The developer located the proposed road to optimize the development possibilities of Lots 3-7 and 201-210, while at the same time, creating Lots 8-13 and 211-217 where major portions of these lots appear to be in acres characterized by slopes greater than 30% which is a violation of the Farmington City Foothill Ordinance. The developer contends that this is necessary and will be on hand to discuss his rationale with the Planning Commission. The public hearing will also provide a forum whereby property owners along 200 East may comment on the plan.

The flag lot and the John White home west of Lots 6 and 7 were recently approved by the City. At the time of approval for the flag lot, it was contemplated that a developer would construct a north to south road similar to the road proposed on the schematic plan adjacent to the east side of the John White property (or the flag lot) and thereafter, access to this lot would come from the new road and not the stem portion of the flag lot.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the agenda item. He stated that it was always good to get public input in the early stages of development. He had asked the developer why the road was not placed in a location where adjacent property owners to the west could develop the eastern portions of their large lots. The developer responded that if the road was placed to the west, lots in his development could not be created on both sides of the streets It would then not be financially possible to make the subdivision viable.

Public Hearing

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

Chris Balling (developer) stated that the road was placed where it was for several reasons, one of which was drainage. The slope of the terrain was also restrictive. When asked, Mr. Balling explained plans for cuts and fills to make some of the lots buildable.

Russell Workman (1099 South 200 East) owned the property directly west of lot 209. He would like to be able to develop the back of his property, which goes all the way to 200 East. He did not want to be left with a land-locked parcel.

Mr. Petersen stated lot 209 would probably not be a buildable lot. It was within Planning Commission jurisdiction to require the developer to provide access to surrounding neighbors.

Harlow Wilcox (1149 South 200 East) offered to provide property to help improve the alignment of the road.

Public Hearing Closed

There being no further comments, **Chairman Ritz** closed the public hearing. and asked for comments from the Planning Commission.

Mr. Petersen asked the Commission how they felt about the alignment of the road.

Mr. Hill raised the issue involving the White Home. The City Council had approved the flag lot on the premise that there would eventually be an access provided that would eliminate the need for the stem access. With the current road plan being presented, the flag lot would remain.

Mr. Montgomery asked for more information regarding road and building lot grades. He also asked how large a building pad needed to be. Mr. Montgomery was not in favor of allowing building lots on slopes of more than 30%.

Mr. Talbot stated that a portion of the subdivision would be level enough for building. However, even with compacting, fill would not be the ideal way to create building pads.

Mr. Poff had strong feelings against having homes built on steep slopes. There were also problems with washes through the area which could cause significant flooding potential.

Chairman Ritz stated that in preliminary discussions, the Planning Commission had been led to believe there would be a road configuration that would benefit other property owners in the area. There needed to be a little more creative thinking with regards to the road alignment.

PUBLIC HEARING: THE BOYER COMPANY REQUEST FOR PRELIMINARY PLAT APPROVAL FOR FARMINGTON RANCHES PHASE 7 CONSISTING OF 28 LOTS OSN 46.04 ACRES LOCATED APPROXIMATELY 2200 WEST CLARK LANE IN AN AE ZONE AND AN A ZONE (S-22-04) (Agenda Item #4)

Background Information

Thus far the native landscaping on previous phases of the Farmington Ranches Subdivision has been disappointing. The vegetation, after the subdivides cleared the property, is characterized by tall milkweed-type plants that hide the location of fire hydrants, reduce visibility at corners, and is very aesthetically unpleasing. It may be that the native grasses purported to be planted by the developer have not germinated yet. What can be done to assure that Phase 7 does not end up looking like Phases 1-6 as far as native grasses and other vegetation are concerned?

The present plant a cover on the property is characterized by native grasses and wetland vegetation. The developer should take great care in not grading or excavating beyond building pad sites which may require revegetation in the future. By following the Development Agreement which discourages indiscriminate development of open space, any future relandscaping or replanting of native grasses or revegetation should be minimized. The City has received recommendations from the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture in the past for other places in the community. A recommendation from the NRCS regarding the landscape plan prepared for the proposed subdivision development would be very helpful.

Previous phases have not submitted storm water pollution prevention plans providing for the protection of the City's storm water system and/or wetlands as required by federal law. A plan should be required showing best management practices for erosion control including, but not limited to, stabilized construction entrances silt fence installation, and storm drain inlet protection with details showing proper installation. Farmington Ranch Phase 5 had a note on the grading/storm drain plan: "the contractor shall be responsible to prepare, submit and obtain approval for an erosion control plan." this was not done. The erosion control plan should be included as part of the subdivision drawings to make sure it is done.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information. Mr. Petersen described the preliminary plat. The lots were large. The developer had agreed to provide a temporary road for emergency vehicle access until such time as a second point of access is developed. Mr. Petersen explained the potential road alignment if some of the adjacent property owners wish to develop in the future.

Public Hearing

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

Mr. Moffat (developer) stated that the City Engineer had reviewed the plans and the traffic design complied with the master plan for the subdivision. The lots had been reduced to 20 from the 28 indicated in the packet.

Paul Chase (Farmington Trail Committee) wanted to make sure that the trails planned for the development were still in place. He reminded the Planning Commission that land under the power lines was non-buildable.

Joyce Lindsley (adjacent property owner at 250 South 1521 West) expressed concerns about how her property and others in the area would receive sewer, and she raised th eissue of whether or not the proposed plan would accommodate sewer to the east. Ms. Lindsley said that her property would be land-locked if planning is not done carefully. She said that the trails needed to be black top or gravel so that they were horse friendly. The concrete which had been used on one of the trails was expensive and horses could not use it. Ms. Lindsley was supportive of the trail system but said they needed to be usable by everyone. She raised a concern about drainage for her property.

Mr. Moffat said that drainage is being engineered to handle the run off properly. He also said there would be no land eliminated from proper access. Also, the trails under the power line and other major trails would not be surfaced in concrete.

Public Hearing Closed

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

After being questioned by Cindy Roybal, **Mr. Moffat** stated that the road alignment had been designed in response to drainage engineering.

Mr. Petersen said that Ms. Lindsley raised a concern that he felt was justifiable. He wanted to make sure that sewer connections were appropriate to the slope of the ground. Mr. Petersen felt staff should meet with the Central Davis Sewer District to make sure the subdivision had been master planned to the specific needs of that particular area.

Mr. Moffat stated he would be willing to meet with Leland Meyers of the Davis County Sewer District as a part of the normal process of approval.

Mr. Klundt asked about the ability of the developer to comply with previous landscaping requirements.

Mr. Moffat stated that all requirements had been met to date. The landscaping had been turned over to the home owner's association at that point.

Motion

Keith Klundt moved that the Planning Commission approve the preliminary plats (7-A and 7-B) for Phase 7 of the Farmington Ranches Subdivision subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. Review and approval of the plat and improvement drawings by the City Engineer, Public Works Department, Fire Department, Central Davis County Sewer District, and Weber Basin Water conservancy District.

2. Review and approval by the City Engineer of a grading and drainage plan showing by appropriate graphic means the proposed grading of the subdivision and a storm drainage facility plan showing the needed storm drainage facilities with runoff calculations and location, size and outlets of the drainage system.

3. Illustrate the proposed conservation land associated with Phase 7 on the Farmington Ranches project master plan.

4. Submit a landscape plan for review and approval by the City for all neighborhood open space areas within the plat.

5. The development is subject to the conditions set forth in Development Agreement 2000-23 between Farmington City and The Boyer Company dated August 31, 2000, and any amendments related thereto.

6. Demonstrate to the City that a wetlands permit has been issued for the Phase 7 construction permitting development of the same.

7. Identify the 100-year flood plain on any final plat of the Farmington Ranches Phase 7 Subdivision and provide the lowest habitable elevation at or above the base flood elevation for lots within the flood plain.

8. Submit a storm water pollution prevention plan that meets all Farmington City Ordinances and State NPDES requirements, indicating besxt management practices for

   preventing erosion and contamination of the City's storm water system and existing canal.

9. Show the cross project trail planned within the power corridor on the preliminary plat.

10. Provide a trail connection acceptable to the City between lots 723 and 274 to the cross project trail.

11. Meet with the sewer district to ensure that the proposed subdivision will not prevent the delivery of adequate sewer service (acceptable to the district) to adjacent property owners, adjoining neighborhoods, and the entire district as a whole.

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

Findings

1. The applicant complied with the master plan for the area and the General Plan for the City.

2. It appeared that the developer had made a good faith effort to comply with the requirements of the City. He had been good to work with in the previous phases.

3. The trail system had been constructed according to the Master Trail Plan.

4. Private property owners will have to work with the developer to provide access to their property.

R.K. BUIE CO., COWBOY PARTNERS, AND GARBETT HOMES REQUEST FOR SITE PLAN APPROVAL, INCLUDING A RECOMMENDATIONS FOR FINAL PLAT AND FINAL DEVELOPMENT PLAN APPROVAL FOR THE PROPOSED FARMINGTON CROSSING PUD CONSISTING OF 159 "FOR SALE" RESIDENTIAL DWELLING UNITS ON 11.74 ACRES LOCATED AT APPROXIMATELY 850 NORTH SHEPARD CREEK PARKWAY IN A C ZONE (S-19-04) (Agenda Item #5)

Background Information

The proposed project is a Planned Unit Development (PUD), therefore, it must be reviewed for conditional use/site plan approval and subdivision approval. The Planning Commission granted conditional use approval for the application on July 20, 2004. Preliminary plat and/or preliminary development plan approval was granted by the Planning Commission on

October 26, 2004. The end result for both processes, as far as the Planning Commission is concerned, is outlined in the motion referenced herein.

The minimum landscape percentage for a multi-family residential site is 40% and the developer is only landscaping 27.4% of the total site. However, he is improving and off-site fishing pond in conjunction with Davis County and the Division of Wildlife Resources and Section 11-7-107(4)(a) states "Upon a request by the applicant, landscape percentages may be reduced if the Planning Commission finds that due to the size of the parcel, the amount of landscaping required is unreasonable and cannot be locate din useful conditions."

During the Planning Commission's review of the preliminary plat, the discussion centered primarily on off-street parking. The applicant has presented a new parking plan for Planning Commission consideration. Are the off-street parking spaces for the Shepard Creek Parkway garbage pick-up for each dwelling unit in the subdivision?

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information. He talked about the traffic system for the development. He also briefly discussed drainage. The water pond being developed as part of the subdivision was an amenity that was being developed in cooperation with the County. The pond was off-site and would be maintained by the County.

Chairman Ritz invited the developer to address the Planning Commission if he wished.

Mr. Buie (developer) said the road design was somewhat problematic if the road to the north needed to be dedicated to the City. He said they would rather wait to see if the road were really needed before dedicating the property. Mr. Buie reviewed parking for the project. It had been a big concern in previous meetings, especially visitor parking. More parking had been included in the current design.

The Planning Commission, the developer, and the City Planner discussed in detail options regarding the road on the north side of the project. **Mr. Petersen** felt it would be wise to have the road dedicated to the City at this point to eliminate any future problems. At the end of the discussion, Mr. Petersen suggested that the Planning Commission make the best recommendation they felt they could and pass the issue on to the City Council for their consideration.

Motion

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

1. The conditions set forth herein shall also be conditions of the conditional use permit.

2. The clubhouse portion of the project shall be reviewed under a separate conditional use and site plan application.

3. The final improvement drawings 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, Planning Department, Fire Department, Central Davis County Sewer District, and Weber Basin Water conservancy District, and Davis County Flood Control.

4. The developer shall obtain a flood control permit from Davis County.

Mr. Montgomery also moved that the Planning Commission recommend that the City Council grant final plat or final development plan approval subject to all applicable Farmington City development standards and ordinances and the following:

1. The developer shall comply with all conditions of the conditional use permit and preliminary plat approval.

2. The applicant shall improve and dedicate to the City the street shown on the north side of the plat with two safe and passable drive lanes acceptable to the City.

3. The City and the developer shall enter into a develo9pment agreement to include, among other things, maintenance responsibilities for the dedicated improved street on the north side of the project. The Planning Commission recommends that the City n ot maintain this road until the street is fully improved and connects to the one-way frontage road adjacent to U.S. Highway 89.

4. The applicant must receive approval for all public improvement drawings including a grading and drainage plan implementing Best Management Practices as set forth in the Farmington City Storm water Management Plan, by the City Engineer, Public works Department, Planning Department, Fire Department, Central Davis County Sewer District, and Weber Basin Water Conservancy District, and Davis County Flood Control.

5. As part of the grading and drainage plan, all drainage flows from the project shall be conveyed directly to the County detention basin.

6. The format of the final plat, including signature blocks, shall be updated to comply with Farmington City standards.

7. A note shall be placed on the final plat indicating that a soil report has been prepared and submitted to the City for the proposed subdivision in accordance with the provisions of the subdivision title.

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

Findings

1. The parking for the facility had been improved.

2. The application was in accordance with Master Plan and zoning for the area.

3. The project had evolved with substantial improvements over the original design.

4. The Planning Commission anticipated there would be more information obtained by the time the City Council reviewed the application which would allow them to make an appropriate decision.

PUBLIC HEARING: KEITH SALMON REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO AMEND SECTION 11-5-107(7) OF THE ZONING ORDINANCE REGARDING "RECONSTRUCTION OF NONCONFORMING BUILDING OR STRUCTURE PARTIALLY DESTROYED" (ZT-7-04) (Agenda Item #6)

Background Information

The applicant has requested that the zoning ordinance3 be amended to allow restoration or replacement of a non-conforming structure that is damaged or 100% destroyed as a non-conforming structure. Currently, the ordinance only allows the restoration of non-conforming structures that are destroyed to the extent of not more than fifty percent of their reasonable replacem4ent value. If a structure is damaged to the extend of fifty percent or more of its value, it can only be replaced with a conforming structure.

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

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

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

The Planning Advisory Service provides information to cities concerning ordinances such as this one. They have been requested to provide us with information concerning national trends or standards concerning restoration of non-conforming structures.

Supplemental Information provided by Planning Advisory Service:

Westport CT	Restoration allowed if begun in 1 year and completed within 2 years. No % limit.
Escambia FL	Restoration allowed, No % or time limits.
Arlington TX	Restoration allowed if less than 50% destroyed.
Manhatten Beach CA	Restoration allowed if 50% or less destroyed.

Newport Beach CA	Restoration allowed if cost of restoration is less than 90% of the replacement value of the structure.
Grand Junction CO	Restoration allowed if less than 50% destroyed.
McCall ID	Restoration allowed if 50% or less of replacement cost destroyed.
Gurnee	Restoration allowed if less than 50% destroyed. Must start within 1 year.
Genoa MI	Restoration allowed if less than ½ of market value destroyed.
Rantoul IL	Restoration allowed if less than 75% of fair market value destroyed. Must being within in year.
Durham NC	Restoration allowed if less than 50% of appraised tax value is destroyed
Warrenville IL	Restoration allowed if less than 50% of cost of construction the entire building new is destroyed.
Burr Ridge IL	Restoration allowed if less than 50% of cost of construction the entire building new is destroyed.
Portland OR	Restoration allowed with no % or time restriction.
Boulder County CO	Restoration allowed if less than 50% of replacement cost destroyed. Exceptions: single-family, multi-family (up to 4 dwellings) or a residential condominium structure can be rebuilt with no limit on damage. Commercial office structures can be rebuilt with no limit on damage provided that parking or parking lot landscaping is the only nonconformity.
Vail CO	Restoration allowed with no % damage limit if commenced within 1 year.
Rochester NY	Restoration allowed if less than 75 % destroyed.

Pace University Land Use Law Center– Nonconforming Uses. Series I: Basic Tools and Techniques, issue Number 4. Reconstruction and Restoration . . . "Typical standards range from 25% to 50%. These provisions are premised on the theory that owners do not have a right to reconstruct a nonconforming building after it suffers significant damage because their property rights were destroyed by the disaster, rather than by the ordinance."

The purpose for having a nonconforming structure designation is so there is a mechanism to remove those structures some time in the future. By making the proposed change to the ordinance language, this tool would be removed. It is true that the applicant originally had a conforming use and that a change in the zoning designation for his lot made his structure nonconforming. However, changing the language of the ordinance or even for the OTR section for this one instance does not seem to be justified. Although there are some areas of the country that allow rebuilding if a structure is damaged or destroyed completely, the majority of the examples that have a limit to the percentage of destruction that is allowed use 50% as the limiting percentage.

It is the understanding of staff that there is a mechanism to get title insurance that will allow a nonconforming structure to be refinanced. It would be better for individuals with a conflict caused by the nonconforming use designation to pursue this avenue rather than change the ordinance.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information. He briefly discussed the information obtained from the Planning Advisory Service. Typically nation-wide communities require between from 25 to 50 percent of the building to remain before allowing reconstruction. Ordinances regulating reconstruction are based on the fact that an owner does not have the right to reconstruct a non-conforming building. If the ordinance were to be changed it would be implemented City-wide and would have possibly unknown negative implications.

Public Hearing

Chairman Ritz opened the meeting to a public hearing.

Mr. Salmon addressed the Planning Commission. He had checked with a professional regarding other options to refinance his project, including gaining an endorsement. He was told that it was becoming much more difficult to gain refinancing for such projects. All surrounding communities have ordinances that would allow the rebuild. He said he did not feel that one fix could fit all the properties involved. He did not understand why he would not be allowed to rebuild a building on his lot.

Public Hearing Closed

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

John Montgomery felt that it could be possible to amend the ordinance to allow Mr. Salmon to rebuild by limiting such approval to duplexes.

Chairman Ritz felt the problem involved would create a ripple effect through the City. There existed structures in the City that should not be rebuilt if destroyed.

Mr. Poff wondered if there was not a law in the City which would allow for a waiver regarding a destroyed building that really should be rebuilt.

Mr. Talbot felt that it may be possible if the builder were to apply to the BOA. He would rather have Mr. Salmon go before the BOA than to rewrite the ordinance which would effect the entire City.

Mr. Petersen said that it would be difficult for the BOA to find a hardship. The issue was basically a policy decision. Should the City be flexible regarding the rebuilding of non-conforming building or should the City support the elimination of non-conforming structures?

Motion

John Montgomery moved that the Planning Commission recommend an amendment to Section 11-5-107(7) of the zoning ordinance to unconditionally allow construction if construction commenced within 12 months and as long as it was a residential structure of two units or less. **Kevin Poff** seconded the motion, which passed by a 4 to 2 vote. Chairman Ritz and Jim Talbot were opposed to the motion. Ms. Roybal was briefly absent from the meeting and was unable to vote.

Findings

1. Neighboring communities used similar standards in dealing with reconstruction of non-conforming buildings.

2. The action seemed reasonable and would likely have a limited effect on the entire City because it was restricted to residential structures of two units or less.

3. The motion preserved the integrity of ordinance as it applies to the most egregious structures.

4. Those in opposition to the motion felt it would be preferable to have applicants go to the Board of Adjustment rather than changing the ordinance for the entire City.

5. Another opposing opinion was that the ordinance amendment may still have a negative unforseen ripple effect City-wide.

MOTION TO CONTINUE BUSINESS PAST 10:00 P.M.

Jim Talbot moved that the Planning Commission review one more agenda item past the hour of 10 P.M. **John Montgomery** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: FARMINGTON CITY REQUEST ON BEHALF OF A PROPERTY OWNER TO HAVE THE PLANNING COMMISSION RECONSIDER A PORTION OF THEIR RECOMMENDATION REGARDING TEXT FOR THE PROPOSED COMMERCIAL MIXED USE ZONE (CMU) APPROVED ON NOVEMBER 11, 2004 (ZT-6-04) (Agenda Item #7)

Motion

John Montgomery moved that the Planning Commission reconsider a motion taken on November 11, 2004, regarding the Commercial Mixed Used (CMU) Zone text. **Jim Talbot** seconded the motion, which passed by unanimous vote.

Mr. Petersen explained the reason for the request to reconsider approval of the CMU zone text. He reminded the Planning Commission they had eliminated auto repair shops and storage unit facilities from the conditional use list in the CMU. Currently, Mr. Bell (developer of the property north of Lagoon Drive) wished to have those two uses reconsidered because he felt they would be appropriate for the land.

Public Hearing

Chairman Rtiz opened the meeting to a public hearing and invited Mr. Bell to address the Planning Commission.

Greg Bell said there were two issues left hanging when the project was last discussed. The text of the CMU had not received final approval from the City council; and whether or not the City wanted to "warp" the CMU requirements for just one parcel in the City. Mr. Bell said the elbow of the property in question (property north of Lagoon Drive) would be about 35 feet lower than the road going by. Not many uses would survive on that land. It deserved special treatment.

Dan Nixon (developer of class-A storage units) said the focus of his development company was to create class-A storage units along the Wasatch front. He said the CMU zone text was good, and he would not have any problem with meeting the landscaping or design standards

of the zone. Self-storage was considered rental property. The planned project would not have large capacity which would eliminate storage of such items as RVs. His project would be a very complimentary use for the neighboring uses. The project would also be an excellent buffer. The proposed property would be an ideal location for the storage unit. The design of the units would be compatible with surrounding architecture features. He would need to work with the door design because it was important for people to know that the building was a self-storage facility.

Public Hearing Closed

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

John Montgomery felt the CMU should be left as it was and that the applicant should look for a rezone for the portion of the property that would be needed for the storage units.

Mr. Petersen stated doing so may be spot-zoning. The General Plan for the area calls for CMU zoning. If the Planning Commission chose to have an island of commercial, it would be inconsistent with the General Plan.

Mr. Montgomery asked if the circumstances merited amending the General Plan to allow the rezone of a portion of the property.

Jim Talbot felt that doing so may set a dangerous precedent. He felt a storage unit facility belonged in an area zoned commercial (C). This specific developer (Mr. Nixon) may do a good job, but other developers may not be the same in other areas. A change would effect all CMU areas throughout the City. The property north of Lagoon Drive is a gateway to the City. Would the storage unit facility and the auto repair shop be good uses for the entrance to Farmington?

Mr. Bell stated that the Planning Commission should assume that if a conditional use applicant came in, the Commission should approve the use if the applicant complied with conditions. Mr. Bell felt that the storage unit facility should be allowed with strict standards that would make lesser builders unable to comply with the zone.

Mr. Petersen stated that if every term in the zone had to be defined it would be extremely cumbersome. Enforcement also needed to be considered.

Mr. Nixon stated that nationally, the storage unit associations had self-regulating standards which defined class-A from other facilities. He would be happy to provide the City with the existing standards to help guide the defining process. He also stated he would be happy to comply with any restrictions exacted of his project by the City. It was actually in his favor to implement high standards thus making it harder for his competition to comply with conditions. If

the City was dissatisfied with the appearance of roll-up doors, the facility could be built in a "fortress style" meaning the access doors would be on the interior of the building and all exterior walls seen by the public would have no access doors.

Motion

Kevin Poff moved that the Planning Commission eliminate the parenthetical text on 11-19-104(b)(3) regarding Class A self-storage units. **Keith Klundt** seconded the motion. The motion passed by a 4 to 3 vote. Chairman Ritz, John Montgomery, and Cindy Roybal voted in opposition to the motion.

Jim Talbot moved that the Planning Commission investigate further defining Class A, Class B, and Class C self-storage units as a conditional use in the CMU zone. **Kevin Poff** seconded the motion. The motion passed by a 5 to 2 vote. Mr. Montgomery and Ms. Roybal opposed the motion.

Findings

1. If storage units were to be allowed they would have to have overhead access doors. The ordinance could include enough design standards to keep the construction standards high.

2. The ordinance will be strengthened by the addition of a definition.

3. It was not intended that every conditional use be defined. However, it was likely the public would want to know how the City defined Class A storage units.

4. If a storage unit facility is allowed, the design standards must be high.

5. Those in opposition of the motion did not want to open the door to allow storage units in any CMU zone.

6. Also, those in opposition felt the storage unit use may be suitable for the location proposed, but it may be unwise to consider the ordinance amendment due to a single application.

Mr. Talbot made the comment that when months and months of work are done by the City and the community to create ordinances, the Planning Commission should not move quickly to change them.

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

Motion

Kevin Poff moved that the Planning Commission table consideration of the Farmington City request for a recommendation regarding text for the proposed neighborhood mixed use zone (NMU) until their next meeting. **Keith Klundt** seconded the motion, which passed by unanimous vote.

CITY COUNCIL REPORT AND MISCELLANEOUS

Brothers construction LLC development proposal–

Mr. Petersen explained the issue. The General Plan had been designed with the input of the property owners. The Brothers Construction LLC currently wanted to have one-acre lot development on the property in question. They wanted to have a response from the Planning Commission regarding their plans. The property was currently zoned Agriculture (A). Mr. Petersen described the traffic flow design. He asked if the Planning Commission felt there should be two points of access to help provide connection to adjacent properties.

Mr. Talbot felt the developer should provide the second point of access, at which point the developer said he would agree to do so.

Discussion of Economics Development

The planning Commission members discussed at length the City's actions regarding economic development in the City.

Mr. Petersen presented a suggested review process for the proposed Cherry Hill commercial center, including dates and goals.

The members of the Commission discussed each point. They were especially interested to have Keith Johnson (financial director for the City) give them information regarding the City's revenue needs. Commission members, by consensus, agreed that a vote should be taken on the proposals at their meeting on January 13th. The meeting should be posted to alert interested citizens of the intended action.

Planning Commission Elections for 2005

Chairman Ritz thanked Bart Hill for his service to the Planning Commission. It was Mr. Hills last meeting since he had filled the term of his appointment. Commission members wanted to make sure that Mr. Hill receive recognition from the City for his work.

Jim Talbot nominated Cory Ritz as the Planning Commission chairman for 2005. Mr. Ritz was voted the chairman by acclamation.

Mr. Talbot nominated Cindy Roybal as the Planning Commission vice-chairman for 2005. The Planning Commission voted by acclamation to retain Ms. Roybal as the vice-chairman.

A discussion ensued regarding a replacement for Mr. Hill. Members were asked to encourage qualified members of the community to apply for the position, especially residents in the south and west portions of the City.

Jim Talbot nominated Kevin Poff as the Planning Commission representative to the Board of Adjustment. **Keith Klundt** seconded the nomination. The vote was unanimous in the affirmative.

Proposed 2005 Planning Commission schedule

The Commission briefly discussed the proposed 2005 Planning Commission schedule. By consensus the schedule was approved.

ADJOURNMENT

Bart Hill moved that the Planning Commission adjourn at 12:30 A.M.

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Cory Ritz, Chairman
Farmington City Planning Commission