

FARMINGTON CITY PLANNING COMMISSION

Thursday, December 5, 2002

PLANNING COMMISSION STUDY SESSION

Present: Chairman Linda Hoffman, Kent Forsgren, Bart Hill, Cindy Roybal, Cory Ritz, Sid Young, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Commissioner Larry Jensen was excused for the first part of the study session.

Chairman Hoffman began discussion at 6:10 P.M.

Mr. Petersen introduced Dan Lofgren and Fred Nygren, representatives of Liberty Lane Apartments.

Chairman Hoffman stated the study session was only for information and discussion. Commissioners would express their thoughts, but nothing said should be construed as binding.

The Chairman, Commissioners, City Planner, Mr. Lofgren and Mr. Nygren discussed the project, including the following points:

- ⌞ The proposed apartment units would be high end, expensive rental units, intended for use by high-income people who chose not to have the restrictions of home ownership. The apartments were not necessarily intended for large family style living.
- ⌞ The apartments would be high quality, moderate density, and well landscaped.
- ⌞ The construction would leave open the section on the west end of the property where wetlands exist. The wetland area would be enhanced as an open space amenity for the community. The park-like space would be designed to help preserve the pastoral feeling of the City. A view of the interior of the parcel to the north would be available through the open space wetland area.
- ⌞ Advantages of the apartment project as seen by the developer included suitability to the property, low impact to the neighborhood and infrastructure, and added roof tops for City revenue.
- ⌞ Since the economic study originally cited as a block to the project was not immediately forthcoming, it was the desire of the developer to find out if City officials would be amenable to the application.
- ⌞ The application would not be a rezone, rather it would be a text change to allow for the density of the proposed apartments in the current zone. Density would be about 12.74 units per acre.

- ↯ It was felt by the developer that the apartment units would not have a negative affect on any possible projects to the north. A road stub connection would be left for any development needs to the north. If the north property were not to develop, the apartments would not negatively affect the open space.
- ↯ The Dejong family (owners of the property to the north) have been adamant regarding any development on their land. They feel the area should be left for agricultural use. The apartment developers felt there was nothing about the project that would preclude the Dejong parcel from remaining pasture.
- ↯ Commission members wanted to know what the buildings would look like on the side exposed to the road. The developers stated the design of the building would be attractive, even though that side could be considered the “back” of the building.
- ↯ There would be ample garages to allow car storage space, keeping them off the street.
- ↯ Developers stated water table levels in the area have been taken into engineering consideration.
- ↯ The street through the development is wide enough for 2 cars to pass by each other.
- ↯ Once the project receives approval, it will be completed within about 2 years. Sales of units would begin shortly after start of construction. If the current market continues, units should lease at about 25 per month.
- ↯ The development could be an ideal entrance to the City. The enhanced open space land on the west end would be a good portal to the City.
- ↯ A discussion about the proximity of Lagoon ensued. The developer felt that the apartments would be a good buffer between Lagoon and any development to the north. Apartments of this nature do very well on busy streets. The traffic of the road would provide something of a noise buffer to Lagoon.

[Larry Jensen arrived at 6:45 P.M.]

- ↯ It was planned that a fence would be used to define the perimeter of the project.
- ↯ Landscaping was discussed.
- ↯ It may be well to discuss the project in a joint City Council/Planning Commission meeting.

- ▮ Usually, developers who receive permission for higher density must compensate the City for the consideration. The developers were told that such would be expected.
- ▮ The developer stated the apartment project would help provide important housing stock to the City. It is part of the housing need of the state that is not represented in Farmington. It would help entice elements of a good economic base.
- ▮ The apartments met with generally favorable reactions from most Commission members. Some felt the project had much of what would be looked for if they were in the market.
- ▮ The developers stated they were not opposed to entering into a development agreement with the City.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Linda Hoffman, Kent Forsgren, Bart Hill, Larry Jensen, Cindy Roybal, Cory Ritz, Sid Young, City Planner David Petersen, and Deputy City Recorder Jeane Chipman

Chairman Hoffman called the meeting to order at 7:05 P.M. Cindy Roybal offered the invocation.

APPROVAL OF MINUTES

Sid Young *MOVED* that the minutes of the November 14, 2002, Planning Commission Meeting be approved. **Larry Jensen** seconded the motion. The Commission voted unanimously in favor.

PUBLIC HEARING: JOHN STEPHEN WHITE REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL REGARDING THE CREATION OF A PROPOSED FLAG LOT LOCATED AT APPROXIMATELY 1283 SOUTH AND 200 EAST IN AN LR-F (AND A-F) ZONE (S-6-02) (Agenda Item #2)

Background Information:

John Stephen White, Jr., proposes to build a home on family property east of 200 East behind the existing historic White ancestral home. Section 12-7-030(10) of the Subdivision Ordinance provides standards for the development of flag lots as follows:

- (10) Flag lots may be approved by the Planning Commission in any residential zone where, due to unusual parcel dimension, configuration, or topographic conditions, traditional lot design is not feasible. Approval of flag lots shall not be permitted solely on the basis of economic benefit. Such lots shall meet the following criteria:

1. The stem of the lot shall be not less than twenty feet (20') in width and shall not exceed one hundred fifty feet (150') in length;
 2. The stem of the lot shall serve one lot only and shall have direct access to a dedicated and improved street;
 3. The nearest fire hydrant shall be located no further than one hundred fifty feet (150') from the nearest corner of the proposed building on the lot; and
 4. The body of the lot shall meet the lot size and dimensional requirements of the applicable zone. The stem area shall not be used in computing lot size. Proposed buildings shall comply with the minimum setbacks required for the zone. Determinations as to which are the front, side, and rear setbacks shall be made by the Zoning Administrator at the time a building permit is requested and shall be based on the orientation of the proposed home on the lot.
- e. The number of flag lots shall not exceed ten percent (10%) of the total lots in the subdivision unless it is determined by the City that the property could not reasonably be developed otherwise.

It appears that the White flag lot proposal meets the above-referenced criteria, or can meet the criteria, for the following reasons:

1. The White family owns another existing home some 88 feet south of the historical home. There is not enough distance between the two homes to allow for the development of another lot, although the Whites have considered this. There is also not enough distance north or south of the two homes to establish another lot. The White family has considered the possibility of demolishing the historic home to establish a new home, but they really do not want to exercise this option. Therefore, because of the unusual configuration and the existence of this historic home, traditional lot design is not feasible. Approval of this flag lot will not be solely on the basis of economic benefit.
2. The flag proposal meets standards a and d outlined above. However, there is discrepancy in the application. The lot identified in the application is two acres. Meanwhile the flag lot identified on the schematic plan is only 46,800 square feet in size.
3. Both White homes have no curb, gutter or sidewalk. This should be a condition of flag lot approval.
4. Although the number of flag lots in the this subdivision exceeds 10% of the total lots, this is allowable if the City determines that the property cannot reasonably be

developed otherwise. It probably is in the City's best interest to preserve the historic White home. Furthermore, property northeast and south of the proposed flag lot is undeveloped and much of this land is owned by the White family. Often flag lots are unpopular because it is perceived as a lot behind a lot. In this case, the Whites own the front lots and the rear lots. Furthermore, as their property develops, a road will be located east of the proposed home on the flag lot and the home on this lot is being designed in such a way that access can be achieved off of this upper road when and if it goes through.

END OF PACKET MATERIAL.

David Petersen reviewed the background material. The flag lot in this case does meet City ordinance criteria. It was anticipated that in the future there would be a street constructed to the east of the property which will provide primary access.

Chairman Hoffman opened the meeting to a *PUBLIC HEARING* and invited the applicant to address the Commission.

Hyrum Bates (representative of the applicant) addressed the Commission. He said he felt that Mr. Petersen had covered issues about the request adequately. He was present to answer questions if needed.

Ms. Roybal asked if the proposed home would be owner-occupied.

Mr. Bates stated the home was being built next to the historical home for 2 reasons. One was to help preserve the historic home, the other was so that Mr. White's son could live close to his father and help him in his aging years. It was the intent of the family not to use the stem access to the house after the street to the east was improved.

Larry Jensen noted on the site plan that there was an historic retaining wall on the property. He wanted to know what was planned for the wall.

Mr. Bates stated the new construction would go forward without disturbing the rock wall.

With no further comments, **Chairman Hoffman** *CLOSED* the public hearing and asked for consideration by the Commission

The Commission discussed the issues involved with the application, including the following points:

- ▭ Details regarding configuration, state law, platting, minimum acreage requirements and flag lot requirements were reviewed.

- ↯ The stem could not be longer than 150 feet for fire protection purposes. The current application requested a stem of 121 feet.
- ↯ The site plan was studied. Garage entrances were on the south of the building. The basement would have a walk-out portion. The garage was planned to be double deep for 4 cars. The situation of the house on the property anticipated the potential future street.
- ↯ It was important to the developer to save the historic home now on the property. There was also an historic root cellar on the property which owners wanted to preserve.
- ↯ According to the property owner, no part of the buildings on the property would be used for rental purposes.
- ↯ It was commented that the City Council were generally in opposition to flag lot developments. Commissioners felt it would be wise to include in any motion that approval was conditioned on restrictions that when the street to the east is improved, use of the stem entrance will be discontinued. Mr. Petersen commented, however, that the stem access may be a secondary access if a long cul-de-sac were to be developed to the east. The City Council's concern about privacy issues on flag lots do not exist in this situation.

Sid Young *MOVED* that the Planning Commission recommend the City Council approve the flag lot as presented subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The nearest fire hydrant shall be located no further than 150 feet from the nearest corner of the proposed building on the lot.
2. The applicant shall construct curb, gutter and sidewalk acceptable to the City along the full 348.7 feet of frontage of the applicant's property abutting 200 East Street.
3. The body of the flag lot must be two acres in size until such time as the property is rezoned.
2. When available, the eastern access shall become the primary access to the property.
3. The applicant shall work closely with City Staff to preserve the historic structure in compliance with City code.
4. The lot shall be platted with appropriate utility easements and other information.

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

Reasons for the motion included:

- ↯ The request met with requirements of City ordinances wherein flag lots can be approved.
- ↯ The configuration of the existing buildings and lots made the flag lot appropriate.
- ↯ Considering the potential for a road to be constructed to the east of the property made it likely that the stem entrance could eventually be eliminated.
- ↯ Privacy issues that usually prohibit the development of flag lots do not exist on this property.
- ↯ The motion promoted the preservation of historic structures.
- ↯ The requirement for construction of curb and gutter will improve the property.

PUBLIC HEARING: RICHARD S. PROWS REQUEST FOR RECOMMENDATION TO THE CITY COUNCIL TO REZONE .26 ACRES OF PROPERTY LOCATED AT 1091 AND 1099 WEST SHEPARD LANE FROM R TO R-4 (Z-5-02) (Agenda Item #3)

Background Information:

The attached single family homes at 1091 and 1099 West Shepard Lane are located on lots 7 and 8 of the Oakridge Place Subdivision. This plat was recorded on May 5, 1983. The property was developed under an R-1-4 Zone which allowed single family homes to be located on 4,000 square foot lots. This zone also allowed for single family homes to share a common lot line or a common wall. The zone was subsequently repealed by the City on May 14, 1986, and all R-1-4 zones were rezoned to R-1-8. Duplexes, or two-family dwellings, are not a permitted or a conditional use in the R-1-8 zone. In 1999 the R-1-8 designation was changed to R (Residential) which included the same prohibition against two family dwellings. The applicant and current property owner, Dick Prows, has received an offer to purchase the property. The party making the offer does not want to establish two mortgages for the units and would like to combine lots 7 and 8 into one lot. Normally, this is done through the plat amendment process. However, in doing so the two attached single family homes now existing on the lots would become one, two-family dwelling or a duplex, which is contrary to the provisions of the "R" zone. State law prohibits plat amendments which result in a violation of applicable zoning requirements. Therefore, Mr. Prows is requesting that the City rezone the property R-4 for two reasons.

1. According to the information provided by the applicant, the two lots combined together are greater than 10,000 square feet, the minimum lot size in the R-4 zone and duplexes are permitted use in this zone.
2. The east property line of Lot 7 presently abuts an R-4 zone.

The objectives of the rezone request could also be met under a R-2 or a L-R zone. In a R-2 zone, two-family dwellings are also a permitted use on a 10,000 square foot lot. In the LR zone two-family dwellings are a conditional use on a 10,000 s.f. lot.

Dick Prows is the master developer of the Farmington Preserve project located south of Maverik, west of U.S. 89 and east of 1100 West. Future traffic from this development and west of this development, including west Kaysville and west Farmington, will warrant the installation of a future traffic light at the intersection of 1075 West/Shepard Creek Parkway and Shepard Lane. The driveways from the two single-family homes located on Lots 7 and 8 receive their ingress and egress from Shepard Lane almost adjacent to the 1075 West/Shepard Lane intersection. A cue is likely to form when east bound traffic is stopped at a red light and any such cue may block access to the driveways. In October of 1996 Dick Prows entered into a Development Agreement which included, among other things, provisions related to this problem. Section 6.p. of the Development Agreement states:

(1) Study and Mitigation. Master Developer shall have a study performed to the reasonable satisfaction of the City to determine the traffic impact of the Project upon ingress and egress from that certain property located on the southeast corner of Shepard Lane and 1100 West (the "Duplex Parcel). Master Developer shall perform any mitigation measures suggested by that study that are reasonable and acceptable to the City.

(2) Acquisition Option. As one mitigation option, but not a requirement, Master Developer may elect to acquire the Duplex Parcel for the appraised value thereof as determined by an independent appraiser selection of which shall be agreed upon by the owner of the Duplex Parcel and Master Developer. If the owner of the Duplex Parcel will not sell that Property to Master Developer at the appraised value or for any other reason, Master Developer shall have no obligation to purchase the Duplex Parcel. If Master Developer acquires the Duplex Parcel, Master Developer shall retain property rights to rent, remodel, restore or apply for zoning changes on the Duplex Parcel in the future. Regardless of whether Master Developer acquires the Duplex Parcel, Master Developer shall work with the City to find a reasonable and mutually acceptable solution that will mitigate the potential impacts of the Project on the Duplex Parcel. Master Developer shall pay all reasonable costs of that mitigation.

Dick Prows provided the attached schematic plan that would direct ingress and egress from Lots 7 and 8 to 1100 West or provide right-in, right-out on Shepard Lane. (See enclosures.)

Rezoning this parcel to a designation which allows for a duplex instead of two single-family dwellings may be in the best interest of the City. Under this alternative, the City will only work with one property owner to resolve ingress and egress problems instead of two property owners.

END OF PACKET MATERIALS.

David Petersen stated that the City had been working to get a signal installed at the intersection near the property under consideration. It now looks like it may be accomplished. If so, access to the two homes will become very difficult. Mr. Petersen explained how the non-conforming situation came to be. An ordinance restricting the building of such homes was not enacted until 1986. Because the two twin homes were built prior to that date, they were considered legally non-conforming. If the two homes were declared a duplex without legally combining the lots, it would be in violation of City ordinance. The lots either had to be combined or the ordinance had to be changed to allow the duplex on 2 lots. If the lots are combined a rezone is still necessary to allow the duplex. Rezoning the property to R4 would not be spot zoning because such a zone is consistent with the General Plan. Having a development agreement in place could be one way of handling the egress and ingress issues.

Chairman Hoffman opened the meeting to a *PUBLIC HEARING*.

Richard Prows said the action was triggered because he wanted to sell the property. He

was an absentee land owner and found it hard to manage the property. He felt it would be in the best interest of the property, the City, and himself to have one of the homes owner-occupied. The other half of the building could then continue to be rented by an on-site manager. Potential buyers found that banks would have to make separate loans because the homes were defined as two separate buildings on two separate lots. This discouraged potential buyers. The reality of the situation is that the building is a duplex for practical purposes even though legally it is two homes connected by a common wall. Mr. Prows could not see any negative impact to have the property rezoned. He felt there would be not problem getting out of the current driveways even after a signal is installed and did not want to enter into a development agreement because of the huge legal expense.

Chairman Hoffman excused herself from the rostrum and turned the meeting over to Vice-chairman Jensen.

Nicole Green (owner of a residence on 700 North) expressed concern with property values if the property were rezoned.

Mr. Petersen stated the R-4 zone allowed multi-family units. The required lot size was 10,000 s.f. The possibility of demolishing the building was not under consideration. The building existed, it would just become a legally defined duplex. There were already R-4 zones in the area.

Ms. Green stated she did not see a need for a signal at the intersection and felt the requested action would devalue her property.

Mike Crippen (representing John Crippen, a nearby resident) asked several questions of the Planning Commission and the City Planner. He wanted to know why the description of the lot and building could not be changed without the rezone because it had been grandfathered in.

Mr. Petersen explained the legal process required. The building was considered legally non-conforming because it existed prior to ordinances restricting such construction. Mr. Petersen stated City ordinances would not allow for a duplex to exist on two lots or allow a duplex to exist on one lot in the R zone. To initiate the situation at this point would not be considered a "grandfathered" condition.

Mr. Crippen stated he felt rezoning the parcel would open the door to doing so on adjacent parcels and would eventually devalue property in the entire area.

John Crippen stated he was opposed to having the parcel zoned R-4.

Nicole Green stated she was also opposed to the R-4 rezone.

Vice-Chairman Jensen noted there were no further comments and therefore *CLOSED* the public hearing. He asked for response from the Commission.

The Commission members discussed the issue, including the following points:

- ⌞ Traffic on Shepard Lane is already congested. The effect of the signal would help control traffic but would negatively impact the ability of residents in the building under consideration.
- ⌞ Disclosure to any potential buyer of the problem would be imperative.
- ⌞ Lots sizes on nearby parcels would prohibit property owners from requesting R-4 rezoning.
- ⌞ If the property is rezoned either R-2 or R-4, a development agreement should be in place in order to resolve egress and ingress issues. If the property is rezoned LR, the use would be a conditional use.
- ⌞ Mr. Prows stated he felt the City could not force him to mitigate the egress and ingress situation and he would want to have the situation reviewed by his attorney.
- ⌞ Ms. Roybal felt that the situation should be resolved in the simplest manner possible for the best of all parties involved. The developer had a good reputation with the City and to her knowledge had upheld all requirements imposed by the City on other projects.
- ⌞ Mr. Jensen commented that if the property is left as is, indeed a future owner could not be required to mitigate the egress and ingress issues.

Kent Forsgren *MOVED* that the Planning Commission recommend that the City Council rezone the property to R-2 and that one or more of the following options be implemented after review by the City Attorney:

1. If necessary, a separate Development Agreement shall be executed between the property owner and the City and recorded against the property to resolve egress and ingress issues.
2. The applicant shall implement an acceptable traffic ingress and egress solution now as a condition of the rezone.

Cindy Roybal seconded the motion. In discussion of the motion, Mr. Young wanted clarification to insure legal opinion would be used to determine which of the options would be recommended. It was the consensus of the Commission that such would be the case. A vote was taken. The vote was unanimous in the affirmative.

Reasons for the motion included:

- ↯ Citizens had protested a rezone to R-4.
- ↯ The R-2 rezone was isolated but consistent with the General Plan. It was the most malleable option.
- ↯ If necessary, the egress and ingress issues would be handled.
- ↯ The motion was within the spirit of the Master Plan for the area.
- ↯ The motion would simplify the situation created by the extinct zone.
- ↯ There would be no options to rezone property to the south because of lot size restrictions.

PUBLIC HEARING: ROBERT GIBSON AND ROBERT HOLMES REQUEST FOR RECOMMENDATION TO THE CITY COUNCIL TO AMEND THE MINIMUM RESIDENTIAL DENSITY REQUIREMENT IN A BP ZONE FROM 8 TO 10 DWELLING UNITS PER ACRE AND TO AMEND THE MINIMUM PARCEL SIZE REQUIREMENT FROM 5 TO 3 ACRES TO ALLOW A MULTI-FAMILY DEVELOPMENT PROPOSAL LOCATED AT APPROXIMATELY 375 SOUTH 200 WEST SOUTH OF THE LDS STEED CREEK CHAPEL (ZT-6-02) (Agenda Item #4)

Background Information:

Zoning Ordinance. The applicants propose to amend Section 11-14-050(4) of the Farmington City Zoning Ordinance. The purpose of the BP zone is to:

“Provide areas primarily for planned general office and business park developments and related services which will be compatible with and serve as a transition to nearby residential areas and will promote a quiet, clean environment. In certain unique locations, residential planned unit developments may also be appropriate to provide this transition. Development in this zone should emphasize a high level of architectural and landscape excellence. These zone districts will generally be established along high volume arterial streets in order to buffer the impact of these streets from less intensive land uses. The intent is to create an attractive environment that will complement and serve as a transition to the surrounding land uses. (Section 11-14-010)”

The applicants’ proposal to amend the minimum parcel size for a planned unit or condominium development and to increase the gross density from 8 to 10 dwelling units per acre seems consistent with the purpose of the Business Park Zone Ordinance. The subject parcel located between a freeway interchange and a very nice single-family neighborhood. A quasi-public use (a church) abuts the north property line of the site.

The minimum parcel size for a multi-family planned unit development in the P.U.D. Chapter of the Zoning Ordinance is three acres.

General Plan. One of the purposes of the entire Zoning Ordinance “shall also be to guide in a coordinated and harmonious manner the development of the City in accordance with the adopted Master Plan.” (Section 11-1-102(2)).

A primary residential goal contained in the Farmington City General Plan is to maintain Farmington as a predominantly low density residential community. Nonetheless, the General Plan offers the following regarding multiple family residential development:

3. Limit multi-family residential development to those areas where it will serve as a transition from commercial and industrial uses to low density single family residential uses:
 - d. In evaluating multi-family proposals give preference to condominium or planned unit development projects where owner-occupied dwellings are proposed as opposed to rental units.
 - e. Consider limiting the size of multi-unit dwelling structures for rental purposes in order to maintain an architectural mass in scale which is compatible with surrounding development.
 - f. Continue to emphasize high quality and landscaping in architectural design for multi-family developments.

The applicants’ proposal to reduce the required size for a planned unit or condominium development from five acres to three acres is consistent with the residential goals and policies of the General Plan in order to maintain an architectural mass in scale which is compatible with surrounding development.

The property is identified on the future land use plan as an area for public/private recreation open space and/or parks, very low density. One of Farmington’s primary water sheds, Steed Creek, runs along the north and west property lines of the site. More should be done to protect the riparian habitat along the stream corridor and to provide for adequate open space and flood control protection. The General Plan recommends preserving open space in green belt areas for use as buffer zones in developed areas where appropriate and cost efficient. The Steed Creek corridor is identified as a valuable resource on the Farmington City Resource and Site Analysis Plan which is an element of the City’s General Plan. Much could be done to improve the enclosed site plan regarding the location of open space and other amenities for future residents.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information. He stated the application was not for rezone but for a text change in an existing zone. Legally, the City was required to notice the agenda item 24 hours prior to the meeting. However, because of past interest by neighbors regarding the property, the City noticed all property owners within 300 feet of the parcel by mail

a few days in advance. There had already be 2 or 3 proposals for development of the land. Mr. Petersen discussed the traffic patterns that exist around the parcel and said that egress and ingress would not be allowed on 200 West. According to the plan submitted by the developers, there was no attempt to preserve the creek. The General Plan protects the green swaths through the City—one of which is Steed Creek which runs through the parcel. He noted that a PUD requires 3 acres.

Chairman Hoffman opened the meeting to a *PUBLIC HEARING* and invited the applicant to address the Commission.

Robert Holmes said the developers were aware of previous projects proposed for the parcel and reasons for their denial. He felt that what he and his partner were proposing would be more acceptable to Farmington. It would be a good transitional use for the property. The creek area would be enhanced according to directions of the City. The design of the plat had been done in haste and was not what would be presented formally. He said they would like the increase in density in order to make the project work financially. The project would not be 3 stories nor would there be storage units on the property.

Robert Gibson stated he had done work in Farmington over the past 8 years. He admired the property and felt that some day it would be developed. Economically, the existing zone was too limiting. The formal proposal would show a well designed apartment complex. Prices would be around \$159,000. It was intended to be a modest income property providing affordable housing for young couples to stay in the area. The 3 bedroom models would be around 2500 s.f. Flood plane issues would need to be addressed.

Keith Sorenson (362 South 75 West) distributed an area map of the neighborhood with names of residents. The rental property would back the residents on the west side of the area, including his home. Mr. Sorenson had lived in Farmington for 30 years and had been interested in the property for many years. There had been a neighborhood meeting regarding the application and he had been asked to voice the opinion of many of the neighbors. They had not come to the meeting to say no to any development of the property. They understood the building zone requirements for the land. They had come to request that the General Plan be upheld for the area. There had been a great deal of time and effort given the General Plan and it should be followed. Any text change would constitute a zone change. Mr. Sorenson saw no compelling reason for such a change. The action would not increase the value of the property but would likely devalue it. Neighbors did not want to stop development, they just wanted to stop the wrong kind of development. There will be too many units on the parcel if the request is allowed to move forward. That would create a fire danger. The housing project would create hundreds of trips a day and would cause a great deal of congestion at the intersection. The frontage at that point is a portal to the City and should be carefully planned. It was the neighbors' goal to keep the community as nice as possible. He also asked that the creek corridor not be changed or compromised. Open space and low density with walk ways and green spaces should be encouraged. Once the creek is destroyed there will be no restoration. He asked that the Planning Commission keep the community balanced with a development that makes sense.

Lee Maxwell (397 South 10 West) stated he respected the rights of developers and of private property owners. He was not anti-development. He reviewed the history of the parcel under consideration and stated that it was being sold by the children of the original owner, and the children felt it was worth a great deal more than anyone else. There were physical difficulties with development of the property. For example, the only option for ingress and egress was near an already busy intersection. In order for the project to work economically because of the price of the land, the density would have to go up. Neighbors in the area had tried to purchase the property. He even wanted to develop it himself, but the price was prohibitive. Mr. Maxwell discussed what he thought would be an ideal development. Such would be a development wherein all or at least most parties had winning scenarios. With the current proposal, pedestrians who use the frontage road, joggers and school children, are already having problems because of high traffic use. If the road is widened at that point, it would be a safety hazard for pedestrians. The neighbors to the east have developed their property according to restrictive covenants. They have high quality homes of brick and other expensive materials. The apartments will most likely have to be built with siding to help improve their financial gain. Doing so will decrease the property value of the homes to the east. The homes to the east are on 1/3 and 1/2 acre lots. The apartment complex would be an abrupt change. The property under consideration is a gateway to Farmington. Existing buildings have rock facades and are nicely landscaped. If the apartments are allowed to squeeze into the area with spot zoning, the City would lose control of the area. The apartments would detract from what the City wants to say about itself. If the development were allowed, pedestrians, home owners, and the City would lose. Mr. Maxwell recommended that the application be denied. The situation would only be a winning scenario for the developer.

John Matsen (410 South 10 West) felt that approving the request would begin a domino effect on the frontage road properties. This action would be held as a precedence all the way to Glover Lane. He asked that the Planning Commission keep to long term planning already in place.

Dee Johnson (412 South 75 West) stated his house backs the property in question. He had wanted to develop part of the parcel but could not because of the unreasonable price. He had decided to build an addition to his current home at great expense. He did not want the apartments to devalue his investment.

With no further comments, **Chairman Hoffman** *CLOSED* the public hearing.

Larry Jensen said three issues raised seemed to be of a critical nature: 1) Safety issues involving traffic patterns in the area. There would be an increase of traffic with the apartment complex. 2) Property values would be negatively impacted by increasing density. The area is one of the nicest in Farmington and should be protected. And, 3) the entrance to the City should make the right statement about Farmington, its history and its unique character. High density does not make the right statement. Mr. Jensen also stated that the creek is heavily wooded and should be preserved.

Cory Ritz agreed with Mr. Jensen and wondered if a crossing guard should be hired to protect the children at that intersection for current traffic flows. Any additional traffic would

make things much worse. Another element of traffic in the area is the exiting traffic coming off the freeway at high speed.

Bart Hill noted apartment residents would have to come off the freeway and make an immediate right, followed by an immediate left. Traffic patterns would not be good. The number of units would mean a great many cars using that area.

Sid Young asked about the affordable housing mandated by State law.

Mr. Petersen said that Farmington meets the mandate for affordable housing because it is based on the moderate income for the community. Farmington has all the affordable housing it needs according to State law.

Mr. Young also commented that the creek area had to be preserved.

Kent Forsgren stated that most communities wanted single family dwellings. It was a dilemma for developers who needed high density to make projects work financially. However, it was the mandate of the Planning Commission that applications were not approved for economic reasons. It seemed apparent that the seller should recognize the limitations of the property and change his opinion of the land.

Cindy Roybal concurred with the other Commissioners and felt that even though the property would need to be a buffer between commercial and residential use, the buffer needed to be the proper kind.

Chairman Hoffman stated that the creek corridor should be left for public access, not necessarily private space around someone's back yard. Also, the issue of flooding had not been addressed. The land was very flat and extreme caution should be taken to protect any development from 50 or 100 year storms. All aspects of the creek should be considered.

Larry Jensen *MOVED* that the application for a recommendation the City council to amend the minimum residential density requirement in a BP zone from 8 to 10 dwelling units per acre and to amend the minimum parcel size requirement from 5 to 3 acres to allow a multi-family development proposal located at approximately 375 South 200 West south of the LDS Steed Creek Chapel be denied and that the developer be encouraged to bring back an acceptable proposal for the current zone requirements at some future point. **Bart Hill** seconded the motion, which passed by unanimous vote.

Reasons for the motion included the following:

- ⌞ The request was inappropriate for the property.
- ⌞ The property is at the gateway of the City and should be carefully considered. It is the wrong place to depart from the General Plan.

- ↯ The General Plan is appropriate for the area and should be maintained.
- ↯ The creek channel must be preserved, protected, and enhanced.
- ↯ Public safety must be preserved.
- ↯ Access to the parcel will not allow for high density.
- ↯ The presence, interest, and support of many neighbors was influential in determining the action.

MISCELLANEOUS

Consideration of a Recommendation for a New Road Cross-section Standard

The Planning Commission discussed the proposed alternate 60 foot road section as presented. Members were in favor of the swale design because they felt it would give options to engineers and developers regarding the high water levels in parts of the City. **Mr. Petersen** stated that the City is currently improving standards for City streets, especially for road construction in the west part of Farmington.

Sid Young asked if the concrete sections on the sides of the asphalt would be thick enough.

Mr. Petersen stated the concrete was thicker than the present Farmington City standard and the North Logan standard. He also said that it would be the responsibility of adjacent land owners to maintain the swale area. A discussion ensued, including the following points:

- ↯ The bottom of the swale should be of appropriate materials. If it is mowed, the swale can be grass. If it is left for water to stand in, it should be gravel or other maintained soil.
- ↯ There was a discussion regarding cattails and whether the swales could be considered wetlands.
- ↯ Mr. Petersen stated he would ask the Army Corp of Engineers regarding the question. The Commission said they would like to hear the response of the Corp.
- ↯ Water in the west part of the City usually percolates within a day or two, which is a long time compared to east Farmington.
- ↯ Areas of Somerset have swales that are left unmaintained. They have not been a problem.
- ↯ The road standard should be left flexible.

Larry Jensen *MOVED* recommend the Alternate 60 foot Road Section to the City Council as presented. **Sid Young** seconded the motion, which passed by unanimous vote.

Reasons for the motion included:

- ⌞ The Commissioners were in favor of the swale design as a possible solution to drainage difficulties.
- ⌞ The design would help some parts of the City retain their rural atmosphere.
- ⌞ The alternative gave developers an appropriate road design option.

Howard Kent Storage Rental Location Proposal

The Planning Commission did not discuss this item because Howard Kent was not present.

Recommendation regarding the purchase of real property by Farmington City

The agenda item sparked a detailed discussion by the Planning Commission, including the following points:

- ⌞ The Commission by consensus did not recommend purchase of the Mary Myers property. They felt residents should be protected. Encroachment of public uses on residential areas was not justified, and homes should be protected by the City.
- ⌞ The Commission felt that the original site of the recreation center should not be changed. The public had voted on the location adjacent to the City Offices. The vote should be honored.
- ⌞ The Commission felt that the Leisure Services arm of the City should not become too independent and should remain closely associated with the City Offices.
- ⌞ Commission members discussed whether or not the Leisure Services Department were able to pay for their own activities or whether they were a financial drain on City funds. Other communities had experienced a great deal of financial difficulties regarding their recreation departments and have had to eliminate programs entirely because of poor planning and out of control growth. The cost of art and recreation programs is very high.
- ⌞ Commission members felt there should be a cooperative effort with other public entities regarding facilities for recreational uses. Doing so would save public money and still provide for long term recreation programs.

Kent Forsgren *MOVED* that the Planning Commission not recommend the purchase of the Mary Myers property by the City. **Larry Jensen** seconded the motion, which passed by unanimous vote.

The Planning Commission discussed public safety issues in regards to water park facilities. They felt the water equipment planned in association with the swimming pools was justified. However, the water park proposals associated with the Heritage Park facility would not be a good idea. If the water was recirculated it would be a health hazard. If new water was run through the facility it would be a waste of resources, especially considering the drought currently experienced in the area.

Recap of the discussion included:

- ▮ Even though the Main Park has merit and may be a better site, the proposed recreation center should be planned as originally presented to the voters. That is, it should be close to the City Offices, probably on the same block.
- ▮ Single family homes should not be encroached upon, but should be protected.
- ▮ The water park in the pool area will be a good addition.
- ▮ The water park planned for the Heritage Park is not recommended because of safety considerations and water waste.
- ▮ The City Council has built a reputation for doing things in the open and obtaining citizen input into decisions. If the recreation center location is changed, the City Council will lose credibility.
- ▮ Span of control includes proximity of time and space. Moving the Leisure Services Department into separate facilities would not be advantageous for the City.

Linda Hoffman Retiring as Chairman

Commission Members commended Ms. Hoffman for her capable leadership during her service as the Chairman of the Planning Commission. She was hard working, talented, and efficient. Commission Members thanked her for her service and wished her well in future endeavors.

Flanders Train Ride Activity

The Commission discussed Mr. Flanders request to place signs in the City notifying the public when his model trains would be running. The Commissioners were in favor of Mr. Flanders' hobby and his willingness to share it with the public. However, the location and

standard of his sign had to comply with City ordinances. Commissioners cited precedence as a problem if Mr. Flanders were allowed to ignore City ordinances. Nonetheless, the Commission would consider a change to the ordinance if an appropriate sign is recommended.

CITY COUNCIL REPORT

Mr. Petersen reported the City Council meeting held December 4, 2002, including the following:

- ▭ The City Council annexed 443 acres in north west Farmington (west of D&RG tracks and north of Farmington Ranches Subdivision) to the Kaysville City Boundary.
- ▭ The City Council approved condominium final plat request for the Held Subdivision. Mr. Lewis and Mr. Palmer reached a compromise regarding the proposed fence between their two properties. It will be constructed as a chain link fence, on which Mr. Palmer can grow vines.
- ▭ David Griffin received approval for an amendment to the Knighton Subdivision by vacating all of Parcel 1 owned by Mr. Griffin and approving the inclusion of this parcel into the final plat of the Griffin Subdivision.
- ▭ Michael and Jody Gray received approval for their schematic plan for property at 224 West 1100 North. They also received a waiver for the open space requirements.

ELECTIONS OF NEW OFFICERS

Chairman Hoffman opened the meeting to nominations.

Sid Young nominated Kent Forsgren as Chairman of the Planning Commission for 2003. Larry Jensen seconded the nomination and proposed the nomination be accepted by acclamation. The vote was unanimous in the affirmative.

Bart Hill nominated Sid Young as the Vice Chairman of the Planning Commission for 2003. Larry Jensen seconded the nomination and proposed the nomination be accepted by acclamation. The vote was unanimous in the affirmative.

Bart Hill nominated Cory Ritz as the Planning Commission Representative to the Board of Adjustment. Sid Young seconded the nomination. Larry Jensen proposed the nomination be accepted by acclamation. The vote was unanimous in the affirmative.

SCHEDULE ADOPTION

Sid Young *MOVED* that the schedule for Planning Commission meetings to be held in 2003 be adopted as presented. **Bart Hill** seconded the motion, which passed by unanimous vote.

ADJOURNMENT

Linda Hoffman *MOVED* to adjourn at 11:40 P.M. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

Linda Hoffman, Chairman
Farmington City Planning Commission