

## FARMINGTON CITY PLANNING COMMISSION MEETING

Thursday, January 15, 2009

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### PLANNING COMMISSION STUDY/WORK SESSION

*Present:* Chairman John Bilton, Commission members Steve Andersen, Geoff Butler, Rick Draper, Randy Hillier, Craig Kartchner, Michael Wagstaff, Jim Young, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey.

**Chairman John Bilton** began discussion at 6:30 p.m. He welcomed the new members of the Planning Commission: **Geoff Butler, Michael Wagstaff, and Rick Draper**, who is the alternate member for 2009. He requested that all members help with the recording of the meeting by speaking clearly and using the microphones. He explained that a study session is usually held about an hour before the actual meeting and that the study session is a public meeting. He welcomed **Ross Poore** and **Ron Martinez** who were also in attendance. He said that on occasion they will take comment from the public during this meeting, but it is mostly a work session for the Planning Commission. He also said that **Glenn Symes** and **Dave Petersen** are usually in attendance.

At 6:40 p.m. **Dave Petersen** asked if he could review Agenda Item #8 and then leave the meeting.

### (Agenda Item #8) “Road to the North” Cross Section discussion

**Mr. Petersen** referred to the map in the packet regarding Item #8 and said that Staff was not ready to review this item. He briefly explained that Staff is working with the adjacent property owners regarding the issues involved with this property—it currently has no name and is referred to as “Road to the North”. The road begins at Station Parkway and extends to the northwest from Park Lane. He stated that **Tim Taylor**, the City Traffic Engineer, is out of town and has not been able to complete the work on this item, and representatives from **CRSA** were also unavailable for this meeting. **Chairman Bilton** asked why they were not using alternate process of the submission of a PMP. **Mr. Petersen** replied that the PMP was not the route chosen because the location is not in question.

**Steve Andersen** asked when the item would be ready for review, and **Mr. Petersen** replied that the target date is January 29, 2009. He said that several meetings have been held regarding this item, and Staff is still working on issues such as on-street parking, median treatments, etc. He and **Mr. Symes** agreed that because of all the charts and graphs involved, it was expedient to have **Tim Taylor** at the meeting when this item is reviewed.

**Mr. Petersen** left the meeting at 6:45 p.m.

**(Agenda Item #1) Approval of Minutes**

**Chairman Bilton** asked if there were any comments, additions or subtractions regarding the minutes of the December 4, 2008 meeting and the December 16, 2008 meeting. **Craig Kartchner** had a question on page 9 regarding the motion. He thought there was a motion by Rick Wyss and that a secondary motion was made. **Chairman Bilton** requested that **Mr. Wyss** be contacted regarding this issue. The Commission approved the minutes from the December 16, 2008 meeting.

There was no comment from the Staff regarding the last City Council meeting.

**(Agenda Item #3) - Farmington City – (Public Hearing) – Mark Green is requesting a recommendation for a final plat approval for the Farmington Greens Phase 2b Planned Unit Development located at approximately 50 South 1475 West in the AE (PUD) zone (S-15-06)**

**Glenn Symes** commented briefly concerning this item, and there was no further discussion.

**(Agenda Item #4) Farmington City – (Public Hearing) – Guy Haskell is requesting conditional use approval for a sales office in a model home at 118 West Lund Lane (C-12-08)**

**Glenn Symes** stated that this is a request to have a sales office in a home that is to be built. He said there is currently a dispute with the adjacent property owner. **Mr. Symes** said that he has contacted the City Attorney, but he has not received a response. He said there are a couple of directions to take this item: (1) table the item until we hear from the City Attorney. (2) add an extra condition that says the model home has to be built legally, and this issue has to be solved before it can be approved. They do have approval for a construction trailer that is also a sales office, but it is only approved through May. **Chairman Bilton** stated that the properties to the north, east, and south are currently in litigation and asked if the other piece is in litigation. **Mr. Symes** replied that he did not think so. He said that Lot 101 is the furthest away from that adjacent property owner, and he does not think it will have much bearing on this dispute. He said his recommendation is that the item be approved with a possible condition that they comply to certain guidelines.

**(Agenda Item #5) Farmington City – (Public Hearing) – Consideration of an amendment to Chapter 5, Board of Adjustment, of the Zoning Ordinance regarding Variances including changes to the variance criteria to ensure compliance with standards set forth in the Utah State Code §10-9a-702 (ZT-8-08)**

**Glenn Symes** said that this issue is in the zoning ordinance and therefore needs to be approved by the Planning Commission. He said that the City's Chapter 5 (Board of Adjustment Chapter) has standards of review for the variance. However, the standards set forth in the state code are very clear, and this is a change in our code to match the standards in the state code.

**(Agenda Item #6) Farmington City – (Public Hearing) – Consideration of a Scenic Byways Overlay ordinance proposed to be Chapter 41 in the Zoning Ordinance. The proposed overlay zone addresses design standards for property adjacent to and visible from Legacy Highway in Farmington (ZT-07-08)**

Mr. Symes said this item has been discussed a few times, and the master plan has been given to the Commission members for review. This is the model ordinance which the City has adopted. He said Staff has a few areas of concern for the Commission to review such as: landscaping in the area, what will be included in the overlay zone, signage height, building setback, etc. He suggested two possibilities regarding this item: (1) create a new scenic byway zone or (2) have an overlay zone that would go over the top of the existing zone. Staff would prefer the overlay zone which is much easier with an issue such as this one. He referred to a map in the packet which shows a large area of influence. Several questions and comments were made regarding this item, and Mr. Symes confirmed that all of the neighbors in the area would be contacted.

**(Agenda Item #7) Farmington City – Consideration of proposed bylaws for the Site Plan and Architectural Review Committee (SPARC) as established in Chapter 18, Mixed Use Districts, of the Zoning Ordinance**

Chairman Bilton asked for comments or questions regarding this item. Mr. Symes reported there were still a few issues the City Council needs to finalize, and they would like input from the Commission regarding: (1) compensation for members, (2) how Planning Commission members are appointed to handle proposals using the Site Plan and Architectural Review Committee (SPARC).

The work meeting adjourned at 6:58 p.m.

**PLANNING COMMISSION REGULAR SESSION**

*Present:* Chairman John Bilton, Commission members Steve Andersen, Geoff Butler, Rick Draper, Randy Hillier, Craig Kartchner, Michael Wagstaff, Jim Young, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey.

Chairman Bilton called the meeting to order at 7:00 p.m., welcomed those in attendance, and offered the invocation.

**APPROVAL OF MINUTES (Agenda Item #1)**

The Commission reviewed the minutes of the Planning Commission meeting held December 4, 2008. Chairman Bilton said the minutes of both the December 4<sup>th</sup> and December 16<sup>th</sup> meetings were briefly reviewed during the study session.

## Motion

**Steve Andersen** made a motion that the Commission not approve the minutes of the Planning Commission meeting held December 4, 2008 until they are further reviewed. **Craig Kartchner** seconded, and it was approved unanimously.

**Steve Andersen** made a motion that the minutes of the Planning Commission meeting held December 16, 2008 be approved. The motion was seconded by **Craig Kartchner** and was approved unanimously. **Jim Young** abstained because he did not attend the meeting.

## CITY COUNCIL REPORT (Agenda Item #2)

**Glenn Symes** mentioned one item from the City Council meeting. **Rod Griffin** is trying to figure out how to connect his storm drain. One option would be to run it along the sidewalk, but the four trees located there would have to be removed. The house behind the trees is owned by **Ray White**, who works for the Farmington City Public Works Department, and he is planning to grant an easement to them so the trees can remain where they are. **Mr. Symes** said this issue will come up again at a later time, when Rod Griffin requests final plat approval.

## Mark Green is requesting a recommendation for a final plat approval for the Farmington Greens Phase 2b Planned Unit Development located at approximately 50 South 1475 West in the AE (PUD) zone (S-15-06) (Agenda Item #3)

### Background Information

The Farmington Greens Phase 2b and 2c final plats were given a recommendation of approval by the Planning Commission on March 15, 2007 and were given final plat approval by the City Council on March 20, 2007. Since that time, circumstances have prevented the original applicant from continuing with the development process and, as a result, the approval and the possibility for extensions has expired. The new owner/applicant is requesting the Planning Commission give a recommendation of approval for the re-approval of phase 2b of the Farmington Greens PUD. No changes have taken place with the proposed layout and number of lots since the first approvals in 2007. A 6-month extension can be obtained, but that was not done, so they are requesting approval for the final plat of that PUD.

### Agenda Item Opened for Discussion

**Ron Marshall**, 835 Park Shadow Lane, Bountiful, Utah, was in attendance representing **Mark Green**. He said that they are ready to move ahead with this PUD, and that **Mr. Green** is ready to pay the fees required for the bonds. **Chairman Bilton** stated that this was not a public hearing, and he asked for Planning Commission comments. **Steve Andersen** asked if anything related to this item had changed in the last 24 months. **Mr. Symes** replied that there had been no changes.

## **Motion**

**Randy Hillier** made a motion that the Planning Commission approve the final plat for the Farmington Greens PUD Phase 2b subject to all applicable Farmington City development standards and ordinances and the following:

1. That all conditions approved for Plat 2b by the Planning Commission and City Council shall be included in the conditions of approval for this item.
2. That the approval of a final plat be for Phase 2b only and that phase 2c require a separate re-approval application.

**Steve Andersen** seconded the motion, and it was approved unanimously.

## **Farmington City – (Public Hearing) – Guy Haskell is requesting conditional use approval for a sales office in a model home at 118 West Lund Lane (C-12-08) (Agenda Item #4)**

### **Background Information**

**Glenn Symes** explained that this is a request from Guy Haskell to approve a sales office in a model home. He said that signage may be an issue with model homes and the signage associated with the subdivision. In this case, he said Staff feels it may be appropriate for the Planning Commission to place proper conditions on an approval that requires compliance with signage regulations in association with the sales office.

### **Public Hearing Opened**

**Chairman Bilton** opened the public hearing at 7:30 p.m. There was no public comment regarding this item.

### **Public Hearing Closed**

**Chairman Bilton** closed the public hearing at 7:30 p.m. **Chairman Bilton** asked the Commission for comments. There was a brief discussion regarding possible legal issues and the number of lots (five) in this subdivision.

**Guy Haskell** of Haskell Homes stated the request and asked if the use of the model home could be expanded to include other projects.

**Glenn Symes** read the ordinance stating that the sales office is for the subject subdivision only.

## **Motion**

**Jim Young** made a motion that the Planning Commission approve the temporary use permit subject to all applicable codes, development standards, ordinances, and with the

conditions #1-9 listed below for the temporary use of an office in a model home on Lot 101 in the Willow Creek Subdivision.

1. Permanent signs on the site of the model home and sales office are prohibited. The size and location of signs must be in compliance with provisions of the zoning ordinance in which the use is located. All signs must be removed when the activity ends.
2. Sign regulations shall be followed for all signs throughout the subdivision represented by this sales office.
3. No loud speakers or amplifying sound devices shall be used in conjunction with the temporary office.
4. Outdoor lighting, if used, must be subdued. All lighting shall be designed, located and directed to minimize glare, reflection and light pollution into adjoining and nearby lots. Search lights shall not be permitted.
5. Conduct of the temporary use shall be limited to hours between 8 am and 8 pm.
6. No portable restroom facilities are allowed in site. Restrooms must be provided inside the model home / sales office.
7. The use granted is solely for purposes of a sales office associated with the subdivision on which it is located, and no other commercial activities of any kind shall be associated with this use permit.
8. The sales office may be used until the last lot in the subdivision is sold. If the office is located in the area of the home intended for the garage, any alterations made to accommodate the office shall be removed and the space shall be converted to function as a garage upon termination of the temporary office.
9. Parking areas for the model home / sales office will be appropriate hard surface to be removed at the time the sales office is closed and the model home is converted for sale as a single family residence.

**Craig Kartchner** seconded the motion, and it was approved unanimously.

### **Findings for Approval**

1. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community;
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use;
3. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan;
4. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing development;
5. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation;
6. The proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the vicinity and does not cause:
7. Unreasonable risks to the safety of persons or property because of vehicular traffic or parking;
8. Unreasonable interference with the lawful use of surrounding property; and

9. A need for essential municipal services which cannot be reasonably met.

**Farmington City – (Public Hearing) – Consideration of an amendment to Chapter 5, Board of Adjustment, of the Zoning Ordinance regarding Variances including changes to the variance criteria to ensure compliance with standards set forth in the Utah State Code §10-9a-702 (ZT-8-08) (Agenda Item #5)**

**Background Information**

**Glenn Symes** stated that there are several minor issues in Chapter 5 that need to be discussed by the Planning Commission. The bulk of the changes are under the variance section which changes the language to be consistent the state code. He discussed a couple of other minor changes: (1) Section 11-05-105 grammatical change to clarify the first sentence, (2) Section 11-05-108 the term “special condition” should be changed to “special circumstances”.

**Public Hearing Opened**

**Chairman Bilton** opened the public hearing at 7:45 p.m. There was no public comment regarding this issue.

**Public Hearing Closed**

**Chairman Bilton** closed the public hearing at 7:45 p.m. and asked for comments from the Planning Commission. **Steve Andersen** and **Michael Wagstaff** agreed that these changes would make the Staff’s job easier.

**Motion**

**Craig Kartchner** made a motion that the Planning Commission recommend approval of the proposed changes to Chapter 5 of the Board of Adjustment of the Zoning Ordinance to the City Council subject to the two changes that were discussed at this meeting. **Geoff Butler** seconded the motion, and it was approved unanimously.

**Farmington City – (Public Hearing) – Consideration of a Scenic Byways Overlay ordinance proposed to be Chapter 41 in the Zoning Ordinance. The proposed overlay zone addresses design standards for property adjacent to and visible from Legacy Highway in Farmington (ZT-07-08) (Agenda Item #6)**

**Background Information**

**Glenn Symes** confirmed that this is a public hearing but clarified that Staff plans to have another public hearing. He said this is a first look at the scenic overlay ordinance. He was able to obtain an updated map, and he pointed out the proposed boundaries on the overhead map.

**Chairman Bilton** and the Commission discussed various aspects of this Item such as signage, lighting, parking, where the actual boundary line of the overlay will be, etc. The

Commission would like to have more specific information about these issues, more public input, and advice from the City Council regarding this Item.

**Ron Martinez**, America West Development, South Ogden, commented that when this overlay was presented, the boundary was consistent with the train tracks. He and his attorney, **Jeff Appel**, felt that it was an intrusive overlay on top of what they were planning to present. **Mr. Appel** convinced the mayor and the City Council to have the boundary run along with the creek.

**Geoff Butler** said he had some questions regarding the text, and he asked if staff could look at the City Council minutes and make their own recommendations. He stressed that there should be some reasons for the boundaries and that they should not be arbitrary. He felt the boundaries could possibly be expanded or contracted, and he suggested that this be part of the motion. **Mr. Butler's** specific comments about the text are listed under recommendations.

### **Motion**

**Craig Kartchner** made a motion that the Planning Commission table this request and consider it at a future public hearing concurrently with the consideration of an amendment to the Zoning Map establishing the location of a Scenic Byway Overlay Zone. He also recommended that Staff consider the comments made at tonight's meeting. **Steve Andersen** seconded the motion, and it was approved unanimously.

### **Recommendations**

**Geoff Butler**--possible text revisions:

1. Page 2 of the Staff Report ("The Commission may wish to prohibit illuminated signs, electronic message signs and neon signs.") **Geoff Butler** felt that these were prohibited in the code itself (p. 41-12).
2. Signage. Do we only need to worry about the signs that face Legacy? On p. 41-6 #5, we could possibly apply this to signs if it is a concern to people.
3. On page 41-8 (d) (1) it states that at least 50% of the required landscaping needs to be native. Why 50%? Why not 100% or 75%? (Possibly a UDOT requirement).
4. On page 41-14 and 41-15, developers are held to higher standards. **Mr. Butler** questioned why the public right of way is not held to the same standards.

**Mr. Symes** said he would check on these issues.

**Farmington City – Consideration of proposed bylaws for the Site Plan and Architectural Review Committee (SPARC) as established in Chapter 18, Mixed Use Districts, of the Zoning Ordinance (Agenda Item #7)**

## **Background Information**

**Glenn Symes** said that many of these bylaws came from the recent changes in Chapter 18 of the Zoning Ordinance. Staff would like to get feedback from the Planning Commission regarding the different aspects of this ordinance.

The Commission discussed at length the various issues regarding this item. Some of the points discussed were: (1) number of members, (2) number of meetings per application, (3) steps involved with the process, (4) compensation, (5) who selects the members, (6) whether or not to extend SPARC beyond mixed use zones (6) length of time and steps involved for the process (7) public meetings (8) importance of consistency

**Ron Martinez** commented that he has attended many meetings regarding this issue. He said that at one of these meetings, Farmington City Attorney **Todd Godfrey** was very cautious and recommended that SPARC not have any members from the Planning Commission or the City Council because he thought they had been too subjective in the past, particularly on architectural design aspects. He said **Mr. Godfrey** told him he would feel more comfortable if SPARC consisted of the consultant, the developer and Staff. He said **Mr. Godfrey** did not want an elected or appointed official. He asked **Chairman Bilton** to check with **Mr. Godfrey** about the accuracy of his comments. **Glenn Symes** said he would check with **Mr. Godfrey** regarding these comments.

**Glenn Symes** thanked the Commission for their feedback and said the City Council will discuss this at their meeting on Tuesday, January 20, 2009.

**Michael Wagstaff** made a motion to recommend the following items to the City Council:

1. Compensation be the same as the current Planning Commission meetings
2. Appointments be made by project at the discretion of PC Chairman
3. Term of 1 year with the potential for extension or replacement
4. SPARC will review the items in mixed use zones only
5. Open public meetings with applicant comment but no public comment

**Steve Andersen** seconded the motion, and it was approved unanimously.

## **OTHER BUSINESS**

### **“Road to the North” Cross Section discussion (Agenda Item #8)**

This item was removed from the agenda by **Dave Petersen** during the study session.

### **Miscellaneous, correspondence, etc. (Agenda Item #9)**

**Glenn Symes** asked if it would be possible to change the March 12, 2009 meeting to March 11, 2009, which is a Wednesday evening, because there is an APA Conference in St. George, Utah on March 12, 2009. The Commission agreed to change the meeting date.

**Mr. Symes** briefly discussed the Urban Forestry Ordinance subcommittee. He explained that this is a tree protection ordinance, and the City Council would like to get this issue taken

care of. The Commission members had several questions and **Mr. Symes** replied that this is an ordinance designed to protect existing trees and also to regulate which trees to be planted so they are appropriate for the location. It applies mostly to new development and public property rather than existing trees located on private property.

**Mr. Symes** asked if all of the Commission members received their electronic version of the packet. The members said they did, and **Mr. Symes** asked if everything could be sent electronically instead of hand delivering hard copies. All of the Commission members approved the plan.

## **ADJOURNMENT**

### **Motion**

**Craig Kartchner** made a motion that the meeting be adjourned. **Steve Andersen** seconded the motion, and it was approved unanimously. The Planning Commission meeting was adjourned at 8:40 p.m.

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**John Bilton, Chairman**  
**Farmington City Planning Commission**