

## FARMINGTON CITY PLANNING COMMISSION MEETING

Thursday, December 4, 2008

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### **PLANNING COMMISSION STUDY/WORK SESSION**

*Present:* Chairman Kevin Poff, Commission members Steve Andersen, Paul Barker, Randy Hillier, Craig Kartchner, Rick Wyss, Jim Young, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey.

America West Development representatives Ron Martinez, Janelle Eurick, Norm Dahle, Ryan Hales, Jeffrey Appel, CenterCal representative Craig Trottier and Shivas representative Scott Harwood were also in attendance.

Chairman Kevin Poff began discussion at 5:30 p.m.

**(Agenda Item #7) Don Lilyquist, Maverik, Inc. – (Public Hearing) – Applicant is requesting an amendment to a conditional use permit for the expansion of the parking lot for the Maverik store located at 957 West Shepard Lane. The expansion is to accommodate 12 new parking stalls on property owned by Maverik Country Stores, Inc. (C-9-08)**

Glenn Symes said there are no major issues with this item; most of the details have been taken care of, and they do not anticipate any other concerns.

**(Agenda Item #8) Gary Tyler, Richards Bott Architects – (Public Hearing) – Applicant is requesting an amendment to a conditional use permit for the expansion of a parking lot for the LDS Church building located at 850 North Compton Road. The expansion is to accommodate new parking stalls on property to the south of the existing building to be acquired by the LDS Church (C-11-08)**

Glenn Symes stated that this is also a parking lot expansion (about 35 stalls), and the only issue with this item is the storm water. However, both the city engineer and the storm water official have given their approval of the plan. He also said that there was no response from any of the neighbors who received notice of this item.

**(Agenda Item #9) LDS Church – (Public Hearing) – Applicant is requesting approval of a preliminary plat for a one lot subdivision located at approximately 1015 North Main Street for the development of an LDS Church. The applicant is also requesting a recommendation of approval to the City Council for a final plat for the same subdivision (S-7-08)**

Glenn Symes reported that this item was brought before the Commission a couple of months ago. The LDS Church worked with UDOT to agree on the alignment of Main Street, and everything else checks out.

**(Agenda Item #10) Robert Miller, Symphony Homes – Applicant is requesting a recommendation of approval for a petition for annexation of 20 acres of property located at approximately 600 South 1525 West for the development of an LDS Church on a portion of the site.**

**David Petersen** referred to the property on a map. Symphony Homes owns the property, and they would like to put a church on the north end of the property (3-4 acres) and leave the remainder of the property open for right now. They would like to annex the entire parcel into the City. They are not requesting a zone designation because the church can be developed in the agriculture zone. Staff is recommending that the Commission recommend the approval of this annexation to the City Council. It is in the City's expansion area. **Rick Wyss** asked what their main reason was for requesting annexation, and **Mr. Petersen** replied that it was to connect to City water.

Planning Commission Alternate **Jim Young** and **Ross Poore**, a member of the public arrived at the meeting at 6:00 p.m.

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

The Commission reviewed the minutes of the Planning Commission meeting held November 13, 2008.

**(Agenda Item #3) Farmington City – (Public Hearing) – Consideration of a recommendation to amend Chapter 11 of the General Plan regarding the “Farmington Commercial Center” and other related general plan text changes as well as a consideration of a recommendation for a general plan map amendment from CA/BP (Class A Business Park) to TMU (Transportation Mixed-use) on the following properties: approximately 64 acres located west of Park Lane and north of 100 N. at approximately 1180 W. Clark Lane; approximately 35 acres located at the southeast corner of Burke Lane and 1525 West (MP-2-08)**

**David Petersen** pointed out the underlined and highlighted changes in the text. Most of the changes were on Agenda Item #4 which is the mixed-use district. He said that **Soren Simonsen** would be coming to the meeting at 7:00 p.m. He also said that as per a request by the Planning Commission, graphics were added to the document, and **Mr. Simonsen** will be presenting a power point of the graphics. There was some discussion related to the regulating plan and the graphics. **Mr. Petersen** said the comments from the previous Planning Commission meeting were summarized by Staff, and the main issue was the regulating plan and whether or not to have a graphic for the plan. Commission members agreed that the graphics were essential. There was also discussion regarding the road system within the plan.

**John Bilton**, Planning Commission Vice Chairman arrived at the work meeting at 6:15 p.m.

**Norm Dahle**, from America West Development, said he received the latest draft of the ordinance on Monday. He does not agree with much of the draft and believes there is a disconnection between the concepts and the application. He expressed frustration that there has been no analysis of the topography of the area or study of the soil conditions. He also thinks there are problems regarding what UDOT will require or allow and what the City is proposing. Density is obviously a concern for them, and they are concerned about changes that have been made to the terminology within the ordinance—moving more to a height limitation rather than a number of units per acre.

**David Petersen** responded to some of these issues. He referred to a draft from **Scott Harwood**, and he believes that with this draft, Staff has resolved many of the issues regarding SPARC. **Mr. Harwood** said that he was able to incorporate many of the suggested changes. He said their suggestion would be to use Cooper, Roberts and Simonsen. He said their firm could help them as the developer determine that the intent of the ordinance is being met. He believes that the plan is still lacking some flexibility, and they still have major concerns with the roads. **David Petersen** said the City is contemplating a new cross section for the road to the north, and the City Engineer and Tim Taylor are looking at options but such cross section will likely require an amendment to the City's Master Transportation Plan (MTP), such amendment could be contemplated in the next few months, but for now, the proposed zoning text mirrors the major collector street cross section in the current MTP for the road to the north. He said the City Council liked the way the ordinance is written. However, they would like the details regarding how the SPARC will function to be handled by a separate resolution. Then if there is a need to change the way the SPARC functions, it can be done quickly by resolution rather than going through a zone text amendment. **Mr. Harwood** urged the Planning Commission to have another work session. **Ron Martinez** agreed with Mr. Dahle and said the text needs more work to make it executable.

**Steve Andersen** made several comments with regard to the matrixes and said he did not see a significant change, but he did see a couple of small changes on square footages and a few other elements. **Chairman Poff** asked about the addition of the landscape plan, and the maximum square footage allowable (or building foot print size) under the regulating plan was discussed. It was pointed out that the square footage threshold, or building size, which is one factor which determines whether or not City staff or the Planning Commission conduct site plan review was raised from 20,000 to 30,000 square feet.

**(Agenda Item #6) America West Development – (Public Hearing) – Applicant is requesting approval of a Project Master Plan for approximately 12.86 acres of property located between Clark Lane, 1100 West and the former D&RG rail line. The project is known as Park Place and is proposed as a high-density residential and commercial mixed-use development (SP-7-08)**

**David Petersen** said that America West resubmitted an application requesting approval of a Project Master Plan for the triangle property west of the fairgrounds. The last application was submitted in June, and the Planning Commission reviewed it in July and approved it, but the City Council denied it in August. In November they submitted another application for the triangle property. **Glenn Symes** said Staff reviewed it initially under that TOD ordinance to see if it complied. They felt it was compliant; however, there is a provision in the state code that allows the City to apply standards of a pending ordinance if provisions of that pending ordinance would prevent approval of that application as it was submitted. Staff felt that because of the land use changes in particular, the application as submitted would not be permitted under the new PMP guidelines or the proposed mixed use ordinance. He obtained an opinion from the City Attorney to that effect comparing it to the state ordinance, and it is Staff's recommendation that the Planning Commission also reviewed under the standards of the pending ordinance. If the Planning Commission agrees, they have four possible motions or directions to consider.

**Chairman Poff** asked about the reasons the City Council gave for denying the last application and if it would be possible to review the previous findings. **David Petersen** said that he did not have all of the findings, but he did remember that one reason is the density. The density in the area where they were doing the residential in the previous application exceeded 18 units per acre. **Mr. Petersen** reviewed the options for motions which are listed in the text on pages 3-4 of the Staff Report. There was more discussion regarding roads, density, the PMP process, and other options pertaining to this issue. **Steve Andersen** commented that the City agrees that the formal amendment process of the TOD ordinance began July 1<sup>st</sup>, 2008. That means the 180 days would expire on or near January 1, 2009, and we can decide whether or not to use the zoning that we are contemplating. **David Petersen** said that was almost correct but that under the state law, the existing ordinance still applies unless there is something in the pending legislation that would prohibit the plan that they were proposing. There was some discussion about whether or not the City Council would be able to review this on December 9, 2008.

**Chairman Poff** dismissed the group to have a picture taken and then eat dinner.

**Norm Dahle**, America West Development, said that when he met with **Glenn Symes** and **David Petersen** in November, they talked specifically about the schedule. He was told at that time that if this item was approved tonight, there was sufficient time to have the City Council review it at their meeting on December 9. He indicated his disbelief that **David Petersen** would make the comment saying he does not know if it would be able to be heard by the City Council. He said the timing is critical for his company, and they need to have this reviewed by the City Council before the end of the year. He listed the following City Council concerns:

1. The PMP exceeded the maximum density of 18 units per acre.
2. The application did not provide a generous mix of uses.
3. The PMP did not have enough open space.
4. There was a lack of pedestrian connections.

**Mr. Dahle** emphasized that the application had three separate uses: residential, retail and office. They also had 40 percent green space which is double the requirement. He stated that there was connectivity throughout the entire development. He said America West is frustrated because they do not feel the ordinance is a finished product. They believe the 180-day time period has expired, and they are proposing to adopt their application using the original or existing TOD zoning.

**Chairman Poff** adjourned the work meeting at 6:55 p.m.

## **PLANNING COMMISSION REGULAR SESSION**

**Present:** Chairman Kevin Poff, Commission members Steve Andersen, Paul Barker, John Bilton, Randy Hillier, Craig Kartchner, Rick Wyss, alternate Jim Young, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey.

America West Development representatives Ron Martinez, Janelle Eurick, Norm Dahle, Ross Poore, Jeffrey Appel, CenterCal Properties representative Craig Trottier, Shivas and Haws Companies representative Scott Harwood, and Soren Simonsen from Cooper, Roberts & Simonsen Associates were also in attendance.

**Chairman Poff** called the meeting to order at 7:05 p.m. and welcomed those in attendance. He offered the invocation.

### **Agenda Item #1- APPROVAL OF MINUTES**

The Commission reviewed the minutes of the Planning Commission meeting held November 13, 2008.

#### **Motion**

**Steve Andersen** made a motion to approve the minutes of the Planning Commission held November 13, 2008 with changes as noted. The motion was seconded by Craig Kartchner and was approved unanimously. Paul Barker, Randy Hillier and Jim Young abstained because they did not attend the November 13, 2008 meeting.

**Steve Andersen** made a motion that the Commission amend the agenda and hear items #7 through #10 before items #3 through #6. It was determined that the people involved with those items were not at the meeting, and he withdrew the motion.

### **Agenda Item #2- CITY COUNCIL REPORT**

**Glenn Symes** reported that there were no Planning Commission issues at the City Council meeting held on November 18, 2008.

**Agenda Item #3- Farmington City – (Public Hearing) – Consideration of a recommendation to amend Chapter 11 of the General Plan regarding the “Farmington Commercial Center” and other related general plan text changes as well as a consideration of a recommendation for a general plan map amendment from CA/BP (Class A Business Park) to TMU (Transportation Mixed-use) on the following properties: approximately 64 acres located west of Park Lane and north of 100 North at approximately 1180 West Clark Lane; approximately 35 acres located at the southeast corner of Burke Lane and 1525 West (MP-2-08)**

## **Background Information**

**David Petersen** presented an overview of Agenda Items #3 - #6. He showed a flow chart on the overhead projector that outlined the dates, meetings, and steps that were taken regarding these items. He stressed that there have been multiple meetings, and many hours have been spent on this issue.

**Chairman Poff** welcomed Mayor Scott Harbertson to the meeting at 7:20 p.m.

## **Public Hearing Opened**

**Lindon Evans**, 638 Compton Road, Farmington, Utah, stated that he owns part of the property (64 acres) that is involved with the proposed regulating plan. He said his son, Mark Evans, attended the Planning Commission meeting on November 13, 2008 and stated his disapproval for the proposed changes to the General Plan of Farmington City. He said he agrees with his son's comments. He stated that the Hess family has owned this property for a long time and have been working for years to get it developed. He does not understand why the City is adopting a new ordinance, and he feels that the City is not treating them on the same level as other developers.

## **Public Hearing Closed**

**Chairman Poff** closed the public hearing at 7:25 p.m. and asked for Planning Commission response.

**John Bilton** and **Randy Hillier** pointed out several minor errors, and **David Petersen** agreed that some of the text in the General Plan not related to the upcoming zone text change needed to be updated.

## **Motion**

**John Bilton** made a motion that the Planning Commission recommend to the City Council the red line changes to amend Chapter 11 and other text changes. The motion was seconded by **Randy Hillier**, and it was approved unanimously. The motion passed unanimously with the following finding: The proposed changes to the General Plan and Land Use Map are consistent with the changes discussed by the subcommittee and recommended by Cooper, Roberts, Simonsen Associates (CRSA).

**Agenda Item #4- Farmington City – (Public Hearing) – Consideration of a recommendation to amend Chapter 18 of the Zoning Ordinance regarding the TOD (Transportation Oriented Development) zone including but not limited to residential density, non-residential building size, permitted and conditional uses, and Project Master Plan (PMP) criteria including, among other things, street type hierarchy and street network design, building form and site envelope standards, off-street parking, landscaping standards, and other various changes (ZT-3-08)**

## **Background Information**

**Soren Simonsen**, Cooper, Roberts and Simonsen, reviewed Chapter 18 of the Farmington City TOD Ordinance. He showed a concept graphic of a residential mixed-use district. He also showed

pictures of both detached and attached homes, homes with garage access from the front versus access from an alley, and urban sprawl versus connected uses. He said the purpose of grid in a regulating plan is to allow greater connectivity. He referred to Salt Lake City and Sandy, stating that although Salt Lake City has much more traffic, Sandy has bigger traffic issues because they do not have a grid system to help move the traffic. **Mr. Simonsen** pointed out that a grid is a very effective way to move traffic and allows a lot of flexibility for development down the road. He said there are many examples of an effective grid system in use throughout Utah and the western United States. He agreed that I-15, train, and commuter rail are issues, and that there will possibly be additional access points in the future. He believes that his company has done the best they can to connect things given the barriers that exist. He indicated that one of the things his company attempted to do was to allow flexibility within the regulating plan. Currently, the block sizes range from 300 foot square (standard urban block size in many areas) to a 2,000 foot square perimeter except for the OMN and OS zones where the maximum perimeter length is 2,400 feet..

### **Public Hearing Opened**

**Chairman Poff** opened the public hearing at 8:10 p.m.

**Norm Dahle** of American West Development discussed a number of issues: (1) the ordinance is not ready to be approved by the Planning Commission and moved on to the City Council, (2) graphics were added to the ordinance which they had not seen before, (3) a new road was added to the map, (4) the high-pressure gas line, topography, easements, etc. have not been addressed properly. (5) a lack of unity between UDOT, the City, and the developers.

**Mr. Dahle** gave each Commission member a handout prepared by America West Development. He requested that this issue be tabled until some of the issues listed on the handout are resolved. He said there was a suggestion to have a meeting between the City and the developers, and they support that idea. They feel that the text within the ordinance is ambiguous and is not clearly defined.

**Chairman Poff** welcomed **Susie Petheram** to the meeting at 8:30 p.m.

**Ryan Hales**, commented on the Regulating Plan. He said the developers involved with this Farmington project want to have connectivity between the developers. The company he is representing owns property in the center (shown on map) and is concerned about the road system. He cited examples of grid systems that work and those that do not. He stated that they want flexibility within the regulating plan. He said he was frustrated with the plan that was handed out tonight, because it was different from the previous copy.

**Janelle Eurick**, legal council for America West Development, said they do not believe the General Plan is ready to be approved. She reviewed dates from past Planning Commission meetings and noted that the text amendment was first discussed in January 2008. The text was then discussed again and a draft ordinance was presented to the Planning Commission on March 13, 2008. She stated that the City has said the process started on July 1, 2008, but that is inaccurate. She believes that the developers and the public should be given more time to create an ordinance that works for the City.

**Scott Harwood**, Shivas, 33 South Shadow Breeze Road, Kaysville, Utah said he also believes there are issues with the text. He is not comfortable with the SPARC--Shivas wants to know who will be the outside consultant. Their company wants to be included on the decisions made regarding the roads. He agreed that this item should be tabled until all of the issues are resolved.

**Craig Trottier**, of CenterCal Properties, said they own 14 acres on the corners of Clark Lane and Park Lane which is a parcel that is very efficient for development. However, under the new Regulating Plan, it would be 8 parcels and that would make it difficult to develop. His company's concern is that the number of streets shown on the plan is too high, and the grid locks them in to a certain number of streets. CenterCal owns pieces of eight different parcels, and they believe that the entire concept behind the grid system needs to be studied and reviewed in more depth. He emphasized that this is a complex zoning ordinance, and CenterCal believes that additional examples would be very helpful in showing them how the ordinance will function in the real world.

**Jeff Appel**, attorney representing America West, 36 South State Street, Salt Lake City, Utah, said there are numerous problems with the plan. He asked that the Planning Commission review the problems and then reconvene and discuss them again. He affirmed the application dates of January 17 and March 13, and stated that the 180-day time period expired in mid July or mid September, depending on which date was used. He said that the starting date of March 13th was confirmed in the July 10th Planning Commission meeting and that everyone believed the plan had been initiated on March 13<sup>th</sup>. He urged the Commission members to table this issue.

**David Petersen** addressed the concerns of the readiness of the ordinance and stated that he believed the ordinance was ready and that further changes to the ordinance may make the ordinance more complicated and that it may compromise the work that had been done. **Jim Young** agreed with **Mr. Petersen**.

Commission member **Steve Andersen** left the meeting at 9:00 p.m.

### **Public Hearing Closed**

The public hearing was closed at 9:05 p.m. **Chairman Poff** asked for Planning Commission comments. There was more discussion regarding the graphics and whether or not the ordinance was ready to be sent to the City Council. **Mr. Poff** asked the Commission members if they were comfortable sending this on to the City Council or if there were too many loose ends and differences of opinion. **Craig Kartchner** commented that the developers feel these issues are not ready to go to the City Council, but he believes they are ready. He feels there is flexibility for the roads (p. 8), the text is ready, and he listed more details which support the fact that the document is ready. He emphasized that the Planning Commission's recommendation is precisely that—a recommendation.

**John Bilton** said he believes the developers are not comfortable with the regulating plan because it is a graphic. He does not think the graphic is perfect, and there is some ambiguity, but he believes the plan allows for plenty of flexibility. He said UDOT controls the access to Park Lane, but he hopes they will work with the City to consider the best uses for Park Lane. He also stated that he does not really care about the 180-day review process. He thinks that there are two things the community of

Farmington desires with regard to development: (1) a greater commercial base and (2) historic preservation.

**Paul Barker** asked **Soren Simonsen** and **Susie Petheram** to respond to the criticism. **Mr. Simonsen** stated that their company has studied hundreds of grid patterns. He realizes there are some concerns with regard to the Regulating Plan, but he said it is one of the limitations that all who are involved may have to live with. He understands the need to move people effectively within this area, and they want it to be an effective closed system. He also said that they based the grid upon the existing lines and think it creates uniform development parcels. This graphic shows the connectivity, and if the grid needs to shift because it cannot be agreed upon by property owners, then that is a possibility. He agreed with **Dave Petersen** that the Regulating Plan is ready to move forward. **Ms. Petheram** clarified that there are additional graphics to be added.

**Jim Young** felt that a delay would not be constructive. He said the ordinance has been reviewed and refined over a period of several months at different levels with attention and sensitivity to all interested parties. He also said that the ordinance permits consideration of other options and is always subject to amendment if it has egregious problems or obstacles in the future. **Commissioner Young** said that he believes the ordinance was written with a certain amount of ambiguity (which often good law is), but it allows for discussion, compromise and flexibility. It is a framework, and that allows for a lot of opportunity.

### **Motion**

**Commissioner Kartchner** moved that the Planning Commission recommend approval of the proposed Chapter 18 amendments. **Commissioner Young** seconded the motion. The motion passed unanimously with the following findings:

### **Findings**

1. It is the Planning Commission's opinion that the proposed zone text allows for flexibility and that the proposed text provides the option for alternative approvals in the future. It attempts to bring order to an area that the City hopes will develop in a vibrant way and is a good blend of the things the City wishes to have in Farmington. A lot of time has been spent on the proposed changes and the Planning Commission does not feel rushed in its recommendation.
2. The development agreement under which CenterCal is developing Station Park is a binding agreement between CenterCal, L.L.C. and Farmington City and takes precedence with regard to the proposed text changes.
3. As the Planning Commission is providing a recommendation to the City Council, there remains the opportunity to amend language recognized as being problematic prior to final adoption by the City Council.
4. It is understood that the graphics will be changed prior to the City Council's receipt of the proposed text amendment.

5. The Planning Commission feels that the proposed ordinance creates the opportunity to build a strong community, is a forward looking document that will endure through time, and is a document that is consistent with the General Plan and the visioning process identifying both a strong tax base and historic preservation while limiting sprawl.

### **Motion**

**John Bilton** made a motion to extend the meeting past 10:00 p.m. He also made a motion that the Commission recess for a 5-minute break. Both motions were seconded by **Craig Kartchner**.

The meeting reconvened at 10:05 p.m.

### **Motion**

**John Bilton** made a motion that the Commission move Agenda Items #7 and #8 forward and discuss them before Agenda Items #5 and #6. **Craig Kartchner** seconded the motion. Then there was an amended motion to do #8 first because some of the people in attendance on #7 had left the meeting.

**Agenda Item #8- Gary Tyler, Richards Bott Architects – (Public Hearing) – Applicant is requesting an amendment to a conditional use permit for the expansion of a parking lot for the LDS Church building located at 850 North Compton Road. The expansion is to accommodate new parking stalls on property to the south of the existing building to be acquired by the LDS Church (C-11-08)**

### **Background Information**

The applicant is requesting an amendment to an existing parking lot at the LDS Church site at 850 North Compton Road. The largest expansion is proposed to be to the south onto an adjacent lot to be purchased by the Church. The second expansion is proposed to be along the rear or east of the church site and is proposed to run in a more parallel manner to the east property line. Currently, the parking is aligned on a slight northwesterly alignment. The third area of proposed expansion is to the west on the northern parking area.

When the original approval was granted for this church, no specific storm water detention system was installed. The storm water generated by the parking area drained as a sheet flow out to Compton Road. It is the recommendation of the City's engineer that the sheet flow drainage continue with the expanded parking area.

### **Public Hearing Opened**

**Chairman Poff** opened the public hearing at 10:05 p.m.

**Mr. Tyler**, representative from the LDS Church, said the Church would build a chain link fence with slats on the south property line.

**Heinz Mahler**, 252 Bayview, Farmington, said that he owns the property directly south of the proposed extension. He said he does not have an objection to the overall plan, but he does have a couple of concerns. His backyard is small, so his house is very close to the south border of the parking lot. The second issue is that he believes there will be some green space, but he wanted to make sure that will be specified in the plan. He also asked what the elevation of the green area would be.

**Mr. Tyler** reported that the Church is planning to install a chain link fence on the south border of the parking lot so the neighbors will have some privacy. **Mr. Mahler** stated that he does not want a chain link fence. He has a nice cedar wood fence with his neighbors, the Dobson's, and he does not want a chain link fence in place of the wood fence. **Mr. Mahler** believes the cedar fence is located directly on the property line. He also said there is an apricot tree located on the fence line and asked if the trees that are currently located in the green space are going to remain. **Mr. Tyler** replied that they would be taken out. **Randy Hillier** questioned why it would be necessary to put a chain link fence so close to an existing fence.

**David Petersen** wanted some clarification and read from the code book. He said there was a fine line in relation to this issue because the Church is proposing a parking lot right next to Mr. Mahler's house.

**John Bilton** stressed that the Commission wants this expansion to happen because there is not enough parking at this church building. He asked if the issue should be tabled tonight, but **Mr. Tyler** said the church wants to move forward as soon as possible. There was more discussion regarding the various issues regarding this proposal. **Mr. Heinz** wanted to know if there was an alternate fence that would work.

### **Public Hearing Closed**

**Chairman Poff** closed the public hearing at 10:30 p.m. and asked for comments from the Planning Committee.

**John Bilton** made a motion that the Planning Commission approve an amendment to the conditional use and site plan for the expansion of the parking area at the LDS Church at 850 North Compton Road with the following conditions:

1. The applicant completes all requirements for site plan approvals as well as all on-site and off-site improvements requirements to comply with City Engineer, Public Works, Fire Department, Planning Department, Storm Water Official, Central Davis Sewer District, and Benchland Water District. Any condition of site plan approval shall also become a condition of the conditional use approval.
2. All landscaping shall be installed as shown on the approved site plan.
3. All lights shall be full cut-off lights and shall not shine onto adjacent residential properties.
4. That all other conditions imposed on any previous conditional use permit be observed.

**Craig Kartchner** seconded the motion. **Randy Hillier** proposed an amended motion to include the following conditions and 5 and 6 to the original motion. The amended motion was agreed to by **John Bilton** and seconded by **Craig Kartchner**. The motion passed unanimously.

5. That the applicant places a safety fence on top of the retaining wall.
6. That the applicant continue to work with the adjacent property owner to create an agreement establishing fence placement and maintenance responsibilities for a common fence along the south church property line.

**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:
  - a. Unreasonable risks to the safety of persons or property because of vehicular traffic or parking;
  - b. Unreasonable interference with the lawful use of surrounding property; and
  - c. A need for essential municipal services which cannot be reasonably met.

**Agenda Item #7- Don Lilyquist, Maverik, Inc. – (Public Hearing) – Applicant is requesting an amendment to a conditional use permit for the expansion of the parking lot for the Maverik store located at 957 West Shepard Lane. The expansion is to accommodate 12 new parking stalls on property owned by Maverik Country Stores, Inc. (C-9-08)**

**Background Information**

Glenn Symes reported that Maverik, Inc. approached the City with a request to expand the parking lot of the existing Maverik store located at 957 West Shepard Lane. The proposal is to create 12 new parking stalls west of the existing parking lot. The proposal has met all the zoning requirements for the new addition, and an inspection of the original conditional use permit does not appear to prohibit a parking lot expansion. Planning Commission approval is required for a conditional use amendment since the change is an expansion of or a change to the original conditional use permit approval.

**Public Hearing Opened**

There was no public comment.

## **Motion**

**Randy Hillier** made a motion that the Planning Commission approve a conditional use permit and site plan for the expansion of the parking area at the Maverik store located at 957 West Shepard Lane with the following conditions:

1. The applicant completes all requirements for site plan approvals as well as all on-site and off-site improvements requirements to comply with City Engineer, Public Works, Fire Department, Planning Department, Storm Water Official, Central Davis Sewer District, and Benchland Water District. Any condition of site plan approval shall also become a condition of the conditional use approval.
2. All landscaping shall be installed as shown on the approved site plan.
3. All lights shall be full cut-off lights and shall not shine onto adjacent residential properties.
4. That all other conditions imposed on any previous conditional use permit be observed.

The motion was seconded by **Craig Kartchner** and was approved unanimously.

## **Findings for Approval**

- a. 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;
- b. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use;
- c. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan;
- d. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing development;
- e. 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;
- f. 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:
  1. Unreasonable risks to the safety of persons or property because of vehicular traffic or parking;
  2. Unreasonable interference with the lawful use of surrounding property; and
  3. A need for essential municipal services which cannot be reasonably met.

**Agenda Item #6- America West Development – (Public Hearing) – Applicant is requesting approval of a Project Master Plan for approximately 12.86 acres of property located between Clark Lane, 1100 West and the former D&RG rail line. The project is known as Park Place and is proposed as a high-density residential and commercial mixed-use development (SP-7-08)**

## **Background Information**

**Glenn Symes** said that this application was submitted the first part of November under the existing TOD requirements. When it was submitted, it was reviewed against the old ordinance, and all requirements were met. The City Attorney gave a legal opinion about when the 180 days started. Staff's recommendation is based on the City Attorney's opinion.

## **Public Hearing Opened**

**Chairman Poff** opened the public hearing.

**Norm Dahle**, 2675 East Melanie Drive said the application is compliant with the previous ordinance and is consistent with the new ordinance even with regard to the roads. He said they have shown potential uses based on a PMP application, and they are asking for approval of the commercial area. **Chairman Poff** asked which specific uses they are proposing tonight. **Mr. Dahle** responded that they are asking for approval for two uses: (1) a convenience store and (2) a car wash. Both of these were allowed under the previous ordinance.

**Jeff Appel**, 36 South State Street, Salt Lake City, reviewed again the dates of previous applications and Planning Commission Meetings and stressed that approval should be given based on the requirements of the previous ordinance. He told the Commission that the new ordinance cannot be applied to this request. **Ryan Hales**, **Janelle Eurick**, and **Ron Martinez** each spoke briefly regarding the timing of the ordinance and the road alignments.

## **Public Hearing Closed**

The public hearing was closed at 11:10 p.m.

**Chairman Poff** asked for Planning Commission comments. The members discussed the roads currently shown on the regulating plan, the uses that would be possible, and the density issues.

**Mr. Martinez** stated that under the RMU, the largest building allowed is a six-plex, and that would not work for him. He informed the Commission that his position was unchanged. **Chairman Poff** said he does not like the current plan, and that he is much less satisfied with this proposal than the one they had previously. He does not think this plan is safe.

**Jeff Appel** advised the Commission that the document complies with the code, and that if they disapprove, it has to be because they are applying the new ordinance.

**John Bilton** said he would like to see an alternative be agreed on tonight and asked the America West representatives if that would be possible.

**Mr. Martinez** stated that with that configuration of apartments he could get a class A buyer. However, if the units were chopped up, it would not be an upscale development. In the current economic environment, things are not the same as they were 60 days ago. He would prefer not to put a

convenience store in that location, but he stressed that he is at the mercy of the market, and he needs to move forward with his plans.

### **Motion**

**Randy Hillier** made a motion that the Planning Commission recommend approval to the City Council of the proposed Project Master Plan for the Park Place project with the condition that the applicant resubmit a PMP that is in compliance with requirements as set forth in the proposed mixed-use ordinance. **Craig Kartchner** seconded the motion. No vote was taken.

**Chairman Poff** raised the question of safety with the location of entrances of the gas station on graphic submitted. **Mr. Martinez** stated that Chairman Poff's concerns should be based on public safety and that perhaps the City's traffic engineer should review the plan for safety concerns.

**Commissioner Wyss** made a motion to table the request until such time as Tim Taylor, the City's traffic engineer, could review and give comments on the safety concerns raised by the Planning Commission. **Commissioner Young** seconded the motion. The motion passed with **Chairman Poff** and **Randy Hillier** voting "nay" on the motion to table the request.

### **Agenda Item #9- LDS Church – (Public Hearing) – Applicant is requesting approval of a preliminary plat for a one lot subdivision located at approximately 1015 North Main Street for the development of an LDS Church. The applicant is also requesting a recommendation of approval to the City Council for a final plat for the same subdivision (S-7-08)** **Background Information**

**Glenn Symes** showed a map on the overhead and said there was no site plan with this item. He gave a brief report of the issues involved with this application. He said the applicants are also requesting Planning Commission approval of the preliminary plat and a recommendation to the City Council for approval of the final plat for the North Main Street LDS Church. The applicants have been working toward presenting site plans for conditional use approval but had not finished them at the time of this staff report. However, staff does not feel that there will be anything other than the traditional site plan for an LDS building on the site. Once a site plan is available, staff will present it to the Planning Commission for consideration.

### **Public Hearing Opened**

There were no comments from the public.

### **Motion**

**Craig Kartchner** made a motion that approval be given for a preliminary plat for a one lot subdivision located at approximately 1015 North Main Street for the development of an LDS Church. **Randy Hillier** seconded the motion, and it was approved unanimously.

**Randy Hillier** made a second motion that a recommendation of approval be given to the City Council for a final plat for the same subdivision. **John Bilton** seconded the motion, and it was approved unanimously.

### **Findings for Approval**

1. The proposed subdivision meets all of the requirements of the zoning ordinance and is in compliance with the general plan.
2. The applicants have worked with the Utah Department of Transportation to provide the appropriate alterations to Main Street for safe ingress and egress.

### **Agenda Item # 10- Robert Miller, Symphony Homes – Applicant is requesting a recommendation of approval for a petition for annexation of 20 acres of property located at approximately 600 South 1525 West for the development of an LDS Church on a portion of the site**

#### **Background Information:**

**David Petersen** said that the City received a petition from RM & BR Holdings LLC to annex a 20-acre parcel located on the east side of 1525 West just south of a Central Davis Sewer District lift station and north of Glovers Lane. The LDS Church is interested in a site for a Chapel at the north end of the property, and the rest of the parcel will remain as agricultural use until it is developed. However, in order to pursue these development options, the property must be annexed into Farmington City. **Mr. Petersen** said the petitioner made no specific requests to zone the property a certain designation. He read from the General Plan text which states:

*As property is annexed into the City, it shall be classified with a zoning designation “A” unless the owners request another zone designation. Such a request may be reviewed by the Planning Commission and City Council at the time of annexation and should be handled as a rezone request.*

However, this policy was approved before the City passed legislation enabling the AA zone, and the City has since approved other policies which call for it to zone all property with an elevation below 4218 feet elevation as AA. Therefore, the petition is consistent with the General Plan.

#### **Motion**

**Randy Hillier** moved that the Planning Commission recommend the City Council approve the request and annex the 20 acres described in the petition and designate all property with an elevation greater than 4218 feet above sea level to A and property below this mark to AA. **Paul Barker** seconded the motion, and it was approved unanimously.

### **Findings for Approval**

1. The petition is within the City’s future expansion area and complies with the following guidelines regarding annexations set forth in the General Plan (Note: no specific development requests have been provided except that the applicants desire to pursue and the development of a LDS church site at the north end of the property):

- a. Unincorporated property should only be annexed upon the request of the property owners, or to control the development of the property with uses consistent with Farmington's General Plan.
- b. As far as is practical, property should only be annexed if costs for extending municipal services are paid for by the annexing property owners.

*(Note: Any development of this property will require that municipal services will be paid by the annexing property owners and it is the understanding of staff that they realize that this is the case).*

- c. Small individual properties may be considered for annexation, as long as development of those properties is coordinated with surrounding properties.
  - d. As property is annexed into the City, it should be classified with the zoning designation "A", unless the owners request another zone designation. Such requests may be reviewed by the Planning Commission and City Council, at the time of annexation, and should be handled as a rezone request.
2. The zone designation of AA is also consistent with the General Plan; and
  3. An LDS Church site is possible under the zone classifications as proposed.

**Agenda Item #5- Farmington City – (Public Hearing) – Consideration of a recommendation of a change of zoning from TOD (Transportation Oriented Development) to RMU (Residential Mixed-use), GMU (General Mixed-use), TMU (Transit Mixed-use), OMU (Office Mixed-use) or OS (Open Space) on the following properties: approximately 100 acres of property located north of Clark Lane, west of I-15, and south and east of Park Lane; approximately 64 acres located west of Park Lane and north of 100 North at approximately 1180 West Clark Lane; approximately 35 acres located at the southeast corner of Burke Lane and 1525 West; and approximately 12 acres located at the southwest corner of Clark Lane and 1100 West (Z-7-08)**

### **Background Information**

Glenn Symes showed the map of the proposal and reviewed the specific changes that were being requested.

### **Public Hearing Opened**

Chairman Poff opened the public hearing at 10:40 p.m.

Norm Dahle expressed his opinion that the existing zoning ordinance allowed a broader spectrum of uses than the current proposal. He said that if the intent of the ordinance was to streamline the process, then it would be more consistent with the prior zoning to give the RMU a GMU zoning.

Craig Cummings, 240 South 200 West, Farmington, said he understood there was a subcommittee that spent a lot of time studying the various aspects of this ordinance. He asked if the subcommittee recommended this ordinance to move forward.

## **Public Hearing Closed**

The public hearing closed at 10:45 pm. **Chairman Poff** asked if there were any comments from the Commission. **John Bilton** commented that if all of the zones were looked at together, there are more uses than there were previously allowed. He pointed out that having five zones versus the three zones actually allows more flexibility.

## **Motion**

**John Bilton** made a motion that the Planning Commission recommend that the City Council change the zoning on those properties identified in the notice already zoned TOD to match the zones shown on the regulatory plan as set forth in the notice. **Craig Kartchner** seconded the motion, and it was approved unanimously.

## **Findings**

1. In the Planning Commission's opinion, the zone text allows for flexibility and that the proposed text provides the option for alternative approvals in the future. It attempts to bring order to an area that the City hopes will develop in a vibrant way and is a good blend of the things the City wishes to have in Farmington. A lot of time had been spent on the proposed changes and the Planning Commission does not feel rushed in its recommendation.
2. The development agreement under which CenterCal is developing Station Park is a binding agreement between CenterCal, L.L.C. and Farmington City and takes precedence with regard to the proposed text changes.
3. As the Planning Commission is providing a recommendation to the City Council, there remains the opportunity to amend language recognized as being problematic prior to final adoption by the City Council.
4. It is understood that the graphics will be changed prior to the City Council's receipt of the proposed text amendment.
5. The Planning Commission feels that the proposed ordinance creates the opportunity to build a strong community, is a forward looking document that will endure through time, and is a document that is consistent with the General Plan and the visioning process identifying both a strong tax base and historic preservation while limiting sprawl.

## **OTHER BUSINESS**

### **Agenda Item #11- Miscellaneous, correspondence, etc.**

**John Bilton** was selected as Planning Commission Chairman for 2009. **Jim Young** was selected as Vice Chair. In another action the Commission selected Steven Andersen to serve as its representative to the Board of Adjustment for 2009.

The Planning Commission thanked **Chairman Kevin Poff**, and **Commissioners Paul Barker**, and **Rick Wyss** for their years of service.

The 2009 Planning Commission schedule was discussed and approved as set forth in the packet.

## **ADJOURNMENT**

### **Motion**

**John Bilton** made a motion that the meeting be adjourned. **Craig Kartchner** seconded the motion, and it was approved unanimously. The meeting was adjourned at 11:40 p.m.

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**Kevin Poff, Chairman**  
**Farmington City Planning Commission**