

FARMINGTON CITY PLANNING COMMISSION MEETING

Thursday, January 27, 2011

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**PLANNING COMMISSION STUDY/WORK SESSION**

***Present:** Chairman Randy Hillier, Vice Chairman Jim Young, Commission Members Steven Andersen, Rick Draper, Nelsen Michaelson, Michael Nilson and Michael Wagstaff, Alternate Commission Member Kris Kaufman, Community Development Director David Petersen, and Recording Secretary Cynthia DeCoursey.*

The Planning Commission met at 1470 South 200 East at 6:15 p.m. to look at the proposed flag lot subdivision request which was submitted by **Deno Kambouris**. They returned to the City Hall at 6:40 p.m. and reviewed the following items prior to the regular session:

**Deno Kambouris – Applicant is requesting a recommendation of approval of a previously recorded flag lot subdivision at approximately 1470 South 250 East (S-10-10)**

The Commission discussed various issues involved with this item, including the proposed plan for access, the opinions of two adjacent property owners, the configuration of the shared driveway, and the width of the driveway, possible buffer areas, and fire code requirements.

**Miscellaneous**

**Mr. Petersen** reminded the Commission of the following events:

- The Commission is invited to attend the groundbreaking ceremony for the new Davis County Complex in Farmington on Tuesday, February 1, 2011 at 11:00 p.m.
- A West Davis Corridor open house will be held at the Legacy Events Center on Wednesday, February 9, 2011 from 4:30 to 8:00 p.m.
- A training session for the Planning Commission and the City Council will be held on Tuesday, February 15, 2011 from 4:00 to 5:30 p.m. Representatives from URMMA (Utah Risk Management Mutual Association) will provide the training.
- At 5:30 p.m. (following the training session) on February 15<sup>th</sup>, the Planning Commission is also invited to attend a presentation by the Utah Housing Authority regarding affordable housing in Farmington, and dinner will be provided.
- Staff would like to update the Planning Commission Policies and Procedures and Rules of Order, and **Mr. Petersen** requested that each Commission Member read the documents and provide comments and/or amendments which may be appropriate.

**PLANNING COMMISSION REGULAR SESSION**

*Present: Chairman Randy Hillier, Vice Chairman Jim Young, Commission Members Steven Andersen, Rick Draper, Nelsen Michaelson, Michael Nilson, and Michael Wagstaff, Alternate Commission Member Kris Kaufman, Community Development Director David Petersen, and Recording Secretary Cynthia DeCoursey.*

**Chairman Randy Hillier** began the regular session at 7:00 p.m., and **Rick Draper** offered the opening prayer. **Chairman Hillier** welcomed **Kris Kaufman** as a new alternate Planning Commission Member.

**Approval of Minutes**

**Motion**

**Rick Draper** made a motion to approve the minutes of the January 13, 2011 Planning Commission Meeting. The motion was seconded by **Michael Wagstaff** and approved by Commission Members **Andersen, Draper, Michaelson, Nilson, Wagstaff** and **Young**.

**City Council Report**

**David Petersen** informed the Commission that the City Council tabled the Humphreys Subdivision proposal because the applicants were unable to attend. He also reported that the City Council meeting scheduled for February 1, 2011 has been cancelled.

**Deno Kambouris – Applicant is requesting a recommendation of approval of a previously recorded flag lot subdivision at approximately 1470 South 250 East (S-10-10)**

**Background Information**

**Mr. Petersen** reminded the Commission that this item was tabled at a public hearing on December 9, 2010, and the applicant was directed to receive input from one of the adjacent property owners, **Mark Stagg**, who was unable to attend the hearing. The initial plan presented by **Mr. Kambouris** was to install a new 12-foot wide driveway on the 16.5-foot wide stem leading to the subject parcel leaving approximately 2 feet for a buffer area between the south edge of the driveway and the **Franey** property line. However, the driveway must be 20 feet in width to meet fire code, and staff suggested a shared driveway with **Mr. Stagg** which would abut the north boundary of the 16.5-foot wide easement and leave a 13-foot wide buffer area. The current proposal, or second plan by **Mr. Kambouris**, is that approximately 50 feet east of the starting point, the driveway will be split into two 12-foot wide driveways divided by a landscaped island with the northerly driveway servicing the **Stagg** property and the southerly driveway servicing the **Franey** property. The applicant also proposes a 6' high frame in the second plan. He encouraged the property owners to leverage the shared situation as much as possible which would help reduce costs. He mentioned that moving the driveway as far north as possible would be more aesthetically pleasing and would cost less.

**Chairman Randy Hillier** recused himself from the discussion of this item, and **Vice Chairman Jim Young** invited the three property owners to offer comments regarding this item.

**Deno Kambouris**, Salt Lake City, suggested relocating the driveway as illustrated in the plans to straddle the property line which would allow each property owner to have 10 feet on each side.

**Mark Stagg** said he would agree to a shared 20' wide driveway, and he approves of **Mr. Kambouris** utilizing the 16.5' easement on his property. However, the shared driveway must meet the grade of his existing driveway in order to provide continued access to his garage, and he opposes a "landscaped island" in the center of the driveway.

**Steve Franey**, 672 South East Oaks Drive, Fruit Heights, said he opposes the location of a driveway north of his dwelling. However, if the flag lot is approved, he would prefer a 13-foot wide buffer area rather than a 4-foot wide buffer area and a 6-foot fence. He listed the following items of concern: (1) **Mr. Kambouris'** lot is less than the 20,000 square feet required for a residential zone; (2) The zoning ordinance states the stem of the lot shall serve one lot only and shall have direct access to a dedicated and improved street; (3) payment for the curb and gutter which the City may require.

In response to his questions, **Mr. Petersen** pointed out the following: 1) It is possible for Mr. Kambouris to have a lot less than 20,000 sf if he obtains a waiver of conservation subdivision requirements from the City Council. 2) The stem does only serve one lot and both the City Attorney and **Mr. Kambouris'** attorney agree that **Mr. Kambouris** has the right to access his lot. 3) Mr. Kambouris will be responsible for the installation and payment of curb and gutter required by the City.

### **Motion**

**Nelsen Michaelson** made a motion to recommend to the City Council approval of the previously recorded flag lot subdivision at approximately 1470 South 250 East with the following conditions:

1. The property must be rezoned from A-F to LR-F by the City Council.
2. The City Council must consider and grant a waiver of conservation subdivision requirements as per Section 11-12-065 of the Zoning Ordinance to allow a lot size less than 20,000 square feet.
3. Access to the lot must be 20 feet in width consistent with the fire code whereby the northerly boundary of the access must be at least 16.5 feet north of the north property line of the stem and flag lot matching the north boundary of the applicant's easement on Stagg's property (Tax I.D. #07-071-0067) thereby leaving a buffer area at least 13 feet in width adjacent to the north boundary of the Franey property (Tax I.D. #07-071-0004).
4. The applicant shall provide a landscape plan for the 13-foot buffer area for review and approval by City Staff. Landscaping shall be installed in conjunction with any building on the subject parcel (Tax I.D. #07-071-0037) and shall be completed prior to certificate of occupancy.

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5. The applicant shall enter into an extension agreement for the City to improve the 16.5 feet wide frontage of the subject parcel as it abuts the 200 East Street (SR 106) right-of-way. Such improvements may include, but not be limited to, grading, sub-grade, road base, curb, gutter, sidewalk, asphalt extension, and where necessary relocations of utilities, culinary water, secondary water, sanitary sewer, and storm drain, and retaining walls, erosion control, revegetation and/or slope stabilization.
6. The orientation of any single family home on the subject property (the front, rear and sides) will be determined by City staff prior to the issuance of any building permit thereon.
7. The applicant shall provide a fire hydrant(s) as determined by the Fire Department and Public Works Department.
8. Approval and/or excavation permits to widen the existing Staff driveway must be obtained from UDOT concurrent with, or as a condition of, the issuance of any building permit.
9. In conjunction with the issuance of any building permit, the applicant must meet all applicable fire, building, zoning code requirements to the satisfaction of the City including, among other things, a driveway incline of 14% or less, and a turn-around approved by the Fire Department.

The motion was seconded by **Rick Draper** and was approved by Commission Members **Andersen, Draper, Kaufman, Michaelson, Nilson, Wagstaff, and Young.**

**Findings for Approval**

1. The subject property must be rezoned in order to comply with the Zoning Ordinance.
2. The LR-F zone is consistent with the General Plan.
3. Street and other improvements are required by ordinance for any subdivision in the City.
4. If approved and all standards of the Section 12-7-030(10) of the Subdivision Ordinance regarding flag lots are otherwise met (see enclosed ordinance), flag lots shall not exceed 10% of the total lots in the subdivision. Landscaping will help mitigate negative impacts of the flag lot, which flag lot comprises 25% to 50% of the total lots in the subdivision had it been approved by the City when the lots were created. Such impacts include, among other things, encroachment on privacy, noise, and traffic.
5. SR 106 is a busy, major collector road which handles a large volume of traffic. Minimizing the number of curb cuts (or positions of ingress and egress) will reduce points of traffic conflict. UDOT may not approve a second point of access. Moreover, it is the understanding of the City that the applicant owns a previously recorded easement allowing for a shared driveway on 07-071-0067.
6. The shared driveway will also mitigate other potential negative impacts in that it is more aesthetically pleasing to the passer-by, provides less impervious surface (hence less storm water runoff), and represents a cost saving to the applicant (less to construct and maintain).
7. Topography constraints regarding access can be better overcome if the shared driveway is pushed as far north as possible. In other words, the location of the southerly edge of the driveway at least 13 feet from the north boundary of the Franey property will reduce retaining wall costs for the applicant and leave more room for landscaping.
8. Flag lots often encroach on the privacy of other lots. Section 12-7-030(10)(d) of the Subdivision Ordinance states in part, "Determinations as to which are the front, side, and rear

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setbacks shall be made by the Zoning Administrator at the time a building permit is requested and shall be based on the orientation of the proposed home on the lot.” Moreover, someday there may be a street located on the east side of the subject lot.

9. The health, safety, and welfare of future residents of the flag lot and adjacent property are enhanced by the observance of all applicable codes, a 20-foot wide driveway, an adequate turnaround area for emergency vehicles, a driveway not exceeding a 14% slope, and fire hydrant(s).

### **Miscellaneous**

The miscellaneous items were discussed in the work session.

### **Adjournment**

### **Motion**

**Michael Wagstaff** made a motion to adjourn the meeting. It was seconded by **Jim Young** and approved by Commission Members **Andersen, Draper, Kaufman, Michaelson, Nilson, Wagstaff,** and **Young**. The meeting was adjourned at 8:00 p.m.

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**Randy Hillier, Chairman**  
**Farmington City Planning Commission**