

FARMINGTON CITY PLANNING COMMISSION

Thursday, March 13, 2008

CENTERCAL PROPERTIES (JOINT FARMINGTON CITY COUNCIL/PLANNING COMMISSION AGENDA ITEM): APPLICANT WILL PRESENT PLANS AND OTHER INFORMATION FOR THE STATION PARK DEVELOPMENT LOCATED GENERALLY NORTH OF CLARK LANE, WEST OF I-15, AND SOUTH OF PARK LANE IN THE TOD ZONE (M-9-06)

Present: Chairman Kevin Poff, Vice Chairman John Bilton, Commission Members Rick Wyss, Paul Barker, Randy Hillier, Craig Kartchner, Steve Andersen, Alternative Planning Commission Member Jim Young, City Planner David Petersen, Mayor Pro Tem Rick Dutson, City Council Members Paula Alder, David Hale, Sid Young, City Manager Max Forbush and Recording Secretary Jill Hedberg.

Kevin Poff called the meeting to order at 4:30 p.m. Representation from CenterCal presented information and answered about the Station Park project.

CLOSED SESSION TO DISCUSS STRATEGY AS IT PERTAINS TO ACQUISITION OF REAL PROPERTY (JOINT FARMINGTON CITY COUNCIL/PLANNING COMMISSION AGENDA ITEM)

Present: Chairman Kevin Poff, Vice Chairman John Bilton, Commission Members Rick Wyss, Paul Barker, Randy Hillier, Craig Kartchner, Steve Andersen, Alternative Planning Commission Member Jim Young, City Planner David Petersen, Mayor Pro Tem Rick Dutson, City Council Members Paula Alder, David Hale, Sid Young, City Manager Max Forbush, City Traffic Engineers Tim Taylor and Ron Mortimer, and Recording Secretary Jill Hedberg.

CLOSED MEETING

A motion was made by _____ for the Council to go into a closed meeting to discuss strategy as it pertains to acquisition of real property. The motion was seconded by _____. The motion passed with Planning Commission members Craig Kartchner, Steven Andersen, John Bilton, Kevin Poff, Rick Wyss and Paul Barker and alternate Jim Young all voting in favor.

SWORN STATEMENT

I, Rick Dutson, Mayor Pro Tem of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was convened in a closed meeting.

Rick Dutson, Mayor Pro Tem

At 6:53 p.m., a motion to reconvene into an open meeting was made by **Craig Kartchner** and seconded by **John Bilton**. The motion passed with Planning Commission Members Craig Kartchner, John Bilton, Jim Young, Steven Andersen, Kevin Poff, Rick Wyss and Paul Barker voting in favor.

PLANNING COMMISSION STUDY SESSION

Present: Chairman Kevin Poff, Vice Chairman John Bilton, Commission Members Rick Wyss, Paul Barker, Randy Hillier, Craig Kartchner, Steve Andersen, Jim Young, Alternative Planning Commission Member Jim Young, City Planner David Petersen and Recording Secretary Jill Hedberg.

Chairman Poff called the meeting to order at 7:00 p.m. The following items were reviewed:

Agenda Item #4: Minutes:

The Planning Commission made corrections to the minutes of the Planning Commission meeting held February 28, 2008.

Agenda Item #6: Farmington City (Public Hearing) - Consideration of proposed text changes regarding Chapter 18 (Transportation Oriented Development (TOD) Zone) of the Zoning Ordinance consisting of modifications to the "Secondary District" including, but not limited to, proposed amendments related to residential density, non-residential building size, permitted and conditional uses, and possibly some Project Master Plan (PMP) criteria (ZT-3-08):

David Petersen said the City Attorney has advised the City against placing a moratorium on the TOD area since there may be legal implications since the land was purchased on certain expectations. After receiving this recommendation, the City submitted their application regarding the proposed text changes. The City Attorney has drafted text for the Planning Commission's review. The draft text includes a density of up to 9 dwelling units per acre around the edge of the zone and up to 18 dwelling units per acre in the other area. The development must include a mixed use. The City Council and Planning Commission are concerned this project will have the same outcome as the Garbett Homes project whereby the density is high and the mixed use component was eliminated. Property owners at Farmington Ranches East and the residents near 1100 West are also concerned about the high densities.

Chairman Poff said he is concerned that the Planning Commission has not had a chance to discuss certain issues pertaining to the TOD zone. He is also concerned about adjusting the allowable density prior to the new Planning Commission members become educated about the history of the zones and the boundaries of the different areas.

The Planning Commission members agreed that it would benefit the entire Commission to have more time to study the issues pertaining to the TOD zone.

Steven Andersen said CenterCal has made a significant investment in the Station Park project and there has been much thought put into its design. The City is the beneficiary from working with a quality group such as CenterCal. The City should be careful to not detract from that project. He said he would like a study session to be held to review the history of the zone and the Ordinances that were referenced to create the zone.

The Planning Commission directed City staff to present information regarding the TOD zone at their next study session.

David Petersen gave the Planning Commission members a copy of the letter that the City received from **Rich Haws'** attorney. He said the Planning Commission may want to form a committee to further study the issues and then present their recommendation and findings to the Commission. This approach would be less restrictive than a moratorium. He then passed out a handout which outlines the boundaries for the core, secondary and tertiary areas. He said he will discuss those boundaries in further details during the regular meeting.

Miscellaneous, Correspondence, Etc.

Future Training

David Petersen informed the Planning Commission members that the Visualizing Density class is full. If they are interested, they can have their names put on a waiting list or attend another seminar in Boise, Idaho.

The study session adjourned at 7:28 p.m.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Kevin Poff, Vice Chairman John Bilton, Commission Members Paul Barker, Rick Wyss, Randy Hillier, Steve Anderson, Alternate Planning Commission Member Jim Young, City Planner David Petersen, and Recording Secretary Jill Hedberg. Craig Kartchner was excused.

Chairman Poff called the meeting to order at 7:33 p.m. **Jim Young** offered the invocation.

APPROVAL OF MINUTES (Agenda Item #4)

Chairman Poff said the minutes of the Planning Commission meeting held March 4, 2008, were reviewed during the study session.

Motion

Steven Andersen moved to approve the minutes of the Planning Commission meeting held February 28, 2008. **John Bilton** seconded the motion, which passed unanimously.

CITY COUNCIL REPORT (Agenda Item #5)

David Petersen reported the proceedings of the City Council meeting which was held on March 4, 2008. He covered the following items:

- C The City Council approved an Ordinance vacating Lot 41 of Shepard Heights subdivision and approved an amended plat showing Lot 41 inclusive of a vacated portion of Bella Vista Drive.
- C The City Council continued consideration of the Amended Development Agreement with Station Park/CenterCal Development.
- C The City Council granted a lot line adjustment request in the Farmington Greens Subdivision.
- C The City Council voted to add the Centerville/Farmington Frontage Road Bike Lane Plan to the Capital Improvement Program.
- C The City Council conceptually agreed to the plan for the Public Works/Parks and

Recreation site including a metal replacement building and salt storage shed.

- C Annette Tidwell appeared before the City Council and informed them that the Museum Committee is opposed to the proposal to temporarily relocate the Planning Department to the City Museum.

FARMINGTON CITY (PUBLIC HEARING) - CONSIDERATION OF PROPOSED TEXT CHANGES REGARDING CHAPTER 18 (TRANSPORTATION ORIENTED DEVELOPMENT (TOD) ZONE) OF THE ZONING ORDINANCE CONSISTING OF MODIFICATIONS TO THE "SECONDARY DISTRICT" INCLUDING, BUT NOT LIMITED TO, PROPOSED AMENDMENTS RELATED TO RESIDENTIAL DENSITY, NON-RESIDENTIAL BUILDING SIZE, PERMITTED AND CONDITIONAL USES, AND POSSIBLY SOME PROJECT MASTER PLAN (PMP) CRITERIA (ZT-3-08) (Agenda Item #6)

David Petersen said during previous discussions, the City Council and Planning Commission have expressed concerns regarding the allowable density in the secondary area of the TMU zone. According to the minutes from the January 17, 2008 Planning Commission meeting, the Planning Commission would like to further discuss the residential density issue, as well the allowable uses and their associated building size. There are concerns that the allowable density may be too high near the existing residential area. It is suggested that the allowable density be reduced to 9 dwelling units per acre in certain areas. As directed by the Planning Commission, City staff has drafted text for the Commission's consideration.

Chairman Poff reminded City staff that it would be a benefit to the new Planning Commission members if they were given the history of the TOD zone.

[**Paul Barker** recused himself from participation in the agenda item due to a possible conflict of interest.]

David Petersen displayed a slide on the overhead and pointed out where the different areas are located within the TMU zone. He then reviewed the information from the handout that was given to the Planning Commission during the study session. The amended text states the following:

- C A project master plan in the secondary area must include a genuine mixed use.
- C Residential components may be up to 18 dwelling units per acre so long as they are not adjacent residential or rural areas. If the residential component is located next to one of those areas, the allowable density shall be up to 9 dwelling units per

acre.

Public Hearing Opened

Chairman Poff opened the meeting to a public hearing at 7:50 p.m.

Paul Bringhurst (Stantech Consulting, 3995 South 700 East, Suite 300, Murray) said according to the land use study that was conducted by Stantec in December 2007, the parcel that is located between Park Lane and the County Fairgrounds is buffered by the D&RG railroad corridor so there is not a rural residential area that physically abuts the TOD area. He referred to the TOD guidelines which state that higher densities create a critical mass of people to use the TOD streets and public spaces. People are more likely to use transit if it is located near the area where they live and/or shop. Residential uses are vital to transportation development during all times of the day and week. Several studies show that higher densities lead to the sustainability and higher rates of transit ridership.

Mr. Bringhurst said the issue being considered is not just a City issue, it is a regional issue. If the commercial and mixed use areas are the vehicle for the tax base, then the residences are the fuel. It is necessary for density to exist. He said his professional opinion is that the density should be higher than 18 dwelling units per acre.

Ryan Drayer (1386 Longhorn Drive) said he lives near the Secondary District of the TOD zone. Although he purchased his home knowing that there would be a Transit Oriented Development, he expected there would be a lower density development to provide a buffer space between his home and the larger commercial area. He supports the proposed change which would reduce the allowable density to 9 units per acre. He suggested that the commercial areas have restrictions (such as hours of operation) if they are abutting residential areas.

Robert McConnell (185 South State, Salt Lake City) said he is speaking on behalf of Ron Martinez and America West, who own property in this area. The City studied the zone text for the TOD zone for a number of years prior to adopting it. Prior to that time, the City amended the General Plan. He believes that the proposed text amendment deserves the same consideration as original zoning. He noted that the Station Park property, which represents the majority of the core area, does not include a residential element. The project will not have roof tops to sustain the commercial development.

Mr. McConnell stated that if the density is reduced, it will not make the project more aesthetically pleasing. In some respects, it will impose unintended limitations on the developer and the City. America West is in the process of creating their plans so they can market their project but it is difficult because the standards for the zone are constantly changing. He pointed

out that the ordinance states that all developments in the core district and secondary district must contain a generous mix of uses but the ordinance does not define what a “generous use” is. He said a significant buffer already exists between the TOD area and the existing residential area. It is illegal for a municipality to regulate ownership. There is a right to own, acquire and sell property. The City will continue to have input throughout the process. Mr. Martinez has already spent over a million dollars to determine what will work for him and the City. Reducing the density for density sake does not make sense.

Ron Martinez (America West Development, 5019 Skyline Drive, South Ogden) said he reviewed the City’s Ordinance with his legal counsel and consultants prior to committing to the property. He made his first application to the City three and half years ago. He is acting as a master developer and trying to execute the Master Plan which was memorialized. He has not yet closed on the property but he has spent over one million dollars and is vested in this City. Based upon the City’s map dated 1990 and the 15’ berm that exists, the abutting properties do not qualify as “urban residential.” He said he has gone to the market to determine if tenants are interested in this area, as directed by the Planning Commission. He has interest from two Fortune 500 companies, as well as from two of the largest builders in the State of Utah. His residential area will be an intense community, not a subdivision. He asked that the City study the text, as he has for the past three years. He asked that he be allowed to execute his plan. He is proposing a residential component that is similar to that of the Gateway in Salt Lake City which sells for \$350 to \$400 per square foot. Land prices and gas prices continue to increase so these types of projects will be the home styles for the future.

Public Hearing Closed

Chairman Poff closed the public hearing at 8:12 p.m. He said it is common practice for the City to review the standards of newer zones, such as the TOD zone. The TOD zone is a little over one year old so it is appropriate for the Planning Commission to consider whether the standards are effective.

Motion

Rick Wyss moved that the Planning Commission table consideration of the item to allow the Planning Commission to meet to further discuss the issues involved prior to the next public hearing. **Randy Hillier** seconded the motion, which passed by unanimous vote.

Steve Andersen expressed appreciation to the public for their input. He asked that the Planning Commission be given copies of the articles that were referenced during the public hearing.

The motion passed by unanimous vote.

[Paul Barker returned to the stand]

**JEFFREY T. HOLMAN AND FARMINGTON CITY (PUBLIC HEARING) -
APPLICANTS ARE REQUESTING A RECOMMENDATION TO AMEND THE
ZONING ORDINANCE TEXT REGARDING ACCESSORY BUILDING SETBACKS IN
RESIDENTIAL ZONES AND OTHER RELATED MISCELLANEOUS TEXT CHANGES
(ZT-2-08). (Agenda Item #4)**

Background Information:

Jeffrey Holman desires to construct a detached garage on an irregular shaped cul-de-sac lot located in Rice Farms Estates Phase 1B at 22 West 675 South in an LR (PUD) zone. However, Section 11-11-060(a) of the ordinance prevents him from doing so because the proposed accessory building is not 5 feet to the rear of the dwelling. Subsequently, Mr. Holman is requesting that the City amend the Zoning Ordinance to allow him to construct a detached garage as shown on the enclosed plan.

It seems reasonable to honor his request because the garage is 17 feet away from the dwelling, does not occupy more than twenty-five percent (25%) of the rear yard, is located at least fifteen (15) feet from any dwelling on an adjacent lot, is not less than one (1) foot from the side or rear property line, is subordinate in height and area to the main building, and is some 70+ feet from the front property line. Moreover, inconsistencies exist with (and within) certain definitions, and if resolved, will provide a more clear ordinance to administer in the future.

END OF PACKET MATERIAL

David Petersen reviewed the “Background Information” that was included in the Planning Commission packet. He illustrated the current zone text requirements that must be met in order to have an accessory building. He then reviewed the proposed zone text changes that were redlined in the Planning Commission Packet. City staff is recommending that an additional Exhibit be added to the zone text to illustrate the difference between a “required yard” and a “typical yard.”

Mr. Petersen displayed the Site Plan for the Holman property. He explained why the Holman application does not meet the requirements of the City’s existing Ordinance. City staff drafted a text amendment that will correct the inconsistencies which exist in the current text. The

proposed amendments will be applicable for all property owners within the City, and will also allow **Mr. Holman** to have an accessory building.

Public Hearing Opened

Chairman Poff opened the public hearing at 8:20 p.m. He invited the applicant to add to the comments given by City staff. **Mr. Holman** declined since the City Planner's presentation was sufficient.

David Petersen emphasized that an accessory building should never encroach beyond the front corners of the home if it is placed in the side yard. He suggested that the condition be included on Page 1, section 11-11-060 so it can be considered by the City Council.

Public Hearing Closed

Chairman Poff closed the public hearing at 8:34 p.m. and turned the matter over to the Commission for consideration.

Jim Young commended City staff for their efforts to work with the residents rather than just enforcing the existing requirements.

Motion:

John Bilton moved that the Planning Commission recommend the City Council adopt the proposed zone text amendments, which shall include the following:

Page 1, Section 11-11-060, paragraph c: "In the event the accessory building is placed in the side yard, it shall not encroach beyond the front corners of the home." **Paul Barker** seconded the motion, which passed by unanimous vote.

Findings:

1. It allows property owners better, or more full use, of their land.
2. It cleans up consistencies between and within definitions, the Appendix, and the building code.
3. The code is now easier to administer.

[**Randy Hiller** was excused at 8:36 p.m.]

SUE ANN PHILLIPS (PUBLIC HEARING) - APPLICANT IS REQUESTING A SPECIAL EXCEPTION TO SECTION 11-28-020 OF THE ZONING ORDINANCE TO TEMPORARILY ACCOMMODATE TWO SINGLE FAMILY DWELLINGS ON ONE PARCEL (1.97 ACRES) LOCATED AT 340 SOUTH 1525 WEST IN THE A ZONE (M-1-08) (Agenda Item #8)

Background Information

Section 11-28-020 of the Zoning Ordinance requires that every dwelling unit shall be located and maintained on a separate building lot:

11-28-020 Building Lot Required.

Every dwelling unit shall be located and maintained on a separate building lot having no less than the minimum area, width, setback, yard, and frontage requirements for a dwelling in the zone in which the lot is located; except for planned dwelling groups, planned unit developments, and as otherwise provided for in this Ordinance.

The applicant desires to live in their home until a new home is constructed on-site and ready for occupancy. Attached is Section 11-3-045 which enables one to apply for a special exception. The Planning Commission must determine if the request meets the following purpose and standards of the section set forth below in *italics*. Staff commentary follows each paragraph in regular type.

(1) *Purpose. A special exception is an activity or use incidental to or in addition to a principal use permitted in a zoning district or an adjustment to a fixed dimension standard permitted as an exception to the requirements of this Title. A special exception has less potential impact than a conditional use but still requires careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site. This Section sets forth procedures for considering and approving special exceptions to the provisions of this Title.*

Finding: Although one may argue that an additional home on a lot is not incidental, the applicant could construct a “breeze-way” between the two structures thus combining them as one structure under the standards of the ordinance. Such a breeze-way is incidental because it can easily be removed and the passerby will not see it. The new structure is directly behind the existing structure indirectly out of the line of sight from the general public in a low density rural

residential area. The special exception will not authorize a single family use otherwise permitted in the zone and not prohibited.

(5) Approval Standards. *The following standards shall apply to the approval of a special exception.*

(a) *Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the City as a whole, or upon public facilities and services. These conditions may include but are not limited to conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Title. Such conditions shall be expressly set forth in the motion authorizing the special exception.*

(b) *The Planning Commission shall not authorize a special exception unless the evidence presented establishes the proposed special exception:*

(I) *Will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;*

(ii) *Will not create unreasonable traffic hazards;*

(iii) *Is located on a lot or parcel of sufficient size to accommodate the special exception.*

Finding: Conditions can be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the City as a whole, or upon public facilities and services (see conditions of recommended approval).

Finding: The existing structure is a nonconforming dwelling because it does not have a garage, and will be replaced by dwelling that does.

Finding: The front setback of the new dwelling is more consistent with the front setback of the homes immediately to the north and south of the property.

Finding: The special exception will not be detrimental to the health, safety, or general

welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. It consists only of typical residential building construction found elsewhere in Farmington and is it the type of activity that will adversely affect adjoining property values or cause a general nuisance to adjacent land owners and residents.

Finding: Only one family will continue to live on-site and the use will not create unreasonable traffic hazards.

Finding: The parcel is 1.97 acres and is of sufficient size to accommodate the special exception.

END OF PACKET MATERIAL

David Petersen displayed an aerial photo and pointed out where the Phillips property is located. He reviewed the applicant's request, as well as the information that was provided in the Planning Commission packet. He explained that the applicant could meet the Ordinance requirements if they were to construct a breeze-way between the two buildings but said it would be inconvenient to eliminate the breeze-way when the new home is complete.

Mr. Petersen explained that Condition #1 of the "Suggested Motion" would require the applicant to enter into an extension agreement with the City to provide certain improvements.

In response to a question from **Chairman Poff**, **David Petersen** said there is not any indication that the City will require those improvements to be made in the near future.

Public Hearing Open

Chairman Poff opened the meeting to a public hearing at 8:43 p.m.

Tyler Phillips (340 South 1525 West) said it is his intent to have the existing home removed from the property or demolished as soon as the new home is ready for occupancy. He has hired a licensed contractor, as well as a landscape designer. He has written statements from all of the abutting property owners stating that they are accepting of the new home construction. He has also received verbal acceptance from all of the property owners within the vicinity of the property. He said he agrees with the conditions and findings that were outlined in the Planning Commission packet. He is aware that there was an agreement with the previous owner of the property and Davis County prior to the property being annexed into the City. He is willing to enter into an agreement with the City, if necessary.

Public Hearing Closed

Chairman Poff closed the public hearing at 8:48 p.m.

Motion

Jim Young moved that the Planning Commission approve the special exception as requested subject to all applicable Farmington City development standards and ordinances and the following:

1. The applicant must enter into an extension agreement acceptable to the City to ensure the construction and/or installation of all public improvements in the 1525 West right-of-way the entire length of the property as it abuts the street from north to south including but not limited to curb, gutter, sidewalk, asphalt, and necessary or applicable underground utilities and storm sewer.
2. The applicant must obtain a building permit for the new structure from the City within 180 days from the date of this approval or the special exception will expire. As part of the building permit application, the applicant must provide and receive approval from City staff for two site plans: one plan will show both dwellings and the other plan will only show the new dwelling without the presence of the existing dwelling.
3. The applicant must complete construction of the dwelling within 12 months from the date of this approval.
4. The applicant must obtain the appropriate permits to demolish the existing dwelling or remove it from the site within 30 days of temporary or final occupancy of the new dwelling, and demolish or remove the existing dwelling from the site within 60 days of temporary or final occupancy of the new dwelling.
5. Within 6 months (or as soon as weather permitting) of the demolition or removal of the existing dwelling, the applicant must landscape the property (and provide a plan if necessary) as approved by City staff.

Steven Andersen seconded the motion, which passed by unanimous vote.

Findings

1. Although one may argue that an additional home on a lot is not incidental, the applicant could construct a “breeze-way” between the two structures thus combining them as one structure under the standards of the ordinance. Such a breeze-way is incidental because it can easily be removed and the passerby will not see it. The new structure is directly behind the existing structure indirectly out of the line of sight from the general public in a low density rural residential area. The special exception will not authorize a single family use otherwise permitted in the zone and not prohibited.
2. Conditions can be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the City as a whole, or upon public facilities and services (see conditions of recommended approval).
3. The existing structure is a nonconforming dwelling because it does not have a garage, and will be replaced by dwelling that does.
4. The front setback of the new dwelling is more consistent with the front setback of the homes immediately to the north and south of the property.
5. The special exception will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. It consists only of typical residential building construction found elsewhere in Farmington and is it the type of activity that will adversely affect adjoining property values or cause a general nuisance to adjacent land owners and residents.
6. Only one family will continue to live on-site and the use will not create unreasonable traffic hazards.
7. The parcel is 1.97 acres and is of sufficient size to accommodate the special exception.

Paul Barker complimented the City Planner for his efforts to accommodate the residents.

DAN NIXON–LOCK IT UP SELF STORAGE SITE PLAN REVIEW C-5-06 (Agenda Item #9)

David Petersen displayed plans for the Lock-It Up Self Storage site. He reviewed the history of the project. During a previous meeting, the Planning Commission directed the applicant to present his Site Plan to the Commission once his revisions were complete which is why this item was included on the Agenda.

Dan Nixon said he is presenting the Site Plans again so the Planning Commission can review the enhancements that have been made to the landscaping, the architecture, and the water feature. The ramp system was also eliminated from the plan which reduces the height of the building and allows the building to be located further back on the property. Elevators will be used to allow patrons to access the second floor of the facility. The management quarters will be located in the corner of the building and will appear to be a high end condo. The plan revisions will also make it so the rolling doors and vehicles are not visible on the second floor.

Rick Wyss asked when the applicant plans to break ground.

Dan Nixon said they plan to mediate the wetland areas within the next few weeks. He said it took a lot of time to have the plans redesigned without the ramps which is why he did not begin construction sooner. He plans to break ground in April and to be open for business by October.

Mr. Nixon said he spoke with **Senator Bell** regarding the entrance to Farmington feature. **Senator Bell** suggested that the feature be located on his property that is located on the northeast corner. The individual who purchases that property could be responsible to provide the feature.

CHRIS MARTINEAU-REQUEST FOR RECOMMENDATION TO WAIVE SIDEWALK IMPROVEMENTS FOR A PORTION OF THE HIDDEN MEADOWS PHASE 3 SUBDIVISION (S-5-07) (Agenda Item #10)

David Petersen displayed an aerial photo and pointed out where Hidden Meadows Phase 3 is located. He explained that there is a narrow strip of property with wetlands and a steep hillside. The road has double frontage. He displayed a site plan that includes a series of retaining walls that are approximately 7' high each. He pointed out where the sidewalk is located on the plan. The developer would like to reduce the impact of the retaining walls by pushing them out toward the street and to eliminate the sidewalk.

Mr. Petersen said he informed **Mr. Martineau** that the Public Works Department is opposed to the sidewalk being eliminated. **Mr. Martineau** indicated that all of the utilities will

have to fit into the 6' strip of land. He questioned whether the Public Works Department would want the utilities buried under the sidewalk. The Public Works Department indicated that they would still like the sidewalk included in the plan since the distance of the segment is not very long and since there are other locations in Farmington where there are dry utilities under the sidewalk.

David Petersen explained that the Planning Commission could recommend that the City Council approve the applicant's request, or recommend that the City Council deny the applicant's request, or table consideration to allow time for the applicant to talk directly to the Public Works Department.

John Schupe explained that there is not a home located east of the sidewalk in question and the sidewalk would only service the common area. Eliminating the sidewalk would allow the developer to reduce the size of the retaining wall and would also allow for additional landscaping. If the sidewalk is eliminated, the curb will be located within six feet of the wall. **Mr. Martineau** is willing to provide the sidewalk but he questions whether the City wants the utilities buried.

Rick Wyss asked how the pedestrians will walk on that side of the street if the sidewalk comes to an abrupt end.

Mr. Schupe said there will be a landscaping corridor for the pedestrians to walk on. It is possible to put the sidewalk next to the curb but it would make it difficult to provide snow removal.

Chairman Poff said the Planning Commission already considered eliminating sidewalks in this area but agreed that it would put the pedestrians in the area at risk.

Rick Wyss pointed out that if the sidewalk is eliminated, the pedestrians would be forced to walk in the street in the winter because the landscaped area would be covered with snow.

In response to a question from **Paul Barker**, **David Petersen** pointed out where the utilities are located.

Steve Andersen said it is the City's basic duty to provide safety, especially since the utilities can be buried under the sidewalk.

Rick Wyss asked the applicant's representative if they wish to withdraw their request since the Public Works Department is willing to allow the utilities to be buried under the

sidewalk.

John Schupe responded affirmatively and officially and withdrew the request and said they would proceed with a plan that included a sidewalk.

MISCELLANEOUS, CORRESPONDENCE, ETC. (Agenda Item #11)

a. Future Training

David Petersen informed the Planning Commission that the City's goal is to have the Planning Commission complete their Utah Risk Management Association training sessions by June 30, 2008.

b. Other

The Planning Commission agreed to have **Melanie Neville** and her Cub Scout troop present a light pollution presentation on April 10, 2008.

ADJOURNMENT

Rick Wyss moved that the meeting adjourn at 9:23 p.m. **Steven Andersen** seconded the motion, which passed unanimously.

Kevin Poff, Chairman
Farmington City Planning Commission