

FARMINGTON CITY PLANNING COMMISSION MEETING

Thursday, February 26, 2009

PLANNING COMMISSION STUDY/WORK SESSION

Present: Chairman John Bilton, Commission members Steve Andersen, Geoff Butler, Rick Draper, Randy Hillier, Craig Kartchner, Jim Young, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey. Michael Wagstaff was not in attendance.

Chairman John Bilton opened the work session at 6:30 p.m. and welcomed the Commission members and City Staff.

(Agenda Item #1) Approval of Minutes

Chairman Bilton asked for a review of the minutes from the December 4, 2008 Planning Commission Meeting. **Glenn Symes** gave each member a copy of the changes former **Chairman Kevin Poff** made to the minutes, and the Commission agreed to include them in the minutes. **Chairman Bilton** asked for a review of the minutes from the February 12, 2009 meeting. He commented regarding the motion on page 6, Agenda Item #3, and said he was not sure if all of the configurations (A, B, C, and D) were included in the motion. There was a brief discussion regarding the motion, and **Glenn Symes** said he would check on the details.

(Agenda Item #3) – Jerry Preston – (Public Hearing) – Applicant is requesting an amendment to the Rice Farms Estates Planned Unit Development. The requested amendment is specific to Phase 3 of the Rice Farms PUD amending a previous approval of 16 single-family detached units to 30 single-family attached units on the same property (S-2-09)

Glenn Symes discussed the most important issues regarding this item: (1) the number of units originally approved for the Rice Farms Estates PUD, and (2) the nature of the change. He explained that when this PUD was originally approved, the applicant was allowed 111 units. He said some of the rules are more flexible in a PUD. Lot sizes can vary, and there can be cluster developments with some areas having more open space and other areas having more density. **Mr. Symes** explained that as **Mr. Preston** went through the process of creating the development, several of the lots increased in size, and he was not able to have as many lots because of wetlands and other issues. Because of economic issues, **Mr. Preston** is requesting that some of the lots be changed to a townhome concept, and he will be explaining more about his request in the regular session. **Mr. Symes** confirmed that attached units are allowed within the PUD concept. **Mr. Preston** would like to add 14 to the 16 that were originally approved as Phase 3, and that would be a total of 109 which is two fewer than the 111 that were allowed in the previously approved PUD. **Mr. Symes** referred to page two of the staff report which lists four criteria that must be met when a change to the Master Plan is requested. He said **Mr. Preston** has met those criteria; however, because it would be a change from single family detached to single family attached, it is a change in the nature of that part of the development. The statement in the ordinance says the change “shall not vary substantially from the previously approved PUD.” Because of this change, Staff felt this item needed to be heard by the Planning

Commission. He said that if the Commission is comfortable with the proposal, they could recommend it to the City Council. There were additional questions and comments regarding laterals, density, attached/detached options, public interest, and approval.

(Agenda Item #4) – CL Martineau Homes – (Public Hearing) – Applicant is requesting a conditional use permit for the placement of a tennis court partially extending into the front yard setback on property located at 541 West 1300 North in Hidden Meadows (C-2-09)

Chairman Bilton asked that the Commission briefly review this item. **Glenn Symes** explained that this home covers two lots in the Hidden Meadows subdivision. Because the court will encroach into one of the established setbacks, the builder is required to obtain a conditional use permit. The applicant is also proposing to install a 6-foot fence on top of the 6-foot retaining wall. **Chairman Bilton** asked if Staff was comfortable with the rear and side setbacks and if the court would be 20 or more feet away from any other dwelling. Glenn replied that both setbacks were fine, and the court would not be near any other dwellings.

Chairman Bilton adjourned the meeting at 6:55 p.m.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman John Bilton, Commission members Steve Andersen, Geoff Butler, Rick Draper, Randy Hillier, Craig Kartchner, Jim Young, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey. Michael Wagstaff was not in attendance.

Chairman Bilton welcomed the public, Planning Commission members, Boy Scout Troop #1823, and City Staff to the meeting at 7:00 p.m. **Rick Draper** offered the invocation.

Approval of Minutes (Agenda Item #1)

Chairman Bilton said the Commission received from two former Commission members additional input regarding the minutes of the December 4, 2008 meeting. **Craig Kartchner** made a motion that **Kevin Poff's** comments be added to the minutes of the December 4, 2008 meeting and that the minutes be approved. **Steve Andersen** seconded the motion, and **Chairman Bilton, Craig Kartchner, Randy Hillier, Jim Young** approved. **Geoff Butler** and **Rick Draper** were not in attendance. **Craig Kartchner** made a motion that the minutes of the February 12, 2009 meeting be approved. **Geoff Butler** seconded the motion, and it was approved. **Randy Hillier** and **Rick Draper** abstained because they were not in attendance.

City Council Report (Agenda Item #2)

Glenn Symes said Agenda Item #4 regarding the Station Parkway road was heard by the City Council. There were a number of things that could have been considered with this application. The text changes to chapter 18 were not made just as the Planning Commission recommended. The minor change that allowed administrative review of a right-of-way cross section was adopted. Agenda Item #6 which was a boundary adjustment for Rod Griffin on 200 West was approved.

Farmington City - (Public Hearing) – Applicant (Jerry Preston) is requesting an amendment to the Rice Farms Estates Planned Unit Development. The requested amendment is specific to Phase 3 of the Rick Farms PUD amending a previous approval of 16 single-family detached units to 30 single-family attached units on the same property (S-2-09) (Agenda Item #3)

Background Information

Glenn Symes reported that this request is for Phase 3 of the Rice Farms PUD. Sixteen detached single family units were approved for Phase 3 in the initial PUD. The total number of units approved initially was 111 units. Due to several factors, there are fewer lots in the PUD than **Mr. Preston** had anticipated, and he is proposing another 14 units in addition to the original 16 units. With these additional units, the total would be 109. **Mr. Symes** explained that there are fewer restrictions in a PUD which allows for a mix of housing types and densities. He said the overall density for the entire project will remain the same. **Mr. Symes** said that if a change to the final Master Plan is requested, there are four basic standards the City may review to determine if the requested change is either a minor change or a more substantial change:

1. The lot areas do not vary by more than 10 percent.
2. A reduction of the area designated for common open space is no more than 5 percent.
3. An increase in the floor area proposed for non-residential uses is no more than 5 percent.
4. An increase in the ground coverage ratio by all buildings is no more than 5 percent.

Mr. Symes said **Mr. Preston** had met each of the four criteria; however, the ordinance also states that “the final plan shall not vary substantially from the previously approved PUD Master Plan.” Since this is a request for a change in the housing type, Staff felt that it should be heard by the Planning Commission and presented to the public. **Mr. Symes** showed some elevations and a model four-unit townhome. He asked for questions from the Commission, and there was discussion regarding improvements, warranty time, additional laterals, and public reaction in February 2006 when the PUD was initially approved.

Public Hearing Opened

Chairman Bilton opened the public hearing at 7:15 p.m. He asked the applicant to give his comments, and he asked members of the public to limit their comments to three minutes.

Jerry Preston, 347 East 100 North, Farmington, said that when Phase 3 was developed two years ago, there was a waiting list for lots in this PUD. But by the time they were ready to sell, costs had inflated and other things changed, and many of those sales never happened. He said Phase 2 sold only two homes, and the two spec homes are still unsold. He said there are an additional 26 units that are currently unsold, so he is looking at other options. If things continue as they are now, he will not be able to finish this development. He gave some details about average home prices and said that the average first-time home buyer in Utah cannot afford homes in the \$300-400,000 range. He hoped that with the townhome concept he could attract buyers who would be able to afford a home in the \$230-240,000 price range. He plans to use the existing infrastructure because of the prohibitive costs of making significant changes. He said his bankers are anxious to know specific plans for the PUD. He stated that this is not the scenario he wanted, but at this point he is forced to look at other options. **Chairman Bilton**

asked if any community meetings were held regarding this issue, and **Mr. Preston** replied that no other meetings had been held.

Jim Cheney, 31 East Camden Way, Farmington, said he built his home on Lot 408 in the Rice Farms PUD. He is familiar with the townhomes **Mr. Preston** built on 50 North in Farmington, and he thinks they look very good. However, he is concerned about the density in this area. He suggested the possibility of doing higher density on the west and south side of the subdivision but leaving the east side with nice patio homes.

August Miller, 19 Virginia Circle, Farmington, said he has lived here for about a year. He said that when he became aware of this proposal, he felt concern regarding safety in the area. He pointed out that Frontage Road is very busy in the mornings, and that it is difficult to get out of the subdivision safely. He does not believe the roads are big enough to accommodate more traffic. He also listed density and property values as concerns. He said many of the home owners have recently refinanced their homes, and their property values have decreased.

Becky Miller, 19 Virginia Circle, Farmington, said she has talked with many of the women in the neighborhood. They are all concerned about the safety of their children, and they believe that too many units are being proposed. She explained that they bought their home because Mr. Preston showed us a safe, planned subdivision.

Ken Hager, 865 Rice Circle, Farmington, said his backyard is the Rice Farms PUD. He is concerned that if townhomes are built, transient people will live there. He would like for these units to be owner occupied. He also expressed concern regarding the water issues in the PUD. He said there are several natural springs in the area, and it is not uncommon for his yard to be under water. The City promised help with this issue, but nothing was done. He gave the Commission a petition signed by people in the area who disagree with the proposal.

James Hite, 28 West 750 South, Farmington, said his property is located adjacent to the area where the townhomes will be built. His view will be the back of these townhomes. He said he and his wife were pleased to find this development, and they had a good experience working with **Mr. Preston**. However, this is like changing the rules of the ball game in the middle of the game. He said he understands that the economic situation is not **Mr. Preston's** fault, but he would like to see the community work together for a solution. He presented a petition signed by families currently living in the Rice Farms PUD.

Steve Andersen commented regarding a suggestion made by **Jim Young** that single family homes could possibly be located on half of the property, and the townhomes could be located near the frontage road. **Mr. Andersen** urged all parties involved to come up with a compromise, because if **Mr. Preston** lost control of the PUD, that could possibly cause even greater issues.

Jerry Wood, 621 South 200 West, Farmington, said he owns three lots that he bought from **Mr. Preston**, and his property has been affected by this PUD. He said fifteen years ago approval was given to build an 8-plex and a 4-plex on 600 South which was very much out of character in this area, and it caused a lot of hardship and concern. He thought the Rice Farms PUD was well designed and stayed away from high density. He believes that high density in this area is unnecessary.

Anthony Jacobsen, 36 West Rice Lane, Farmington, said his property is located on the corner of Hollie Avenue and Rice Lane. He feels that his property has been affected the most. When he bought his house, it was a dead end going into a corn field. Now all the school children are walking on Hollie Avenue to go to school, because if they walk on the frontage road, they have to cross it twice to get to both Farmington Elementary and Farmington Jr. High. He also said the stop sign across the street from his home was removed, and drivers come around the corner at a high rate of speed. Children walk in the road because there is no sidewalk, and he worries about their safety.

Linda Hite, 28 West 750 South, Farmington, said the road in the circle of the PUD is too narrow, and two cars are unable to pass each other. She is concerned about the safety of the children with no sidewalks and narrow roads.

Public Hearing Closed

Chairman Bilton closed the public hearing at 7:45 pm.

Jim Young said the comments from the public were compelling, and he is concerned about the difference in expectations for the developer and the neighborhood. He stressed that developers take risks, and so the expectation is that there may be unintended consequences when a decision is made. He said that on the other hand, the residents did not take a risk. They accepted the decision the City made, and **Mr. Preston** presented that proposal to them. Their reasonable expectation was that the development would proceed as it was approved originally. **Mr. Young** said he is inclined to be opposed to the request not only for the reasons the public has mentioned but primarily for the difference in the expectations.

Steve Andersen said he has heard compliments about the PUD and **Mr. Preston**, and he feels that a lot of good people have moved into the community. He said it seems like there is an opportunity to work toward a compromise. He said he is a businessman also, and he knows about the risks that are involved for the developer. He said his feeling right now is that it would be immature to proceed with this approval, but he urged everyone involved to work together for a solution.

Randy Hillier said that he lived in a twin home development very similar to Rice Farms in Centerville. He said the vast majority of people who lived there when it was built out were childless, and there was not much traffic. However, he said that does not mean he is arguing for **Mr. Preston**. He said he did not completely agree with **Mr. Young**, but he believes a compromise is in the best interest of everyone. He stressed meeting together with the homeowners and developer before moving forward on this issue.

Rick Draper said he is a real estate banker and has perspective on some of the financial issues. He said he lives in south Farmington, and although he would not be directly affected, he understands the issues. He agreed that working toward a compromise is in the best interest for everyone. He suggested that the Commission table this Item and give **Mr. Preston** and the neighbors an opportunity to meet and discuss options and adopt a proposal that would work for everyone.

Chairman Bilton explained to the public that the Planning Commission is given recommendations from City Staff concerning what they may or may not do concerning this request. They could approve the item and send it to the City Council, or it could be denied or tabled. **Chairman Bilton** said he appreciated the perspective from the homeowners, and he made reference to two petitions submitted by them—one from a group within the development and the second from a group outside the development. **Steve Andersen** asked if the two petitions could be read. The text was the same on both petitions, and **Cynthia DeCoursey** read the following:

We, the undersigned, ask that the proposed amendment to the “Rice Farms PUD Master Plan” for phase three of the development, as outlined by Farmington City, and in its current form, be rejected by the City Planning Commission. We, the undersigned, do not wish to have this development built within our current community. We have many concerns about this project, including but not limited to, traffic, safety, high density, home values, and visual impact. The building of this development, as proposed, is not in harmony with what each of us were sold when we purchased homes in Rice Farms.

There was a discussion about whether to table the amendment or deny it. **Glenn Symes** suggested that the item be tabled to allow staff an opportunity to research some of the issues and get more information regarding traffic and water issues.

Rick Draper made a motion to table this request for an amendment to the Rice Farms PUD to allow the developer and community to meet and discuss alternatives. The Commission asked staff to do some due diligence regarding traffic, safety, and high density. The item will be re-noticed, and the neighbors will be informed regarding the status of the amendment. **Craig Kartchner** seconded the motion, and it was unanimously approved.

Motion

Craig Kartchner made a motion to adjourn for five minutes at 8:05 p.m. to allow the crowd to leave. **Rick Draper** seconded the motion, and it was approved unanimously.

Chairman Bilton began the meeting at 8:10 p.m.

CL Martineau Homes – (Public Hearing) – Applicant is requesting a conditional use permit for the placement of a tennis court partially extending into the front yard setback on property located at 541 West 1300 North in Hidden Meadows (C-2-09) (Agenda Item #4)

Background Information

Glenn Symes said this request is for the location of a tennis court. In order to move into an established setback or a setback that is required by the code, the applicant is required to obtain a conditional use permit. In addition to the location change, the applicant is requesting a 6-foot fence built on top of a 6-foot retaining wall which would surround the court. **Mr. Symes** displayed a landscape site plan and said it is the front setback that is in question. There was some discussion regarding distance from the house, sidewalk height, concrete wall, and common areas.

Public Hearing Opened

Chairman Bilton opened the public hearing at 8:15 p.m.

Chris Martineau, CL Martineau Homes, 1464 East Ridgeline Drive, South Ogden, Utah, said the home is situated on two lots, and the proposed court will be located quite a distance from the home. He said they have taken great care to have plenty of landscaping that will make the yard and playing area virtually unseen by passers by on the street. **Mr. Martineau** said he received a letter from a neighbor down the street with a concern regarding lighting. He said there will be six light structures, and they are designed to light the court and not be angled outward. The lighting would be in accordance with the standards listed in the City code. There was a brief discussion regarding common areas, lighting, and landscaping.

Public Hearing Closed

Chairman Bilton closed the public hearing at 8:20 p.m. and asked for comments from the Commission. There were no further comments.

Motion

Craig Kartchner made a motion that the Planning Commission approve a conditional use permit for the placement of a sports court within the front setback of property located at 541 West 1300 North and allow the fence surrounding the sports court to be as shown on the approved plans with the following conditions:

1. The fencing shall not be higher than indicated on the approved plans.
2. No direct light rays shall be cast beyond the property lines of the subject lot.
3. The sports court shall not be constructed any closer to the front property line than shown on the approved plans.

Geoff Butler 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 is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing development;
4. The proposed use is compatible with the character of the site, adjacent properties, surround 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.

OTHER BUSINESS

Miscellaneous, correspondence, etc. (Agenda Item #5)

1. Update regarding minor amendment to Zion's Bank landscape plan
2. March 12, 2009 Planning Commission Mission update

Glenn Symes referred to a minor amendment to Zion Bank's landscape plan and explained that the code states minor changes can be handled by staff administratively. If it is a more significant change, it needs to be reviewed by the Planning Commission. **Mr. Symes** felt comfortable handling this item, and he showed them Zion Bank's final landscape plan with minor changes to the number of trees and the amount of landscaping.

Glenn Symes reported that the first Planning Commission meeting in March has been moved to the original date of March 12th, 2009. He will not be in attendance, but **David Petersen** will attend.

ADJOURNMENT

Motion

Craig Kartchner made a motion to adjourn the meeting. **Geoff Butler** seconded the motion, and it was unanimously approved. The meeting was adjourned at 8:25 p.m.

John Bilton, Chairman
Farmington City Planning Commission