

FARMINGTON CITY PLANNING COMMISSION

Thursday, December 8, 2005

PLANNING COMMISSION STUDY SESSION

Present: Chairman Cory Ritz, Commission Members, Keith Klundt, Annie Hedberg, Kevin Poff, Cindy Roybal, and Jim Talbot, City Planner David Petersen, and Recording Secretary Jill Hedberg. Paul Barker, Keith Klundt and Annie Hedberg were excused.

Chairman Ritz called the meeting to order at 5:30 P.M. **David Petersen** reviewed the following items:

Agenda Item #3 - Jerry Preston - Applicant is requesting a recommendation for final plat approval for phase 1A of the Rice Valley Estates PUD consisting of 11 lots on 4.548 acres and final development plan approval for the entire PUD consisting of 111 lots on 34.56 acres located at approximately 50 West 700 South in an LR (PUD) zone (S-7-05). Mr. Preston had not yet submitted all of the documents that were required by City Staff.

Agenda Item #3b. - Chris Martineau, Shadow Ridge Development - Applicant is requesting final plat approval for the Hidden Meadows Phase II Subdivision consisting of 9 lots on 7.54 acres located at approximately 425 West 1400 North off of Cherry Blossom Drive and Welling way in an LR-F zone (S-16-05). The Planning Commission would need to consider whether to allow the grade of the road to be 14%, although the City standard generally does not allow the road of the grade to be greater than 12%. Paul Hirst said the road would be safer if the exception were allowed.

Agenda Item #4 - Garbett Homes (Public Hearing) - Applicant is requesting a recommendation for a PUD designation on property presently zoned C (Commercial) located west of U.S. 89, north of I-15, east of the Shepard Creek Parkway, and south of the development known as Farmington Crossing at Spring Creek Pond Planned Unit Development, and preliminary plat approval and a recommendation for preliminary development plan approval for a development related thereto (S-28-05).

and

Agenda Item #5 - Garbett Homes (Public Hearing) - Applicant is requesting a recommendation for a PUD designation on property presently zoned C (Commercial) located west of U.S. 89, east of the Shepard Creek Parkway, south of Shepard Lane, and north of the development known as Farmington Cross at Spring Creek Pond Planned Unit Development, and preliminary plat approval and a recommendation for preliminary development plan approval for a development related thereto (S-30-05). The County has not been able to confirm that the storm water from the Garbett Homes development can be handled in the County's detention basin. The City Attorney recommended tabling consideration of the agenda items until the County is able to provide the needed information.

Garbett Homes plans to detain their storm water within the development. The church site will act as a temporary detention basin for the northerly phase. When the church is constructed, the parking lot will be used for detention and will connect to an underground pipe that will drain the water. A temporary detention basin could also be constructed in place of eight homes in the southerly phase. It could be a permanent solution if necessary.

Maxine Kerr submitted a letter requesting that **Cindy Roybal** abstain from voting on matters relating to Ms. Kerr's concerns. **Todd Godfrey** recommended that **Ms. Roybal** abstain from voting if her vote was not needed.

Agenda Item #7 - Todd Bradford (Public Hearing) - Applicant is requesting a recommendation for a PUD designation on property presently zoned R-4 located at the southwest corner of 200 East and 200 South, and preliminary plat approval and a recommendation for preliminary development plan approval for a development related thereto (S-35-05). Todd Bradford met with a subcommittee about the Guenter Popp property. He informed the committee that it would be too costly to remodel the historic building. He proposed leaving the old home and flag lot out of the development. The City, Historic Preservation Commission, and developer could then market the property for six months. If interest was not received, the City Council could then consider the possible options for the old home. The subcommittee accepted the proposal and the Historic Preservation Commission felt it was an acceptable compromise. The developer still planned to move the little rock building to another location. The developer's contract with Guenter Popp expires on December 18, 2005.

Chairman Ritz said a private resident had an interest in purchasing the property and maintaining it.

Agenda Item #9 - Station Park LLC, Rich Haws (Public Hearing) - Applicant is requesting a recommendation for a zone change on property located west of I-15, north of Clark Lane, and south of Park Lane from A and BP to TOD (Z-9-05). Rich Haws requested a rezone for the property but did not submit a schematic plan. The City's Attorney said the Planning Commission could rezone the property with confidence since the TOD zoning ordinance required developers to submit an acceptable project master plan. Even if the property were sold, the City would still be protected.

Agenda Item #10 - Lane Fishburn (Public Hearing) - Applicant is requesting a recommendation to amend the General Plan regarding 1.7509 acres of property located on the southwest corner of Main Street and South Mountain Road from "Low Density Residential" to "Office/Business Park", and to rezone the property from LR-F to BP-F (Z-10-05). The applicant would like to construct a 3-story office building on the Pilcher property which is located near Russon Brothers Mortuary. **Mr. Petersen** recommended that the Planning Commission require additional information from the applicant since UDOT property would be

needed for parking.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Cory Ritz, Commission Members Keith Klundt, Kevin Poff, Cindy Roybal, and Jim Talbot, City Planner David Petersen, and Recording Secretary Jill Hedberg. Paul Barker and Annie Hedberg were excused.

Chairman Ritz called the meeting to order at 6:15 P.M. **Cindy Roybal** offered the invocation.

APPROVAL OF MINUTES

Jim Talbot moved that the Planning Commission approve the minutes of the November 10, 2005, Planning Commission Meeting with changes as noted. **Cindy Roybal** seconded the motion. The Commission voted unanimously in favor.

CITY COUNCIL REPORT

David Petersen reported the proceedings of the City Council meeting which was held on November 16, 2005. He covered the following items:

- The City Council approved Woodside Homes; request to amend the General Plan Map in northwest Farmington from Rural Residential to Low and Medium Density Residential and to rezone the property north of Burke Lane and between the UTA and Union Pacific Rail corridors from “A” and “AE” to “LR” and “R-4”/Schematic Plan Approval Consideration.
- The City Council adopted the Amended Master Transportation Plan.
- The City Council adopted the Amended Transportation Capital Facilities Plan.
- The City Council will further consider J.R. Warner’s request to amend the CR Estates Plat by vacating all of Lot 1 and creating two new lots in its place during the January 4, 2006, City Council meeting.
- The City Council approved the Amended Schematic Plan for the Farmington Crossing at Spring Creek Pond PUD.

David Petersen also reported the proceedings of the City Council meeting which was held on December 7, 2005. He covered the following items:

- The City Council approved an Ordinance and plat annexing 18.10 acres of property owned Pacific Avenue, LLC, and Symphony Homes located south of

1470 South and between the I-15 Frontage Road and S.R. 106 (200 East) and zoning the same property “LR” and “AA”.

- The City Council approved Haskell Homes Schematic Plan (which was made up of five lots and a cul-de-sac) for property located at the northeast corner of Lund Lane and the I-15 Frontage Road.
- The City Council discussed the configuration of the State Street overpass. They requested a cost breakdown from UDOT outlining the City’s portion of the cost.
- The City Council discussed Gerry Tulley’s request to amend the Farmington Greens Master Plan to include an LDS church site. The City Council was willing to consider the issue but required the amount of lots to be reduced.

Mayor Connors expressed his appreciation to the Planning Commission for their service and for their ability to think independently from the City Council.

JERRY PRESTON - APPLICANT IS REQUESTING A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR PHASE 1 A OF THE RICE VALLEY ESTATES PUD CONSISTING OF 11 LOTS ON 4.548 ACRES AND FINAL DEVELOPMENT PLAN APPROVAL FOR THE ENTIRE PUD CONSISTING OF 111 LOTS ON 34.56 ACRES LOCATED AT APPROXIMATELY 50 WEST 700 SOUTH IN AN LR (PUD) ZONE (S-7-05) (Agenda Item #3)

Background Information

The Planning Commission voted on July 14, 2005, to recommend to the City Council schematic plan approval subject to all applicable Farmington City Development standards and ordinances and the following:

1. The applicant must prepare a wetland mitigation plan that meets U.S. Army Corp requirements and/or receive a permit from the Corp to fill wetlands now located on the property. A property owner may apply for preliminary plat approval for a portion of the overall project area without preparing or receiving the necessary wetland information required herein so long as no wetlands exist on said portion or so long as no wetlands encroach into the buildable area of lots for the proposed preliminary plat.
2. The developer’s proposed east to west important local street connection from 200 East directly to the Frontage Road must receive a positive recommendation from the City’s traffic engineer regarding its compatibility with the Master Transportation Plan.
3. The property must be rezoned to LR-PUD concurrently with preliminary

development plan approval but prior to preliminary plat approval subject to standards set forth in Chapter 27 of the Zoning Ordinance.

On August 3, 2005, the City Council voted to change the zoning to LR (PUD) and to approve the schematic development plan with the following conditions:

1. The applicant must submit the additional information circled on the attached copy of the Farmington City Zoning Ordinance 11-29-106 Preliminary Development Plan.
2. The applicant shall submit a notarized property owner's affidavit.
3. No preliminary plat approval shall be granted for any phase after 1, 2, and 3 until the applicant has resolved access issues related to 200 East to the satisfaction of the City.
4. Preliminary development plan approval to be subject to all conditions of schematic plan approval.

In addition, the historic structures are to be considered prior to preliminary plat approval on Phase 3, and preservation of emergency flow path for storm water and pedestrian access to 200 East needs to be addressed.

No information has been provided by the Developer concerning wetlands.

There is no longer a direct east to west important local street connection proposed for the PUD. Access is proposed through side streets that are connected to 200 East. Direct access would be provided off the I-15 East Frontage Road.

Historic structures will still need to be considered, but staff recommends it be before approval of Phase 6, not Phase 3. A letter will be submitted to the Council requesting a clarification of the motion to approve the preliminary development plan.

The final development plan did not show the emergency flow path at the time of this review. This issue needs to be addressed before final approval.

END OF PACKET MATERIAL

David Petersen displayed the Final Development Plan for the property. He said the developer had not yet supplied an outline of the emergency flow path. He displayed the plan for the development's first phase and said the sewer plan had not been finalized.

Cam Preston submitted plans to David Petersen and outlined where the storm drainage easement would be located. He said the sewer plans were submitted.

Jim Talbot said it was unfair to ask for the Planning Commission's approval when they were not given ample time to review the plans.

Motion

Jim Talbot moved that the Planning Commission table consideration of the final development plan to allow City Staff and the City Engineer time to review the plans. **Kevin Poff** seconded the motion which passed by unanimous vote.

LANDFORM L.L.C., FRANK IVORY - APPLICANT IS REQUESTING A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR PHASE 2 OF THE SILVERWOOD SUBDIVISION CONSISTING OF 13 LOTS ON 5.704 ACRES LOCATED AT APPROXIMATELY 150 NORTH 1750 WEST IN AN LR ZONE (S-15-05) (Agenda Item #3a).

David Petersen said the City Engineer approved the improvement drawings that were submitted by the developer pertaining to the water line that connects to the cul-de-sac. City Staff recommended that the Planning Commission approve the final plat.

Motion

Cindy Roybal moved that the Planning Commission recommend that the City Council grant final plat approval subject to all applicable Farmington City ordinances and development standards and the following:

1. The developer shall comply with all conditions of preliminary plat approval.
2. Developer shall loop a culinary water later to 1670 West as shown on the final improvement drawings. The line must be in place and fully operational to the satisfaction of the City prior to the issuance of any building permits in the subdivision. In addition to the easement shown on the final plat, the property owner must grant and record a written easement acceptable to the City concurrently with the recordation of the final plat for the culinary water line. Presently, the easement for the culinary water line only 10 feet in width as shown on the proposed final plat. The Public Works Department may require a wider easement for said water line on the plat and as part of the written document.
3. The property owner must enter into a development agreement with the City to address, among other things, issues regarding the placement and installation of the culinary water line.

4. All public improvements for the development, including the culinary water line, grading and drainage plan, and a SWPPP, must be reviewed and approved by the City Engineer, Planning Department, Public Works Department, Fire Department, CDSO, and FAPID.
5. Developer must update the final plat mylar as directed by City Staff.
6. In the event a trail easement is not obtained on Lots 7 and 8 of Silverwood Phase 1, the developer shall provide an additional easement on Lot 208, the width and location of which shall be acceptable to the City. Said easement shall connect to the easement already recorded with the Silverwood Phase II final plat.

Jim Talbot seconded the motion, which passed by unanimous vote.

Findings

- The developer complied with all of the recommendations given by Farmington City.
- The development complies with the Master Plan for the area.
- City Staff has thoroughly reviewed the final plat.

CHRIST MARTINEAU, SHADOW RIDGE DEVELOPMENT - APPLICANT IS REQUESTING FINAL PLAT APPROVAL FOR THE HIDDEN MEADOWS PHASE II SUBDIVISION CONSISTING OF 9 LOTS ON 7.54 ACRES LOCATED AT APPROXIMATELY 425 WEST 1400 NORTH OFF OF CHERRY BLOSSOM DRIVE AND WELLING WAY IN AN LR-F ZONE (S-16-05) (Agenda Item #3b)

Background Information

The Planning Commission voted to recommend schematic plan approval for this subdivision on July 8, 2005, and it was approved by the City Council on August 17, 2005, subject to the following conditions:

1. The lots to the south of this phase be protected from storm water flow by the developer channeling the entire flow, including the spring from the cul-de-sac and the berm along the southern property lines into the 1300 North Street storm drain down to Main Street.
2. Any concerns regarding fire protection raised by the City's Fire Chief shall be met.

3. The extension of Cherry Blossom Drive, a non-conforming dead end street be approved by the City Council.
4. Structural road base that meets City standards shall be provided on 1300 North Street which shall be dedicated to the City for secondary access.

The City Council approved the extension of Cherry Blossom Drive beyond the 1000 foot limit for non-conforming dead-end streets at their September 7, 2005, meeting.

A fault study identified a Main Trace Wasatch fault in the hill behind Lots 22 and 23. The plat has been revised to show the fault and a fault setback has been added per the recommendation of the fault study. This setback slightly altered the building envelope in Lot 22, but not enough to change the configuration of the lots.

The geotechnical study recommends in Section 14.1 that foundation drains be installed on the homes in this subdivision.

The original subdivision proposal showed a stream that originates in a spring on the Welling property above Lot 20 be diverted into a water feature to address concerns from lot owners in Forest Heights subdivision to the south. The developer now plans to pipe the spring to a land drain that will run to the storm drain on the south property line. The land drain will run across the toe of the slope behind Lots 22 and 23 to deal with drainage off the slope as well as ground water.

The developer proposes that the 4' sidewalk and park strip normally required be replaced with a 6' sidewalk at the entrance of the subdivision and through the cut between Lots 26 and 28. The reasons for this are to provide more front yard area for Doug Welling at the entrance and to reduce the amount of cut required on the steep slope as Cherry Blossom Drive is extended.

The EPA and State require all construction activity that disturbs over one acre of land receive a Utah Pollution Discharge Elimination System (UPDES) permit, which requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP). The City UPDES permit requires us to monitor construction activity to make sure pollutants do not enter the City storm drain system. To help with this compliance, we are making developers provide the approved UPDES permit and a copy of their SWPPP before construction can begin.

Issues concerning the slope of the road going through the cut on the west end of the property have been addressed to the satisfaction of the City Engineer.

END OF PACKET MATERIAL

David Petersen displayed an overhead of the Preliminary Plat. He reviewed the conditions that were included in the “Suggested Motion” and said all of the conditions were met by the developer.

Paul Hirst (City Engineer) described the road system for the development. He said he reached a compromise with the developer where the first portion of the road would be 12% and would then increase to 14%. He usually only allows a 14% grade for 200 feet but was willing to accept the 14% grade for 250 feet to accommodate for the amount of fill. He said the 14% grade would not be allowed near the intersection.

David Petersen said the 14% slope must be approved by the City Council. He said he was comfortable with the transition from asphalt to road base. The entire road would be in place before home construction occurred.

Motion

Cindy Roybal moved that the City Council recommend approval of the final plat for the Hidden Meadows Phase II Subdivision subject to all applicable development standards and the following:

1. The applicant shall comply with all conditions of preliminary plat approval.
2. Address any items identified as issues by the City Engineer, fire department, public works department, Planning Department or other entities that provide a plat review. In addition to the aforementioned entities, the improvement drawings, including the grading and drainage plan, must also be reviewed and approved by CDS and F.A.P.I.D.
3. All recommendations of the geotechnical study are followed when houses are constructed.
4. Structural road base that meets City standards shall be provided on 1300 North Street which shall be dedicated to the City for secondary access.
5. A UPDES Permit is issued by the State and the City is provided with a copy of the Storm Water Pollution Prevention Plan that meets all State requirements.
6. The Developer shall enter into an agreement to address, among other things, the dedication, timing, and construction fo the road leading south from the development to Main Street.

7. The 14% road slope must be approved by the City Council.

Kevin Poff seconded the motion, which passed by unanimous vote.

Findings

- The developer has complied with the City's requirements.
- The development will provide a viable transportation outlet for the Orchards neighborhood.
- The road cuts will not be extreme and will not be visible from the lower portion of the hill.
- The development will resolve the storm water issue for the neighborhood

PUBLIC HEARING: GARBETT HOMES - APPLICANT IS REQUESTING A RECOMMENDATION FOR A PUD DESIGNATION ON PROPERTY PRESENTLY ZONED C (COMMERCIAL) LOCATED WEST OF U.S. 89, NORTH OF I-15, EAST OF THE SHEPARD CREEK PARKWAY AND SOUTH OF THE DEVELOPMENT KNOWN AS FARMINGTON CROSSING AT SPRING CREEK POND PLANNED UNIT DEVELOPMENT, AND PRELIMINARY PLAT APPROVAL AND A RECOMMENDATION FOR PRELIMINARY DEVELOPMENT PLAN APPROVAL FOR A DEVELOPMENT RELATED THERETO (S-28-05) (Agenda Item #4)

Background Information

On or about September 26, 2005, Farmington City received a letter from Maxine Kerr and Milo Kirkham. A copy of the letter is attached hereto. In follow-up to the Kerr/Kirkham letter, City Staff met with representatives from Davis County Flood Control and the Utah Department of Transportation (UDOT) on October 25, 2005. Subsequent to this meeting, the City Engineer met with officials from Davis County Flood Control to discuss storm water detention issues including the County's regional detention basin adjacent to the south boundary of the site. Based upon comments from the County, the County does not know the capacity of the basin and does not know the impact of storm water runoff from the Garbett development on the existing basin and surrounding properties. Thereafter, on November 22, 2005, City Staff met with the developer and discussed, among other items, the City's concerns arising out of the lack of information from the County regarding flood control.

While recognizing that questions and concerns presently exist regarding storm water, this matter has been placed on the Planning Commission agenda in order to begin the review and approval process. It is anticipated that the Commission will need to consider various questions and issues in moving forward with the proposed project. Additional information will be presented at the meeting.

In other issues related to the preliminary plat and the preliminary development plan, the application presently lacks the following:

1. The preliminary plat should show the width and direction of the flow of all water courses, including all existing and proposed irrigation and natural runoff channels and courses. It is unclear how Shepard Creek will be routed through the project, including the size and location of the pipes necessary to accomplish this task. The Planning Commission reviewed this agenda item on September 29, 2005. The Commission approved a motion to table the application in order to allow time to determine whether or not a permit had been received from the State to re-route Shepard Creek. The applicant has since reported that according to Davis County officials the stream alteration permit cannot be reviewed and obtained from the State until construction plans are first approved at the local level.
2. The proposed sites to be dedicated or reserved for open space or recreational use should be identified on the preliminary plat.
3. The preliminary plat must show the dimensions and locations of all existing or proposed dedications, easements, and deed restrictions, including easements for drainage, sewer, and public utilities. The preliminary plat shows these facilities and it is anticipated easements for such will be recorded over all rights-of-way within the project. It is also anticipated these rights-of-way, although privately owned, will provide access to the public, including emergency and maintenance vehicles in and out of the development.
4. It is contemplated that the development will proceed on a phased basis. The developer is reserving development on the easterly portion of the project as phase two thereof. The developer has indicated that the lotting in the proposed phase two will address various issues including but not limited to access, drainage, and trail issues.
5. A development schedule indicating the approximate date when construction of the planned unit development will begin should be part of the information accompanying the preliminary development plan.
6. The preliminary development plan must show a tabulation of the following: total number by type of dwelling units; total acreage for the site and the percentages that are to be designated for various uses, i.e., parking, open space, streets, residential, etc.; growth and net dwelling unit densities; and an estimate of the project population.

7. The applicant should show a landscaping plan indicating the treatment of materials used for private and common open space.

END OF PACKET MATERIAL

David Petersen displayed an overhead of the Master Plan for the Garbett Homes development. He said Davis County had not been able to confirm whether their detention basin was capable of handling the drainage from the development so Garbett Homes found an alternative solution. For the southerly phase, eight homes would be eliminated so a detention basin could be constructed. For the northerly phase, the drainage would be directed to the stake center site which would act as a temporary detention basin. If it was determined that the County could not handle the drainage, Garbett Homes would construct a permanent detention basin. City Staff approved, in concept, the proposed storm drainage solution but recommended that the Planning Commission continue the item until a later date to allow time to draft a motion that would include all of the necessary conditions.

Public Hearing

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

Noel Balstaedt (8501 Tallis Drive) said the architecture was done by JSA Architects and was similar to phases that were previously approved.

George Chipman (433 South 10 West) said he represents the Farmington Trails Committee. He asked how the trail in the southerly phase would be aligned.

Noel Balstaedt outlined where the trail would be located.

Public Hearing Closed

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

Jim Talbot asked why the County had not been able to determine whether their system could handle the development's drainage.

David Petersen said in the past the County stated they could handle the storm water for the area. They are now unsure as to how much water the system can handle. The County submitted figures to be reviewed by the City Engineer.

Jim Talbot asked if the County was capable of providing the needed information.

David Petersen said he did not know whether the County would be able to provide the needed information but Garbett Homes was capable of constructing an on-site drainage system. He passed out a letter that he received from Maxine Kerr.

Cindy Roybal referred to the letter and said she did not want Ms. Kerr to think she had bias for the County. She said she would abstain from making further comments regarding that area.

David Petersen said he disagreed with the first paragraph of Ms. Kerr's letter. At the previous discussion, he said he did not know whether Spring Creek was a major stream and whether the County had jurisdiction over it. He was also uncertain as to whether a stream alteration permit would be needed.

The Planning Commission agreed to reopen the public hearing so the northerly and southerly phases could be considered simultaneously.

PUBLIC HEARING: GARBETT HOMES - APPLICANT IS REQUESTING A RECOMMENDATION FOR A PUD DESIGNATION ON PROPERTY PRESENTLY ZONED C (COMMERCIAL) LOCATED WEST OF U.S. 89, EAST OF THE SHEPARD CREEK PARKWAY, SOUTH OF SHEPARD LANE, AND NORTH OF THE DEVELOPMENT KNOWN AS FARMINGTON CROSSING AT SPRING CREEK POND PLANNED UNIT DEVELOPMENT, AND PRELIMINARY PLAT APPROVAL AND A RECOMMENDATION FOR PRELIMINARY DEVELOPMENT PLAN APPROVAL FOR A DEVELOPMENT RELATED THERETO (S-30-05) (Agenda Item #5)

Background Information

The issues related to storm water runoff are the same issues set forth in the staff report for south phase of Farmington Crossing (see staff report for agenda item #5). Issues related to incomplete details of the preliminary plat and preliminary development plan are also the same for both projects (see agenda item #5).

Visitor parking was a big issue for the Planning Commission during their review of the middle phase of Farmington Crossing now under construction. In the middle phase the Commission allowed the developer to provide limited on-street parking on the Shepard Creek Parkway. The Commission must determine if there is adequate on-street parking within the interior of the project or if the developer should be allowed to continue providing on-street parking on (or adjacent to) the Parkway.

The northerly phase of Farmington Crossing includes a site for a church building and parcels reserved for non-residential uses adjacent to Shepard Lane. It is recommended that the Planning Commission consider any proposed development for these properties under separate conditional use and/or site plan applications.

END OF PACKET MATERIAL

Public Hearing

Chairman Ritz opened the meeting to a public hearing.

Gordon Peterson (Kaysville) said he owns one acre of property south of the pond. He asked that the Planning Commission consider the existing property owners in the area. He said the Garbett Homes property is 4' feet higher than the adjacent properties so a pond has been created due to the lack of drainage. He felt the on-site water retention would add to the existing problem. Due to a canal which was created by the developer and the lack of access to the property, the property is now worthless. He said the County and the developer were both unwilling to purchase the property at market value. He recommended that the County's water issues be resolved prior to granting approval.

Public Hearing Closed

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

Noel Balstaedt admitted that their excavator had mistakenly created a trench on Mr. Peterson's property but said the property had been re-vegetated. He said all of their storm water would be retained on site except for the drainage that was previously approved by the County. He asked for a recommendation to proceed with the northerly phase and for preliminary approval so they could make their donation to the LDS church in 2005.

David Petersen displayed a map from 1991 which showed most of the private properties as wetlands. The map indicated that over 50% of Mr. Peterson's property was wetlands except for a portion of the property which the Army Corp of Engineers considered disturbed wetlands. He said Mr. Peterson's property is actually having less storm water run off due to the Garbett Homes development since it is being redirected to Garbett Homes' temporary detention basin and is then metered onto County land at the historic rate. He said the City Engineer confirmed that Garbett Homes was not causing further water problems.

Noel Balstaedt said if their property was not elevated, they would not be able to construct their roads or be able to connect to the existing storm drains and sewer lines.

Kevin Poff asked that City Staff verify that the canal was re-vegetated.

Jim Talbot said Garbett Homes should not be responsible to provide access to the property since they were not infringing on the property. He said the issue should be resolved with the County since the problem may have been caused during the Highway 89 construction.

Chairman Ritz agreed that the City should verify that any inadvertent damage to the Peterson property has been properly mitigated. He said it should not be incumbent on Garbett Homes to provide access to property they do not own. He felt confident that the City had a plan in place that would eliminate run off to the neighboring properties. He suggested that the issue be reviewed at a later date.

The Planning Commission members agreed to hold a meeting on December 19, 2005, to further discuss the issue.

Motion

Kevin Poff moved that the Planning Commission continue consideration of Agenda Items #4 and #5 until a Special Planning Commission Meeting on December 19, 2005. **Jim Talbot** seconded the motion which passed by unanimous vote.

Jim Talbot said he would also be willing to review Jerry Preston's request at the Special Planning Commission Meeting.

PUBLIC HEARING: SYMPHONY DEVELOPMENT CORP. - APPLICANT IS REQUESTING A RECOMMENDATION FOR A PUD DESIGNATION ON 22.19 ACRES OF PROPERTY PRESENTLY ZONED AE LOCATED AT APPROXIMATELY 260 SOUTH 1100 WEST, AND PRELIMINARY PLAT APPROVAL AND A RECOMMENDATION FOR PRELIMINARY DEVELOPMENT PLAN APPROVAL FOR A DEVELOPMENT RELATED THERETO (S-33-05) (Agenda Item #6)

David Petersen displayed a Vicinity Map and a Preliminary Plat. He reviewed the history of the development and the "Suggested Motion".

Public Hearing

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

Tony Coombs (Symphony Homes) said their wetlands engineer, Dennis Wenger, conducted a survey of the property and found that wetlands do not exist. He said they would

meet condition #7 by dedicating 7 feet of right of way adjacent to 1100 West Street.

David Petersen said the sewer line extended to the field. In the past, the Sewer District required that access be provided to the man holes.

Tony Coombs said Leland Myers of the Sewer District informed him that he would allow the sewer to travel through wetlands so long as the proper pipes were used. He said he would obtain a letter from Leland Meyers verifying the information. He said the CC&R's would require trees in the subdivision.

George Chipman (433 South 10 West) said he represents the Farmington Trails Committee and asked if the trails were included on the Master Plan.

David Petersen said Symphony Homes would provide a trail connection between two lots so the trail could connect with the Farmington Greens trail. He said the Sewer District had allowed sewer lines to travel through wetlands in the past.

Public Hearing Closed

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

Kevin Poff said he did not think a pool should be considered open space since it could only be used by home owners from the development.

Cindy Roybal said she was in favor of the development's pool and pavilion since the open space would be used, unlike some of the other developments in west Farmington.

Motion

Cindy Roybal moved that the Planning Commission grant preliminary plat approval as requested subject to all applicable Farmington City ordinances and development standards, and further recommend that the City Council approve the preliminary development plan related thereto and designate the property AE (PUD). The motion is subject to the following:

1. The developer shall comply with all conditions of schematic plan approval.
2. The City Council must approve the preliminary development plan and approve the "PUD" designation.
3. If the applicant is able to develop future phases of Nord Farm Estates (or Chestnut

Estates) on adjacent property south and west of the site, the applicant must provide a road connecting to 1525 West (if approved by the U.S. Army Corp) and a road connection south to 475 South Street, loop culinary water lines to both streets as approved by the City Engineer, and provide a regional detention on said property. Developer shall receive credit and/or reimbursement for the detention basin for appropriate system related costs.

4. Developer shall enter into a development agreement with the City concurrent with or prior to final plat approval for the project, or if the project is developed in phases, the first final plat of the first phase of the project. The approval is also subject to the agreement approved by the City Council on October 5, 2005.
5. All public improvements for the development, including the off-site sewer line, grading and drainage plan, and a SWPPP, must be approved by the City Engineer, Planning Department, Public Works Department, Fire Department, CDSO, and Weber Basin Conservancy District. The City must receive a letter from CDSO acknowledging their approval of the Plans in writing.
6. The local interior streets shall be 55 feet in width and the street section shall be updated to meet City standards.
7. The developer shall dedicate an additional 7 feet of right-of-way adjacent to 1100 West Street and shall improve the west side of the street consistent with the City's standard for 80 foot wide right-of-way or major collector, including sidewalk.
8. The preliminary plan shall show contours, at one (1) foot intervals, for predominant ground slopes within the subdivision between level and five percent (5%), and two (2) foot contours for predominant ground slopes within the subdivision over five percent (5%).
9. The applicant must provide a soil report, based upon adequate test borings and excavations, prepared by a civil engineer specializing in soil mechanics and registered by the State of Utah.
10. The applicant must prepare an ownership, landscaping, and maintenance plan (including street trees) for the open space areas.
11. If there are any issues regarding wetlands, these must be resolved with the U.S. Army Corp of Engineers. The City must also receive a letter from a wetland consultant acknowledging that no wetlands exist within the subject property.

Kevin Poff seconded the motion which passed by unanimous vote.

Findings

- The developer has complied with the City’s requirements.
- The development will enhance the community and will increase property values in the area.
- The developer has made an effort to integrate with the neighboring developments.
- The development will eliminate the dead-end water lines and could possibly provide a loop access.

PUBLIC HEARING: TODD BRADFORD - APPLICANT IS REQUESTING A RECOMMENDATION FOR A PUD DESIGNATION ON PROPERTY PRESENTLY ZONED R-4 LOCATED AT THE SOUTHWEST CORNER OF 200 EAST AND 200 SOUTH, AND PRELIMINARY PLAT APPROVAL AND A RECOMMENDATION FOR PRELIMINARY DEVELOPMENT PLAN APPROVAL FOR A DEVELOPMENT RELATED THERETO (S-35-05) (Agenda Item #7)

David Petersen reviewed the history of the development. He said the applicant has determined that it would be too costly to restore the old home. A subcommittee was created to meet with the applicant to find an acceptable use for the home. It was agreed by the developer, subcommittee and Historic Preservation Committee that the applicant would not include the old home in the development but they would all make a good faith effort to develop the parcel for residential or non-residential purposes. The effort shall continue for 6 months after recordation fo the plat. If efforts do not prove successful, the City will review its options, including but not limited to, allowing the applicant to demolish the historic home on the property and creating two lots on the parcel (including a flag lot).

Public Hearing

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

Todd Bradford referred to the meeting that was held with the subcommittee where an understanding was reached that the marketing of the property would include the MLS, website, newspaper, and a packet from the Historic Preservation Committee. He said the proposed plan was consistent with the proposed Development Agreement. He said he had the support of the neighborhood, the Historic Preservation Commission and the City Staff.

Ron Smith (Development Partner) said a meeting was held with the Davis County Flood Control where it was determined that the water would be drained around the old home. If the old

home has a residential use, they would like Plat B and for a home to be built on the flag lot. If the old home has a commercial use, they would like Plat C, where parking and a fence will be installed. He said they are willing to relocate the smaller rock home to a location that is preferred by the City. He said the development will be attractive and will include a HOA, landscaping, and a precast stone fence along 200 East.

Public Hearing Closed

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

Jim Talbot recommended that a fence be placed around the old rock home to protect the home and the developer's investment.

Kevin Poff asked if there was sufficient distance between the two streets.

David Petersen said the distance between the streets was approved by the City Engineer.

Kevin Poff asked if approval was needed to relocate the creek.

Ron Smith said the "creek" was actually an irrigation ditch.

David Petersen asked that the developer provide a letter from Davis County Flood Control verifying his information.

Chairman Ritz asked how the property would be accessed if a use was not found for the old home.

David Petersen said if the home had a non-residential use, the home would be accessed from 200 East. If the home had a residential use, the home would be accessed from the development.

Chairman Ritz asked why sidewalks were not included on both sides of the street.

David Petersen said if sidewalks were included on both sides of the street, it would impact the front yards. He said issues related to the sidewalks could be further explored during the subdivision and/or site plan process.

David Petersen said it was his understanding that the marketing of the old home would continue for six months after plat recordation.

Todd Bradford said **Mr. Forbush** suggested that the marketing continue until July 31, 2005, in order to give the agreement an end date.

Motion

Jim Talbot moved that the Planning Commission recommend that the City Council approve the Preliminary PUD Master Plan and apply the “PUD” designation to the property, and further move that the Commission grant preliminary plat approval for the development related thereto. The entire motion is subject to all applicable City ordinances and development standards and the following:

1. The preliminary plat must be approved by the City Council, and if the Council chooses not to approve the preliminary plat, preliminary development plan (or Preliminary (PUD) Master Plan) and the R-4 (PUD) designation, then all approvals and recommendations from the Planning Commission, including the preliminary plat approval, shall be null and void.
2. The applicant shall enter into a development agreement with the City to include, among other things:
 - a. The interior road shall be a private road owned and maintained by the HOA;
 - b. A maintenance plan for the Common area;
 - c. The PUD shall contain a generous mix of housing types (i.e. one story, two story homes) mutually acceptable to the City and the Developer;
 - d. The applicant shall relocate the historic 1852 rock building at a location acceptable to the City, and regardless of its location, it must also be maintained in a manner acceptable to the City;
 - e. The cross-hatched parcel located in the southeast corner of the preliminary plat/preliminary PUD master plan shall be identified as “Parcel A” on the final plat for the project;
 - f. Regarding the cross-hatched parcel or Parcel “A” the agreement shall provide for the following:
 - i. The applicant, the City, and the City’s Historic Preservation Commission shall make a good faith effort to develop the parcel

for residential or non-residential purposes. This effort shall commence now and until 6 months after the recordation of the final plat. If efforts do not prove successful at the end of this time frame, the City will review its options, including but not limited to, allowing the applicant to demolish the historic home on the property and creating two lots on the parcel (including a flag lot).

- ii. If a non-residential use is successfully attracted to the site, the City will consider rezoning the property within reason and if necessary to accommodate such use. Furthermore, access to such use must be obtained from 200 East and not the interior road providing access to the residential portion of the project.
 - iii. During the aforementioned time period, the sale price of the park shall not exceed the appraised value of an improved lot (or land), excluding buildings.
 - iv. Any sale of the parcel shall be subject to certain covenants that the property will be developed consistent with the appearance and quality of the adjacent PUD.
3. The applicant must provide the following on or with the preliminary PUD master plan:
- a. A development schedule indicating the approximate date when construction of the Planned Unit Development or stages of the Planned Unit Development can be expected to begin and be completed.
 - b. A tabulation of the following: total number, by type, of dwelling units; total acreage of the site plan and the percentages thereof to be designated for various uses, i.e., parking, open space, streets, residential, etc.; gross and net dwelling unit densities and an estimate of the project population; proposed lot coverage ratio of buildings and structures.
 - c. A landscaping plan indicating the general type, location and treatment of shrubs, ground covers and plant materials used for private and common open spaces and a preliminary layout of the sprinkling system. The retention of healthy existing trees and other vegetation is strongly encouraged.
 - d. The proposed treatment of the perimeter of the Planned Unit

- Development, including materials and techniques used such as berms, planting screens, fences, and walls.
- e. Location of any proposed signs.
4. The applicant must provide the following on or with the preliminary plat:
 - a. Width of adjacent streets.
 - b. The location of all isolated trees worthy of preservation with a trunk diameter of four (4) inches or greater, within the boundaries of the subdivision, and the outlines of groves or orchards.
 - c. The existing use or uses of the property and the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines drawn to scale;
 - d. Preliminary location pressurized irrigation lines.
 5. Applicant shall provide the City written verification from Davis County Flood Control that no stream alteration permit is necessary from the State to alter the water course adjacent to the south boundary of the project.
 6. The sidewalk issue (i.e. whether to provide sidewalk on one side of the private interior road within the property, both sides, or no sidewalk at all) must be resolved concurrently with the City Council's consideration of the preliminary plat and Preliminary (PUD) Master Plan for the project.
 7. The CCR's for the project must provide for snow removal of the sidewalk on 200 East and 200 South and other maintenance responsibilities.
 8. The gate and the pedestrian access connecting the site to Woodland Park shall not have a sign intended to restrict use of the pathway for residences only.

Consideration of the preliminary development plan (or the Preliminary (PUD) Master Plan) and the "PUD" designation by the City Council shall be done in accordance with the standards set forth in Chapters 6 and 27 of the Zoning Ordinance.

Kevin Poff seconded the motion which passed by unanimous vote.

The Planning Commission recessed at 8:35 P.M. and reconvened at 8:40 P.M.

PUBLIC HEARING: GARDNER/GUST OLD FARM, LLC - APPLICANT IS REQUESTING A RECOMMENDATION FOR A ZONE CHANGE ON APPROXIMATELY 33.955 ACRES OF PROPERTY LOCATED WEST OF MAIN STREET, EAST OF U.S. 89, SOUTH OF CHERRY HILL INTERCHANGE, AND NORTH OF THE OLD SHEPARD CREEK ESTATES AND OLD SHEPARD COMMONS SUBDIVISIONS FROM LR, LS, AND A TO NMU (PUD), AND A RECOMMENDATION FOR PRELIMINARY DEVELOPMENT PLAN APPROVAL FOR A DEVELOPMENT RELATED THERETO (Z-7-05) (Agenda Item #8)

Background Information

The Planning Commission recommended schematic plan approval for the project on October 13, 2005. The motion for approval was based on the discussions noted regarding items 1 through 6 of the Staff Report. It was recommended that the developer meet with residents and/or property owners on 900 West Street to find a solution for 900 West as a possible point of access into the proposed project area. The Planning Commission recommended that 900 West be left as a dead-end street. The Commission also recommended that the City Council approve the zone change at a later time.

The developer has met with residents on 900 West and desires to leave this right-of-way as a dead end street. The City Council approved the schematic plan on October 19, 2005, subject to the same conditions recommended by the Planning Commission with an additional condition that “the issue of access to Highway 89 be investigated.”

After the schematic approval, the developer affirmatively to request for information by City Staff in a letter dated November 9, 2005, and thereafter the Planning Commission reviewed the application as a discussion item on November 10, 2005.

City Staff met with representatives from FAPID (Farmington Area Pressurized Irrigation District) and CDS (Central Davis Sewer District) to discuss the project in detail on November 16, 2005. This same group met with the developer, and his engineer and architect, on November 29, 2005. To this point, at this level of review, most concerns have been met. Both FAPID and the City want to ensure that final grading of the project does not negatively impact existing major trunk lines which traverse the property. Both entities are open to proposals regarding meter locations and sizes of same. The sewer district does not want a sewer line traversing under the proposed storm water detention basin in the southwest corner of the site without the developer providing a line for this basin acceptable to the district. The sewer district and the City need additional flow and capacity information for their respective utilities. The City Engineer also made it clear that all storm water must be detained on site consistent with City standards (i.e. 25

year storm).

Horrocks Engineers were satisfied with the information contained in the traffic report except they recommend a more detailed look at the proposed round-about to ensure it will function as anticipated next to the interchange.

END OF PACKET MATERIAL.

David Petersen displayed and overhead of the initial concept plan from September 2005, which included a steep road. The current concept plan included a winding road. He said although only 10% of the traffic entering the site would come from the Frontage Road, there would still need to be a truck access. He briefly reviewed the findings from the Traffic Report. He also reviewed the "Suggested Motion" and made the following comments:

- The City feels a middle turn lane would benefit the property owners in the area.
- He said there is an office complex near the development that has a front parking lot with a rear entry from 900 West. The difference between the curb and gutter is almost 80'. City Staff suggested that a road be created to connect the two centers. It would provide synergy and would benefit the existing commercial users.

He said the different entities need to know whether the culinary water and pressurized irrigation meters will be installed separately for individual uses or will a master meter be installed for the entire project. FAPID indicated they would like one master meter for the entire development. City Staff recommended preliminary development plan approval.

[Kevin Poff arrived at 8:52 P.M.]

Public Hearing

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

Dave Dixon (1047 North 400 West) said they considered connecting the road but decided otherwise since they do not own the roads. They are willing to consider a Cross-Access Agreement between the two centers, but the final decision would need to be made by Wayne Belluea. He said they still planned to extend the precast rock wall to the Frontage Road, as per the request of the residents. They had not yet determined the use for the old Potter home.

Matt Poulsen (1732 North Main) said he was concerned about the access to the development. He said he contacted UDOT to obtain information regarding the access to the

development. He received an email from Farrah M. Williams of UDOT which he distributed to the Planning Commission members. She said the developer requested an impact study and a variance, but they had not addressed the “no-access” issues.

Drew Neil (1454 North 900 West) said the residents on 900 West would like to have the concrete wall extend to the Frontage Road. He asked that the road connecting 900 West be terminated if the two centers are connected. He asked that a sound wall be installed behind the office buildings if traffic increases in the future. He asked when the PUD suffix was added, as shown on the Agenda.

Don Leonard (715 West Leonard Lane) asked that the Planning Commission recommend that the City rezone the property and grant preliminary development plan approval.

Spencer Henderson (1890 North Kensington) asked if the Traffic Analysis and Economic Impact Analysis had been audited.

David Petersen said the Traffic Analysis was audited by the City’s Traffic Engineers, Horrocks Engineers. It was also audited by the neighborhood group’s engineers, A-Trans. The Economic Impact Analysis was not audited.

Spencer Henderson said the developer had not proven that they had sufficient finances to fund the project.

Harv Jeppson asked that the Planning Commission recommend that the City Council approve the applicant’s request to rezone the property and to approve the preliminary development plan.

Public Hearing Closed

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

David Petersen said the PUD suffix was added to the Agenda by mistake.

Dave Dixon said the Traffic Study was submitted to UDOT who requested additional information regarding the Frontage Road. After the information is submitted, it will take an additional ten days.

Cindy Roybal asked if the development had adequate storm drainage.

David Petersen said the development was required to meet the City’s high storm

drainage standard which is a 25 year storm standard.

Cindy Roybal asked if a buffer would be provided if 900 West was terminated so it would not appear that the road will eventually go through.

Dave Dixon explained where the wall would be located but said the location would be different if the two centers were connected.

Cindy Roybal said since the development was located in the NMU zone, it would be more appropriate to separate the credit union from the grocery store. She was in favor of connecting the two centers.

Dave Dixon said it was the credit union who thought it would be a more viable location. The credit union would likely be less than 4,000 square feet, but would not be larger. It would be created in an "L" shape.

Jim Talbot asked if the credit union has a contract with the store users stating they have to be part of the development. He thought it may be an unfair advantage to the credit union and a disadvantage to users who want to purchase a pad. He said the storm water guidelines are generally based on 100 years. The City should verify that a 25 year storm guideline is adequate since the development is 33 acres. He opposed the road connecting the two centers because of the traffic that would be generated on Creek Lane. He did not think the developer should feel pressure to find a use for the old Potter home.

David Petersen said the developer could follow the same guidelines for the Potter home that were given to Todd Bradford regarding the old Steed home.

Chairman Ritz said the City and Planning Commission should consider the dilapidated state of the old Potter home.

Keith Klundt said the Traffic Impact Analysis was encouraging. He was not in favor of connecting the two developments because of the traffic that would be generated.

David Petersen said he would ask Horrocks Engineers to submit a recommendation.

Keith Klundt referred to condition #3 of the "Suggested Motion" and asked how much narrower the road would be.

David Petersen said the center turn lane was 13' and the shoulder was 9.5'. The road could be reduced by a total of 5'. City Staff thinks the middle turn lane will be a benefit to the area. The roundabouts and traffic light will calm traffic. He said the Traffic Study did not

indicate that a light would be necessary but the developer and City planned to include the light due to the blind corner.

Dave Dixon said pedestrian access would be safest at the intersection rather than at the roundabout. The traffic signal will provide traffic breaks that will benefit the 1400 North motorists.

Kevin Poff said he did not oppose the credit union being attached to the grocery store since many grocery stores are attached to banks.

Jim Talbot said if the credit union is 4,000 square feet, it should be considered a financial institution and should include a drive-up window.

Cindy Roybal said it is not appropriate to add 4,000 square feet to a big box in the NMU zone.

Dave Dixon said the attachment of the credit union is typical for this grocer since they have an affiliation with the credit union.

Jim Talbot said when a bank is in a grocery store, it is typically 800 square feet.

Keith Klundt said it would be better for all parties involved if the bank were included in the grocery store.

Dave Dixon said the credit union would likely be closer to 3,000 square feet. If the credit union were located in the grocery store, it would eliminate the appearance of a big box.

Chairman Ritz asked if the NMU text required developers to provide financial information.

David Petersen read the zoning text from the NMU zone chapter for Planned Centers. He said the developer shall demonstrate the ability to complete the project but he did not interpret it to mean that the developer was required to provide their financial statements.

Dave Dixon said they were willing to provide their financial information if it was requested by the City.

Motion

Kevin Poff moved that the Planning Commission recommend that the City Council rezone the property from LR, LD, and A to NMU and grant preliminary development plan

approval for the entire Old Farm development subject to all applicable Farmington City development standards and ordinances and the following:

1. The developer must comply with all conditions of preliminary plat approval.
2. The applicant must receive approval from UDOT and provide access to the one-way frontage road/on-ramp adjacent to U.S. 89.
3. The new middle turn lane on Main Street is recommended as proposed, but in order to reduce the aesthetic impact of the road improvements in the area, the developer must narrow the width of the shoulders and middle turn lane as approved by the City's traffic engineer without compromising the integrity of the traffic volume capacity of the road.
4. The developer must study or explore the possibility of providing a two-way connection south to the Foxglove Center in front of the office buildings located in the Old Shepard Commons subdivision adjacent to U.S. 89, thereby increasing the "synergy" between the two centers. As part of this condition the developer must receive a recommendation from the City's traffic engineer, Horrocks Engineers, and the study must consider, among other things, traffic impacts to Creek Lane.
5. All storm water must be detained on site. Storm water facilities must be designed to City standards to meet the 25 year/10 hour storm.
6. Final improvement drawings, including grading and drainage plans and a storm water pollution prevention plan (SWPPP), must be reviewed and approved concurrently with the final plat(s) and/or final development plan for the project by the Farmington City Public Works Department, City Engineer, Fire Department, Planning Department, FAPID, and CDSO.
7. The developer must provide a free right hand turn lane from U.S. 89/Main Street into the project to accompany the round-about.
8. The U.S. Army Corp of Engineers must approve activity of the developer that may disturb any wetlands on or adjacent to the site.
9. Issues regarding the use of the historic Potter home must be resolved prior to or concurrent with final site plan approval for that portion of the project.
10. The master or final development plan for the project and all matters related thereto must be memorialized as part of a development agreement between the

developer and the City. This agreement must be recorded against the property prior to or concurrent with final plat approval of the project (or the first phase of the project) or site plan approval.

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

Findings

- The developer has met the requests of the City and the community.
- The development will be a benefit to the area.
- The development is consistent with the Master Plan.

PUBLIC HEARING: STATION PARK, LLC, RICH HAWS - APPLICANT IS REQUESTING A RECOMMENDATION FOR A ZONE CHANGE ON PROPERTY LOCATED WEST OF I-15, NORTH OF CLARK LANE, AND SOUTH OF PARK LANE FROM A AND BP TO TOD (Z-9-05) (Agenda Item #9)

Background Information

After a lengthy process in July of 2004, the subject area was identified as “Transportation Mixed Use” (TMU) on the future land use map of the City and text of the General Plan was amended accordingly. A few months later, in October 2004, the City enacted Chapter 18 of the Zoning Ordinance titled “Transportation Oriented Development (TOD) Zone”. Now, Rich Haws is requesting a rezone of certain property within the TMU area from A to TOD consistent with the General Plan.

Often, although not required by law, the Planning Commission will review a schematic (or concept) plan in conjunction with a rezone application. Mr. Haws did not submit a schematic plan with the application. I reviewed this matter with Todd Godfrey from the City Attorney’s office and he said that the Commission can be confident in giving a positive recommendation without a schematic plan because the City just recently amended Chapter 18. This amendment included, among other things, the requirement that all applications for development must be accompanied by a Project Master Plan which must be approved by the City prior to, or concurrent with, progressing through the planning process.

END OF PACKET MATERIAL

David Petersen displayed a Vicinity Map. Applicants generally submit Concept Plans when applying for a rezone. However, the City Attorney said it would be acceptable in this case since a requirement for Project Master Plan exists in the zone text. Even if another developer were to submit a plan, the Ordinance would protect the interests of the City. He said City Staff

recommends that the property be rezoned TOD.

Public Hearing

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

Rich Haws (1869 North Bella Vista Drive) said he has been working with a joint venture partner and their intent is to rezone the property from A and BP to TOD. If the rezone is approved, it would help the project progress since national tenants are not willing to contribute money for the Site Plan if the zoning has not been approved.

Public Hearing Closed

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

Motion

Jim Talbot moved that the Planning Commission recommend that the City Council approve the zone change on property located west of I-15, north of Clark Lane, and south of Park Lane from A and BP to TOD. **Kevin Poff** seconded the motion, which passed by unanimous vote.

Findings

- The development and zoning is consistent with the Master Plan.
- TOD is the appropriate zoning for the area. The zoning text will provide adequate protection for the City.
- The rezone will allow the project to move forward.

PUBLIC HEARING: LANE FISHBURN - APPLICANT IS REQUESTING A RECOMMENDATION TO AMEND THE GENERAL PLAN REGARDING 1.7509 ACRES OF PROPERTY LOCATED ON THE SOUTHWEST CORNER OF MAIN STREET AND SOUTH MOUNTAIN ROAD FROM “LOW DENSITY RESIDENTIAL” TO “OFFICE/BUSINESS PARK”, AND TO REZONE THE PROPERTY FROM LR-F TO BP-F (Z-10-05) (Agenda Item #10)

Background Information

The applicant has determined that the subject property is not a good location for single family homes because it is located on a busy collector street next to a major interchange. Based

on the results of past discussion items with the Commission, the developer has also determined that multiple family development (for sale or rental units) may not be acceptable and that a small well landscaped professional office building will be more compatible with adjacent neighborhoods. Hence he is requesting a BP zone.

The number of uses available in the BP zone for parcels under 5 acres. For example, multiple family residential is not allowed. Moreover, the City maintains a certain degree of control over the property because any development proposal on a parcel one acre or greater in size must be considered as conditional use in the BP zone.

END OF PACKET MATERIAL

David Petersen displayed the General Land Use Plan. He said if the property was rezoned to BP-F, it would require a review of the General Land Use Plan. He said the applicant felt the change to the General Land Use Plan was warranted since the area had significantly changed due to the construction of the \$30 million interchange which was not anticipated when the General Plan was written. The Planning Commission informed a previous developer that an office building would have the least amount of impact to the existing neighborhood. The BP zone would help prohibit the area from having a multi-family use and ensure that any use over an acre would require approval for a conditional use.

Mr. Petersen said the City Attorney suggested that the Planning Commission withhold their recommendation until they have received an acceptable Concept Plan. He displayed the current Concept Plan and said he was concerned that the office building was three stories high and that the parking would utilize a portion of the UDOT property.

Public Hearing

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

Lane Fishburn (799 West Millshadow Drive, Kaysville) said he read past Planning Commission and City Council minutes regarding the property and understood the concerns of the adjacent property owners. He felt his proposal was an appropriate use for the property. He displayed a rendering of the office building and said he considered it a “show piece” for the high visibility property. He said although the building is three stories high, it would be less than the height allowed by the City’s code.

Patricia Potter (1745 North Main) said her residence is south of the property. She thought the proposed building was attractive and would rather have it be her view than the highway.

Sharon Treu (931 West Northridge Road) said the residents in the area were opposed to the funeral home and they were more opposed to the 3 story office building. She said the residents are constantly forced to compromise. She said the “line should be drawn” on commercial development. She asked the Planning Commission to protect the existing residents. She said the residents in favor of the proposed building had sold their property and would no longer be Farmington residents.

Carlie Neil (1454 North 900 West) said she was concerned that a precedent would be set if the office building is allowed. She was also concerned about the increased traffic to the area.

Merrill Pugmeier (1065 North Oakridge) said he is pleased with the development that is taking place in Farmington so he will not have to leave the City for services.. He felt the office building would be an appropriate use since it is near major roadways.

Matt Poulsen (1732 North Main Street) said there should be a line drawn between the residential and commercial components. If the property is developed with a commercial use, it may encourage other landowners in the area to sell to a commercial user. He said the City should wait to make certain that the Village at Old Farm development occurs.

Patricia Anderson (671 Somerset Street) said Mrs. Medina attempted to purchase the Pilcher property three years ago to be used as her primary residence. She said the property could have a residential use if the traffic were mitigated by trees. She recommended that Farmington be maintained as a bedroom community. She was concerned that if the office building were allowed, additional commercial uses would “creep” down Main Street.

Public Hearing Closed

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

Keith Klundt said he would like the developer to submit a rendering illustrating how the building fits into the surrounding area. He also requested that a traffic study be conducted for the office building. He said he was sensitive to the concerns of the existing residents but he questioned whether the parcel was meant for a residential use since it had been on the market for two years and had not been purchased.

Kevin Poff said he did not think residential use would be the most appropriate use due to the major changes that had occurred in the area. He said even without additional development, Main Street continues to get busier. He suggested that a new traffic analysis be done to include the Village at Old Farm and the proposed office building. He also suggested that the developer provide ideas of how buffering will be provided to the existing neighbors.

Cindy Roybal said she approved of the funeral home because it was a low impact use. She felt the impact of a 3-story office building would be extreme. She said she understood the concerns of the adjacent property owners and would not like the office building next to her home. She said she sympathized with the Pilchers since major changes had occurred to the area.

Jim Talbot said medical use in the area should occur at the Village at Old Farm. He said the neighborhood had been extremely lenient. He said the impact of the office building would be more extreme than that of the funeral home, which he was also opposed to. He suggested that the City refrain from allowing additional commercial space in the area until the impact of the NMU zone is determined.

David Petersen gave examples of other office buildings in the City where low impact office buildings were successfully incorporated near neighborhoods. His personal opinion was that the 3-story office building was unattractive and would have a negative impact to the neighborhood, as well as to the Village at Old Farm development. He said the 3-story office building would be better suited in the Station Park development and the site would be more suited to a smaller scale office building.

Chairman Ritz said he was opposed to Farmington being maintained as a bedroom community because the City's taxes would continue to escalate. He said the Pilchers should be able to sell their property to an appropriate buyer. He said a small office building would be an appropriate use for the property and would not be intrusive to the existing neighborhood.

Lane Fishburn said the development process is strictly monitored in the BP zone. He said he was willing to alter the architecture and the scale of the building to meet the needs of the City. He suggested a one year clause be added to allow him to find a more suitable use.

Keith Klundt said it would be beneficial if the developer submitted a rendering illustrating the property's surroundings and topographical features. He said he did not oppose the size of the building since there were homes allowed in his neighborhood that were similar in size.

Motion

Jim Talbot moved that the Planning Commission deny the applicant's request to amend the General Plan regarding 1.7509 acres of property located on the southwest corner of Main Street and south Mountain Road from "Low Density Residential" to "Office/Business Park", and to rezone the property from LR-F to BP-F. **Cindy Roybal** seconded the motion which passed by a 3 to 1 vote. The Planning Commission agreed to continue their work with the developer.

After hearing all of the evidence, the Commission voted to deny the application because the development proposal associated thereto was too large in scale and therefore not compatible

with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development. The Planning Commission determined that the development proposal was in direct contrast to “the most significant element underlying the [Farmington City] General Plan” set forth in paragraph 1. of the General Goals Section of Chapter 4 of said plan, which states: “The Farmington City General Plan is based on the overall of creating within the community a healthy, attractive, and pleasant living environment for its residents”.

David Petersen said when a rezone application is denied by the Planning Commission, the applicant can submit another proposal. On the other hand, if the application is denied by the City Council, the developer has to wait for 12 months before reapplying for the zone change.

Keith Klundt said he was opposed to the motion because he would like to continue working with the developer to find a more appropriate plan.

PUBLIC HEARING: FARMINGTON CITY - APPLICANT IS REQUESTING A RECOMMENDATION TO AMEND CHAPTER 14 (BUSINESS PARK ZONE (BP)) REGARDING ACCESSORY BUILDING SETBACKS (ZT-6-05) (Agenda Item #11)

David Petersen reviewed the letter submitted by Jim Carter of Bear West, including the following paragraph:

“I would stick to the height limits, and not allow a structure taller than 20' on a lot line in any circumstance. Perhaps you want to allow smaller structures on side or rear lot lines internal to the zoned area, but require that anything over 20' be at least ten feet from the lot line. The main building setback of 20' is intended to preserve the “park” feel, and allowing large accessory structures on lot lines would likely interfere with achieving that objective.”

Mr. Petersen said City Staff recommended that the Planning Commission recommend that the City Council amend Chapter 14 (Business Park Zone (BP) regarding accessory building setbacks.

Public Hearing

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

Public Hearing Closed

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

Cindy Roybal said she agreed with Mr. Carter's suggestion for the height limits.

Jim Talbot asked if a zero lot line would be appropriate.

David Petersen said if the accessory building is brought off of the rear lot line, the space could be used for other purposes.

Jim Talbot asked if the roof could extend over the property line.

David Petersen said it is a civil issue and may not be acceptable.

Motion

Keith Klundt moved that the Planning Commission recommend that Chapter 14 (Business Park Zone (BP) be amended regarding accessory building setbacks. **Kevin Poff** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: FARMINGTON CITY - APPLICANT IS REQUESTING A RECOMMENDATION TO AMEND CHAPTER 19 OF THE ZONING ORDINANCE TITLE "COMMERCIAL MIXED USE (CMU) ZONE" (ZT-7-05) (Agenda Item #12)

David Petersen said the City Council was in favor of the provisions that were adopted as part of the mixed use zone which required a mix of uses. He said the new CMU text was tailored after the NMU provisions. The Planned Center Concept was also included in the zone text. The subcommittee recommended that the Planning Commission consider decreasing the CMU zone after approving the amended CMU zone text. City staff recommends that the Planning Commission approve the amendment of Chapter 19.

Keith Klundt referred to page 5, paragraph 5 and asked which zone texts included the wording of paragraph 5.

David Petersen said the TOD had strict guidelines but the text is an option for any zone in the City. He referred to page 3 and said the square footages were increased to 100,000 square feet.

Jim Talbot said the square footage in the CMU zone should be 55,000+.

David Petersen said the committee wanted a cap placed on the square footage. The secondary zone in the CMU area is the only area without a square footage cap.

Public Hearing

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

Harv Jeppson said he approves of the proposed text but did not think the zoning should be suited for Richmond American Homes.

Public Hearing Closed

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

Motion

Keith Klundt moved that the Planning Commission recommend the amendment of Chapter 19 of the Zoning Ordinance titled “Commercial Mixed Use (CMU) Zone” with the following change:

Paragraph 5 on Page 5 shall read:

- (5) *The impacts projected to occur because of the development. Also upon request by the City when circumstances warrant, the developer shall demonstrate the ability to complete the project and to achieve long-term financial stability. Final determination of the appropriateness of a particular building use and size will take into account the net benefits and impacts to the development itself, to the surrounding neighborhoods, and to the community as a whole.*

MISCELLANEOUS

Don Pratt Lot Line Adjustment Request

The information relating to the Agenda item was not prepared.

Planning Commission Elections for 2006

Chairman Ritz expressed his appreciation to **Cindy Roybal** for the time she served on the Planning Commission. He informed the Planning Commission members that the following individuals were selected to serve on the Planning Commission:

- **Rick Weiss** from the Oakridge area will serve a four year term.
- **Andrew Hiller** from the Farmington Ranches area will serve a one year term.

- **Cory Ritz** was reappointed to fill a three year term in an effort to provide the Planning Commission with continuity.

Scott Harbertson said **Mayor Connors** suggested that the Planning Commission Chairman be appointed by the new Mayor after the first of the year. The City Council requested that **Max Forbush** research the by-laws to determine if a Mayoral appointment would be appropriate. **Scott Harbertson** said he did not feel comfortable making the appointment without receiving input from the existing Commissioners.

The Planning Commission agreed to further discuss the elections at the Special Planning Commission Meeting which will be held on December 19, 2005.

Proposed 2006 Planning Commission Schedule

The Planning Commission discussed their preference for the meetings which will be held in November and December. The Planning Commission agreed to meet on November 9, 2006, and December 14, 2006. They agreed to hold a study session before each meeting in an effort to reduce the length of the meetings.

OTHER

Cindy Roybal requested that the City adopt a tree ordinance which would require developers to provide trees in the park strips of all new developments.

ADJOURNMENT

Keith Klundt moved that the Planning Commission adjourn at 10:47 P.M.

*Cory Ritz, Chairman
Farmington City Planning Commission*