

FARMINGTON CITY PLANNING COMMISSION

Thursday, December 6, 2007

PLANNING COMMISSION STUDY SESSION

Present: Chairman Jim Talbot, Commission Members John Bilton, Andrew Hiller, Cory Ritz, Paul Barker, Rick Wyss, City Planner David Petersen, Assistant City Planner Jared Hall, Recording Secretary Kami Mahan, Alternate Planning Commission Members Randy Hillier and David Safeer, and Commission applicant Steve Andersen.

Chairman Talbot called the meeting to order at 6:15 p.m. The following items were reviewed:

Chairman Talbot expressed his thanks and farewell to the Planning Commission.

Agenda Item #1: Minutes

The Planning Commission reviewed the minutes of the November 15, 2007 Planning Commission meeting. There were no corrections.

Chairman Talbot introduced Steve Andersen, a Planning Commission applicant from the Community.

Agenda Item #1b: City Council Report

David Petersen reported the proceedings of the City Council meeting which was held on November 20, 2007. He covered the following items:

- The City Council approved the Brian Crocket request.
- The North Park development agreement was approved.
- The City Council approved the vacation of Rock Mill Lane.

Agenda Item #2: SLI - Request to amend the Spring Creek Estates Master Plan / Preliminary Plat increasing the number of lots from 162 to 169 (S-11-04)

David Petersen reviewed the staff report and the letter from the Army Corps of Engineers to Howard Kent contained in the Commission packet, and clarified some details of drainage, etc.

Agenda Item #3: North Park Development LC - (Public Hearing) - Applicant is requesting Preliminary Plat approval for the Canyon Park subdivision, consisting of 25 lots on 11.6 acres of land located at approximately 25 West 600 North in the LR-F and OTR zones. (S-23-07)

David Petersen said he walked the property and that the Planning Commission could ask for a condition to stake and verify the location of the lots. **Chairman Talbot** said the Commission needed to determine findings for any action taken.

Agenda Item #4: Willowbend Development - (Public Hearing) - Applicant is requesting Master Plan approval for the Brynleigh Cove PUD subdivision, consisting of 8 units on 1.6 acres of land located at 1386 S. 200 E. In the R-2 zone. (S-6-07)

Jared Hall reviewed the background information of this agenda item, and said that the major issue is where to locate the storm drain. He said that the City Council suggested a landscape buffer, which the Commission needs to consider. The developer is bringing new elevation drawings which will clarify the problematic issues. **Chairman Talbot** said that time is needed to evaluate issues before giving approval.

Agenda Item #5: Susan White - (Public Hearing) - Applicant is requesting Conditional Use approval for the placement of a sign in the BR zone for a new restaurant at 7 East State Street. (C-20-07)

Jared Hall briefly reviewed this item. The Commission discussed the existing awnings in other downtown businesses, and how Ms. White's awning compares. Possible future changes in the sign ordinance were also discussed. **Chairman Talbot** said the signage should be kept consistent.

Agenda Item #6: Farmington City - (Public Hearing) - Applicant is requesting changes to the text of Chapter 12 of the Zoning Ordinance regarding allowances for secondary dwellings.

David Petersen explained the history and the meaning of "secondary dwelling" in this ordinance. He said the City Council went against the Commission's original recommendation. **Chairman Talbot** said the Commission is now complying with the wishes of the City Council.

Agenda Item #7: Farmington City - (Public Hearing) - Applicant is requesting Planning Commission approval of suggested changes to Chapter 39 of the Zoning Ordinance, regarding historic preservation. (ZT-11-07)

Jared Hall explained that the Historic Preservation Commission has been working toward putting together a registry for historic buildings, and he distributed to Commission members letters to the City from the Historic Commission and from City Attorney Todd Godfrey. **David Petersen** pointed out several changes the Preservation Commission is proposing, and their reasoning.

There was a lengthy discussion of the value of some historic buildings as compared with others, and the options owners have with them. **Chairman Talbot** pointed out the example of Syracuse City saving homes not worthy of saving. He said the Historic Commission has too much power.

David Petersen and **Kevin Poff** pointed out the importance of designating the specific historic value of structures. **Chairman Talbot** said the landowner should be aware of what constitutes “historical significance”. **Rick Wyss** stated that the City is making its own statute internally inconsistent.

Agenda Item #8: Miscellaneous, correspondence etc.

- b. Proposed 2008 Planning Commission Calendar -

David Petersen distributed a 2008 Calendar and said that meetings had been staggered with the City Council to avoid back to back meetings.

The Study Session adjourned at 7:00 p.m.

PLANNING COMMISSION REGULAR SESSION

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

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

Mayor Scott Harbertson expressed his thanks and appreciation to **Chairman Jim Talbot** and **Cory Ritz** for their service on the Planning Commission.

APPROVAL OF MINUTES (Agenda Item #1a)

The Planning Commission reviewed the minutes of the November 15, 2007 Commission meeting.

Motion

John Bilton moved to approve the minutes of November 15, 2007, and **Rick Wyss** seconded the motion, which passed by a unanimous vote. **Paul Barker** and **Cory Ritz** abstained since they were not present at that meeting.

CITY COUNCIL REPORT (Agenda Item #1b)

Chairman Talbot stated that the proceedings of the November 20, 2007, City Council meeting were reported during the Commission Study Session..

SLI - REQUEST TO AMEND THE SPRING CREEK ESTATES MASTER PLAN / PRELIMINARY PLAT INCREASING THE NUMBER OF LOTS FROM 162 TO 169 (S-11-04) (Agenda Item #2)

Background Information:

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

END OF PACKET MATERIAL

Chairman Talbot introduced this agenda item, and **Jared Hall** explained that details were covered in the Study Session. **Mr. Hall** said the only thing not showing on the plat is the Flanders property, which will be shown on the master plan.

In response to a request from **Chairman Talbot**, **Mr. Hall** showed the stub road on the overhead map, and stated that the wetland issue was resolved. **Mr. Hall** went over each of the conditions in the staff report in detail, and said staff is recommending approval.

Chairman Talbot invited the applicant to address the Commission.

Howard Kent, 261 East, 300 South, Salt Lake City, asked for clarification on the right-of-way to the Flanders property, and stated that it does not make sense to stub a road into cattails. **Jared Hall** said that future development in the area is unknown and the City wants to preserve potential alternatives.

Chairman Talbot said that if the landowners wanted to mitigate the wetlands, they probably would need an access point. In response to a question from **Paul Barker**, **Jared Hall** said that the road could technically be vacated if the City eventually desired this.

Motion

John Bilton moved that the Planning Commission recommend approval of the amended Spring Creek Estates Master Plan, and to grant preliminary plat approval for a modified preliminary plat, subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The approval thereof shall be subject to all conditions of the previous master plan approval (or preliminary plat approval) for the entire Spring Creek Estates project the development agreement related thereto.
2. The development agreement for the Spring Creek Estates subdivision must be amended to accommodate the amended master plan.
3. All conditions regarding the preliminary plat recommendation for Phase 4 and 5 must be met.
4. The proposed amended plan or plat must be modified as follows:
 - a. Lot 301 must be moved to a location acceptable to the City.
 - b. Lot 302 (or other lots) must be enlarged to close the gap between lot 302 and 1875 West Street.
 - c. Applicant must stub a dedicated right-of-way to the Stephen Flanders property. It may be necessary to shift the location of Lot 313 to accommodate this stub street. This right-of-way shall remain unimproved until such time as the Flanders property is developed. In the event this occurs, the sole cost and design of the improvement thereof shall be the sole responsibility of the developer of the Flanders property.
5. The development of the subdivision must compliment the rolling topography of the site.

Kevin Poff seconded the motion, which passed unanimously.

Findings:

- a. Provides traffic circulation in the area and will accommodate an eventual north to south alternative to the two rail road crossings.
- b. Complies with requirements of the Conservation Subdivision Ordinance.

- c. Allows for permanent open space off site near the Old Mill by Farmington Pond.
- d. The amendment is consistent with the General Plan for the area.
- e. The stub street does provide for future access to the Flanders property.

(PUBLIC HEARING): - NORTH PARK DEVELOPMENT LC - APPLICANT IS REQUESTING PRELIMINARY PLAT APPROVAL FOR THE CANYON PARK SUBDIVISION, CONSISTING OF 19 LOTS ON 7.62 ACRES OF LAND LOCATED AT APPROXIMATELY 25 WEST 600 NORTH IN THE LR-F AND OTR ZONES (S-23-07) (Agenda Item #3)

Background Information

The Planning Commission and City Council have recently approved changes of zoning and a schematic plan for this 25 lot conservation subdivision, and subsequently a development agreement. Technical reviews of the preliminary plat are on-going. Although the lot and street layouts should not change, there will likely be some minor alterations necessary (for example, the addition of a formal grading and drainage plan, addition of street trees for the side treatments, etc.). Because of this, staff is recommending that a condition of approval be the filing of an updated preliminary plat for the city's records prior to seeking final approvals.

As mentioned, grading and drainage issues are likely to be complicated on a slope of this nature, and staff has asked the developer to provide an approvable grading and drainage plan. Schematic plan approvals required that berms and landscaping would be provided on the frontage of 600 North in the form of a plan for staff to review and approve. Those plans have been submitted (attached as supplemental). Although the preliminary plat shows several groups of trees to be preserved and contains a note to that effect, the landscaping plan for 600 North fails to incorporate them. The landscaping plan needs to be revised. The conditions from schematic plan approvals also stipulate that the interior roads of the project will include side treatments such as trees. This also should be added to the preliminary plat.

END OF PACKET MATERIAL

Chairman Talbot introduced this item, and **Jared Hall** said that most of the staff reviews have been positive, and that the number of proposed lots has not changed. **Mr. Hall** referred to the overhead map of the property and pointed out the stub road and some details of the landscape plan. He said staff is recommending approval of the preliminary plat.

Chairman Talbot read a letter from Randall Kline, representative of the Trails Committee

expressing support for the trail connection. At **Chairman Talbot's** request, **Jared Hall** reviewed the conditions of the plat approval in detail.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited public comment.

Brady Hall, 182 East 650 South, representing the North Park development, said he appreciated the work of City staff. He stated that Condition #4 did not address verbal conversations with staff. Most of the trees in the property are considered “junk” trees, and others are old, which can create a liability issue. He said that **David Petersen** told him to use prudence, and he said they will try to keep as many trees as possible, but the way the condition is worded makes every tree marked on the plan subject to being preserved. **Mr. Hall** said the language of the condition does not allow flexibility.

Mr. Hall pointed out the wording in Condition #2, “The setbacks and preliminary elevations or perspectives of all building types...” and said that this wording is too broad and could refer to many different building types. He said he is eager to comply with obligations, but that many homeowners want a say in their home’s appearance. If this is done up front, they would be required to pre-sell the homes.

Chairman Talbot said the setback requirement is by ordinance. **Jared Hall** clarified the term “preliminary elevations”.

Mr. Hall said they have worked with engineers to predict storm drainage issues, and they need to get to final gradation before getting the final plat. The soil results were within 600 feet of the fault line. He said there was extra expense to ensure that all issues were resolved, and that the final report is en route.

John Bradshaw, 259 East 200 North, expressed concern about the location, future plans, and safety issues regarding the stub road, and said the City does not have the funds to make the road wider or safer. **Cory Ritz** said that the stub street is a proactive measure against future development. **John Bilton** quoted Finding(b) in the October 12, 2007 Memorandum from **David Petersen** regarding the street configuration **Mr. Bradshaw** was referring to. **Mr. Bradshaw** said he is worried about a road running through his property.

Steve Phipps, 918 Oakridge Drive, asked for details on the location of the subdivision, the northern property line, fencing, zoning, and proposed lot sizes, which the Commission clarified.

Joe Judd, 108 West 600 North, explained where his house was located in relation to the proposed subdivision, and expressed concern about possible construction traffic and the stub road.

Brady Hall said that they have been asked by the fire department to keep the road open. **Chairman Talbot** said that **David Petersen**, who could more fully answer **Mr. Judd's** questions, was at other meetings.

Mr. Judd said the road would not be wide enough or safe for normal traffic. **Mr. Judd** also suggested that evergreen trees be used in the subdivision whenever possible.

Joel Anderson, 57 West 600 North, said he lives across the street from the project, and that he thinks it will be a beautiful addition to the City.

Public Hearing Closed

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

Kevin Poff said this configuration would help residents because it would provide another access to 600 North. The Commission discussed proposed improvements of the right-of-way, and **Mr. Poff** said that emergency vehicle access and future plans for the area need to be considered. 90 West should be addressed because of the future impact.

Jared Hall stated that changes can happen, and that from a planning perspective this proposal will function better in the future. The cul-de-sac is long, and it would negatively impact public safety and be bad planning practice if the road does not eventually go through.

In response to a question by **Randy Hillier**, **Jared Hall** said that the development agreement will likely address having a landscape barrier. **Kevin Poff** said not many people would prefer to exit the area via 90 West unless there was a detour. **Randy Hillier** asked if the fire department is blocking it off temporarily, and **Mr. Hall** said this is possible, but that there is emergency access to the north.

Kevin Poff asked if OTR zoning has restrictions about the proximity of fencing to the sidewalk. **Mr. Hall** said there are concerns, and that this will be addressed to make sure there is regulation to provide uniformity. **Mr. Poff** said that because this is one of the few places in the City where the backs of buildings will face a major street, landscaping requirements should be more stringent.

Mr. Poff asked what the City received in return for the Rock Mill Lane vacation, and **Brady Hall** said that they will be planting trees along the 4-foot strip, installing fencing and other landscape improvements along 600 North, and that they had to give up acreage to allow the private road the City requested. **Mr. Hall** said they are following recommendations, there is curb and gutter, and they are engineering and paving the road with a thicker material than originally planned.

John Bilton asked the applicant to stake and verify the trail connection. **Randy Hillier** asked **Brady Hall** for clarification about blocking the street. **Mr. Hall** said the fire chief would require a cul-de-sac if it was not a through street. He said the temporary status of the right-of-way was not addressed.

Motion

Cory Ritz made a motion that the Planning Commission approve the preliminary plat for the Canyon Park subdivision with the following conditions:

1. Improvement drawings for the subdivision, including a grading and drainage plan and storm water management plan, shall be submitted, reviewed and approved by the Farmington City Engineer, Planning Department, Storm Water Official, Public Works Department, Fire Department, Benchland Water District, and Central Davis Sewer District.
2. The setbacks and preliminary elevations or perspectives of all building types proposed shall be submitted to the City by the developer. The setbacks and building elevations must be consistent with the Development Agreement between the developer and Farmington City for this project.
3. The developer shall prepare and submit a consistent street lighting plan, fencing plan, and illuminated house addressing system for review and approval by the City.
4. The landscaping plans provided for the buffer on 600 North shall be redesigned to incorporate the existing trees as noted by the Planning Staff review, and by agreement with Staff using overlay with the site plan to provide for removal or preservation agreement. The landscaping plans should be reviewed by a city-appointed arborist for recommendations.
5. Fully executed declaration of covenants, conditions, and restrictions together with conservation easements and other bonds, guarantees or agreements shall be provided to the City as required by the Zoning Ordinance and/or the City Attorney.
6. The developer shall provide an updated preliminary plat reflecting any necessary changes as required by reviewing staff.
7. The developer shall follow and fulfill all conditions of approval of the schematic plan, the related change of zoning, and the development agreement entered into with Farmington City, and the preliminary plat approval shall be subject to any amendments related thereto.

8. A soils report shall be prepared and submitted to the City for review.
9. If a stub street is planned for connection to 90 West, construction traffic access must be prohibited during all phases of project construction. Until 90 West is improved and brought up to city street standards, the recommendation is that a temporary crash gate be installed.

The motion was seconded by **Randy Hiller**, and passed by a vote of 4-1, with **Paul Barker** voting against. **Kevin Poff** voted “aye” with reservations on Condition #9.

Findings:

- a. The successful negotiations between the developer and the City thus far represents a substantial change in circumstances to merit consideration of a second application prior to the expiration of the one year time limit as per Section 11-6-070 of the Zoning Ordinance.
- b. Main Street (S.R. 106) is the only continuous north/south street in Farmington east of I-15 and U.S. 89. No local through street alternatives exist to accompany this major collector near the 600 North/Farmington Creek crossing. The final street configuration on the subject property shows a through street to 90 West. This will allow for the possibility of another route for local traffic as an alternate to SR 106.
- c. The City’s number one well is situated on the south side of 600 North near Farmington Creek. Residential development is an appropriate use in the well head’s protection area.
- d. The old Richards Mill is one of the most historic buildings in Farmington and northern Utah. The open space proposed represents an appropriate use of the land necessary to maintain the setting for the mill.
- e. The open space will help appropriate agencies fight fires that may occur in the central and northern Farmington areas because it provides an acceptable FAA fly-over zone to allow helicopters to dip water from Farmington Pond. This represents the only such water source for the area.
- f. The proposed development of the subject property may provide an acceptable “window” on Main Street/600 North. This is consistent with recent findings of a city initiated visioning committee which ranked the responsibility to preserve and enhance central historic Farmington as a top community priority. This recommendation is consistent with priorities or policies in the General Plan and

versions of the General Plan adopted over the past 30 years.

Additionally, and unlike highways in other communities, Farmington's Main Street north of 600 North and S.R. 106 south of 200 South represent a residential highway with similar characteristics to the residential Main Street in Central Farmington. Moreover, over the years the City has expended its resources to maintain peninsulas and strips of landscaped right-of-way in the vicinity of 600 North and Main Street. The schematic plan is consistent with these precedents.

- g. The proposal incorporates and leaves intact the old Judd home and the Hansen home which sets a positive precedent for the area. It is proposed that the old Haugen home and the adobe home will be removed but these are of lesser quality.

Chairman Talbot asked **Jared Hall** to consult with **David Petersen** and **Brady Hall** to work out remaining issues.

(PUBLIC HEARING): - APPLICANT IS REQUESTING MASTER PLAN APPROVAL FOR THE BRYNLEIGH COVE PUD SUBDIVISION, CONSISTING OF 8 UNITS ON 1.6 ACRES OF LAND LOCATED AT 1386 S. 200 E. IN THE R-2 ZONE . (S-6-07) (Agenda Item #4)

Background Information

Reviews: Brynleigh Cove received its first approvals as a 4 lot, 8 unit, twin-home PUD project earlier this year. There were several technical issues that plagued the subdivision over the summer. The city's engineering review was not comfortable with the use of an easement to the south for service of multiple utilities. In the end it has been decided that only the storm drain will utilize the easement in question. Sewer, originally slated to use the easement to the south, has been re-routed and will be pumped eastbound to exit the property. Fire access is still provided by means of the hammerhead which was previously approved. Hydrants on the dead-end line will have to pass flow tests for occupancy. CC&R's for the project are being drafted, since the road and a large area designated as parcels "A" and "B" on the plat are to be held and maintained in common ownership among the town homes.

Commission Actions Needed: Because the basic issues surrounding the earlier approvals revolved around largely technical issues, the developers focused on those problems. After solving them, they have produced a plat and improvement drawings aimed at final approvals, and have re-circulated them to city reviewing staff. The reviews have not turned back significant issues, and staff feels the project is ready for final approvals. Because the project is a PUD, the Commission will need to recommend both Final Master Plan and Final Plat approval to the City Council if the project is to move forward.

Other Issues: There are several remaining issues. First, the earlier approvals required that the developer plan a 6' solid fence to act as a buffer between the proposed private road and the neighboring homes to the south. This has not shown on the drawings yet, and should be indicated, and elevations provided. Secondly, the earlier approvals also called for the developer to use shared driveways (which has been done) and to look at the possibility of staining or stamping the concrete of the driveways to lessen the impact of the multiple, wide driveways in the short distance. In review, staff feels the best way to accomplish that goal is probably to stain the proposed sidewalk and possibly the portion of the driveways crossing the common open space. This will break up the color and visual pattern. The planned open space also calls for landscaping including multiple trees which also mitigates the effect of so much concrete.

The existing building elevations appear to be too wide for the proposed lots. The applicant must show the actual building elevations proposed for the development.

Finally, planning staff has also considered that it would be possible to create a landscaped buffer along the south property line (where the fence is to be placed) of about 7 feet. This could be done without significant effect to the driveways, simply splitting the area contained by parcels A & B. By taking 7 feet from the north side of the roadway and adding it to the south side, trees could be planted along the fence. This is a fairly common buffering method for roadways directly abutting existing developed property.

END OF PACKET MATERIAL

Chairman Talbot introduced this item, and **Jared Hall** explained the "Background Information" contained in the Commission packet. **Mr. (Jared) Hall** reviewed each condition of approval in detail.

Keith Russell, 1486 Hillfield Road, said they have received plan approval by the City engineer, and have dealt with public works and the fire department. He said he was a little surprised about moving the road. They have been looking at drawings for five months and this was the first time this issue has come up. **Mr. Russell** said there is open space on the north side of the road., and he hoped this would not delay the project.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited comment.

Public Hearing Closed

With no comments forthcoming, **Chairman Talbot** closed the public hearing and opened the item up to the Commission for their response.

Paul Barker said that the elevation drawings shown in the work session were too wide for the size of the lot, and asked if the developer had modifications.

Dana Kendrick, 139 East South Temple, Suite 400, Salt Lake City, said he was dismayed by the approval process. He expressed frustration over last minute issues which he thought had been long resolved. **Chairman Talbot** said it was unfair for the City to have last minute additional landscape requirements. **Jared Hall** said landscaping should not be a condition of approval.

Jared Hall said the design submitted to the Commission was a representation of what the developer was proposing. **Mr. Kendrick** said it was a generic drawing, that some costs would be much more expensive than they had anticipated, but they will finish the project. They cannot sell the land and they need to return money to the investors. He said whatever is needed will be done, he just wants it consistent.

Chairman Talbot said he preferred the appearance of the first submission. **Jared Hall** said staff approved the original drawings, and was aware the design would not fit on the lots. It is acceptable that there will be a difference between the original and the new plan. **Mr. Kendrick** said the only difference is the combination of stucco to rock, and that he was unable to find a one-story plan. **Jared Hall** said he knew there would be deviation from the original plan.

Chairman Talbot said it is not uncommon for designs to change, but the Commission seriously considers the appearance when twin homes are proposed because they are not always popular with the community. **Chairman Talbot** and **Jared Hall** said they understand **Mr. Kendrick's** frustration.

John Bilton said the only suggestion being given is an adjustment to the private street to provide more buffer along the southern property line. **Kevin Poff** questioned if anything in the current plat would prohibit that change if everyone was mutually agreeable, and **Jared Hall** said it would not.

Cory Ritz pointed out that it would be an improvement for the residents to pull the private lane off of the fence and have landscaping on both sides. **Jared Hall** said it does not shorten the driveways.

Motion

John Bilton made a motion that the Planning Commission recommend approval of the Brynleigh Cove Preliminary/Final (PUD) Master Plan to the City Council, and subsequently recommend approval of the Final Plat for the Brynleigh Cove PUD with the following conditions:

1. Applicant shall comply with all conditions of previous approvals.
2. Final improvement drawings, including a grading and drainage plan, must be reviewed and approved by the City Engineer, Fire Department, Public Works Department, CDS, and Benchland Irrigation.
3. Applicant shall continue to work with city staff to make any necessary corrections to the plat.
4. Applicant shall submit draft CC&R's to the city for review. Such documents will adequately address the maintenance of all common open space on the project.
5. Applicant shall submit final building elevations of the units to the Planning Dept. for review and approvals by the Planning Commission and City Council.
6. Applicant shall provide a detailed plan for the common open space to the Planning Department for review and approval prior to recording. Such plan shall include the addition of a solid fence along the entirety of the south property line, no less than 6 feet in height. Plans shall also include details for the staining and /or pattern of concrete for the sidewalk and drive approaches where they cross the common open space.
7. The applicant must complete the following as set forth in the Preliminary/Final (PUD) Master Plan and Final Plat checklists:
 - a. A tabulation of the project's open space (common) areas, hard surfaces, buildable areas etc.
 - b. Elevations of the fence to be provided
 - c. Full landscaping plans, including irrigation systems
 - d. Soils Report

The motion was seconded by **Kevin Poff**, and the voting was unanimous in the affirmative.

Findings:

- a. The subdivision as proposed is in keeping with the zoning designations and provides units for ownership as opposed to rentals.
- b. The PUD aspect helps to ensure better maintenance of the units and therefore the neighborhood.

- c. The developer has made good efforts to respond to staff and city concerns about the density and proximity to already developed neighborhoods.

John Bilton said it would be a positive step if the southern piece could be adjusted and the six foot fence installed. **Chairman Talbot** pointed out that this was not a requirement, and suggested **Mr. Kendrick** work further with staff.

(PUBLIC HEARING): SUSAN WHITE - APPLICANT IS REQUESTING CONDITIONAL USE APPROVAL FOR THE PLACEMENT OF A SIGN IN THE BR ZONE FOR A NEW RESTAURANT AT 7 EAST STATE STREET. (C-20-07) (Agenda Item #5)

Background Information

General: The applicant received a conditional use permit from the Planning Commission in October to open a restaurant in the BR zone at the corner of State and Main Streets. While making preparations for opening the restaurant she has approached city staff about two awnings with sign copy. Because the signs will be located in the BR zone, exceptions to the normal provisions of the sign ordinance are possible *if granted by the Planning Commission under the Conditional Use process.*

Exceptions: Awnings in this area typically clear about 8 feet, though the ordinance requires 10' clearance. The applicant would like an exception allowing her awning sign to clear between 8 and 8.5'. Additionally, signs have a required setback of 10 feet from any property line. The building façade to which the awnings would be affixed are on very close to property lines for the city and UDOT rights-of way, and the applicant cannot meet that setback requirement either.

The BR zone is a unique downtown business zone attempting to create the feeling and ambiance of a certain "district". It is for that reason that the exception clause was included with the BR zone. Allowing these exceptions to the sign ordinance in this case will help to maintain the feel that the BR zone intends to create, and will help and compliment the character of our downtown.

END OF PACKET MATERIAL

Jared Hall reviewed the "Background Information" in the Commission packet and briefly explained **Susan White's** proposal for a variance. **Mr. Hall** said City code requires ten feet of clearance, and she would like eight, which is in line with other business signs in the area. Staff is recommending approval.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited public comment.

Susan White, 488 North Main, said she is working with an awning expert who told her the City's code is unusual in that it is two feet further than most other cities. **Ms. White** said she measured other commercial awnings, none of which met code.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing, and explained that this item was discussed during the Commission Study Session.

Motion

Kevin Poff made a motion that the Planning Commission grant Conditional Use Approval allowing the requested exceptions to the sign regulations with the following conditions:

1. The applicant shall comply with all aspects of the sign ordinance not specifically excepted by this action of the Planning Commission, including regulations for temporary signs, etc.;
2. The awning signs as depicted shall maintain a minimum clearance of eight feet.
3. The awning signs are limited to the sizes indicated in the attached plans. No other signs or exceptions to the sign regulations are part of this approval.

Paul Barker seconded the motion, which passed unanimously.

Findings:

- a. The allowance of these exceptions to setback and clearance is in keeping with the goals and purposes of the Zoning Ordinance and General Plan;
- b. The conditional use requested enhances the character of the City's downtown.
- c. The conditional use requested is consistent with existing signs.
- d. The request is consistent with existing conditions in the area.

(PUBLIC HEARING): - FARMINGTON CITY - APPLICANT IS REQUESTING CHANGES TO THE TEXT OF CHAPTER 12 OF THE ZONING ORDINANCE REGARDING ALLOWANCES FOR SECONDARY DWELLINGS. (Z10-07) (Agenda Item #6)

Jared Hall stated that the details of the changes were discussed in the study session.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited public comment.

Public Hearing Closed

There were no comments, and **Chairman Talbot** closed the public hearing.

Motion

John Bilton moved to approve the changes to the text of Chapter 11 of the Zoning Ordinance regarding allowances for secondary dwellings. The motion was seconded by **Kevin Poff**, and passed unanimously.

Findings:

- a. The zone text change is in line with existing conditions.

(PUBLIC HEARING): - FARMINGTON CITY - APPLICANT IS REQUESTING PLANNING COMMISSION APPROVAL OF SUGGESTED CHANGES TO CHAPTER 39 OF THE ZONING ORDINANCE, REGARDING HISTORIC PRESERVATION. (ZT-11-07) (Agenda Item #7)

Public Hearing

Chairman Talbot opened the meeting to a public hearing invited the representative of the Historic Preservation Commission to present their request.

Alysa Revell of the Historic Preservation Commission stated that the City's historic buildings and sites ordinance has not been changed in many years and is inadequate. She explained the reasons for, and the details of, the proposed revisions.

There was a lengthy, general discussion of the Planning Commission with **Ms. Revell** regarding how historic designation of structures is determined, what buildings are included on the national registry, and the extent of owner participation in the process. The Commission expressed concern about owners having their home put on the registry without their knowledge or consent. There was also concern about possible litigation in extreme cases.

The Commission and **Ms. Revell** reviewed the letter to the City and the Historic Commission from Attorney Todd Godfrey, and discussed specific points. They discussed problems with possible inverse condemnation and a regulatory taking.

Kevin Poff said that a set of criteria specific to Farmington’s needs should be developed, and then action could be initiated. Without criteria, it is difficult to designate historical value if there is liability to the homeowner. **Ms. Revell** said there is legal precedent for the City to exercise power against historical homeowners wanting to demolish or alter an historical home. She said the City needs to have the ability to issue “stop work” orders to an owner or the ordinance is ineffective.

Commission members discussed how to strike a balance that would put more teeth into the ordinance to protect historical homes, yet maintain the privacy and rights of the owners. In response to questions from Commission members, **Ms. Revell** explained that the advantages of owning an historical home include eligibility for low interest loans and especially tax benefits. **Ms. Revell** said that most costs of maintenance and renovation are paid for by federal grants.

Public Hearing Closed

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

Motion

Kevin Poff moved to table the request pending clarification of 1) the language to be used in the ordinance, and 2) characteristics of homes that might warrant inclusion on the historic register. **Randy Hillier** seconded the motion, which passed by a unanimous vote.

Chairman Talbot stated that it is inherently wrong for the City to initiate having citizens’ homes placed on the historical registry without their knowledge or permission. Circumventing the owner is wrong, and could cause a lawsuit. He said that sales documents of homes should contain the historical value.

The Planning Commission adjourned to the kitchen at 9:45 p.m.

MISCELLANEOUS, CORRESPONDENCE, ETC. (Agenda Item #8)

a. Planning Commission Elections for 2008 -

Chairman Talbot gave his thanks and farewell to the Commission members and offered his advice.

Kevin Poff was elected Planning Commission Chairman with five votes. **John Bilton** was elected Vice Chairman.

b. Proposed 2008 Planning Commission Schedule -

The Commission agreed to meet on January 3rd and 17th, and February 7th and 28th, and

then to return to a regular meeting schedule.

Motion

Kevin Poff moved to accept the 2008 Planning Commission calendar as recommended. **John Bilton** seconded the motion, which passed unanimously.

In response to a request by **Chairman Talbot**, **Cory Ritz** briefly addressed the Commission.

ADJOURNMENT

The meeting adjourned at 10:40 p.m.