

FARMINGTON CITY PLANNING COMMISSION MEETING

Thursday, April 15, 2010

PLANNING COMMISSION STUDY/WORK SESSION

***Present:** Chairman Jim Young, Vice Chairman Craig Kartchner, Commission members Steven Andersen, Rick Draper, Randy Hillier, and Nelsen Michaelson, Alternate Commission member and Michael Nilson, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey. Commission member Michael Wagstaff and Alternate Commission member Brett Anderson were excused.*

The Planning Commission met at 5:45 p.m. for a tour of the new City Hall. **Chairman Jim Young** began the work session at 6:45 p.m.

(Agenda Item #3) – Blake Mathews – (Public Hearing) – Applicant is requesting a recommendation of approval of a proposed schematic subdivision and a minor subdivision plat for a two-lot minor subdivision located at approximately 780 South Country Lane. (S-2-10)

Glenn Symes distributed a copy of the plat associated with this request, and there was a brief discussion of the proposed amendment.

(Agenda Item #4) – Farmington City – (Public Hearing) – Applicant is requesting a recommendation of approval to amend the General Plan from PPR or Public/Private Recreation Open Space and/or Parks, Very Low Density and LDR or Low Density Residential to MU/B or Mixed-use/Business, Medium Density Residential, Light Commercial for approximately 4 acres of property owned by the City at approximately 160 South Main Street and a rezone from LR (Large Residential) to BR (Business Residential) on the same property. (Z-1-10)

Mr. Symes informed the Commission that both a general plan amendment and a zone change were required on this item.

(Agenda Item #5) – Mark McSwain – (Public Hearing) – Applicant is requesting approval of a conditional use permit for the remodeling and use of an accessory dwelling located at 245 East 200 North. (C-2-10)

There was a brief discussion of the issues pertaining to this item.

(Agenda Item #6) – Bryan and Dela Ashby – (Public Hearing) – Applicant is requesting approval of a conditional use permit for the operation of a home business teaching swimming lessons from the applicant's home located at 403 Miller Way. (C-3-10)

The Commission discussed issues related to this item--neighbor approval, parking, traffic, safety, and times and days when the instruction would take place.

(Agenda Item #7) – George Clark – Applicant has submitted a petition for annexation of approximately 0.43 acres of property located at 1700 North 1500 West. The Farmington City Recorder has submitted the request to the Planning Commission for its recommendation. (A-1-10)

Mr. Petersen explained that this piece of property will be used as a building lot.

(Agenda Item #8) – Farmington City – (Public Hearings) – Applicant is requesting a recommendation of approval for minor amendments to the City’s Zoning Ordinance updating listed zones for certain animals to reflect the current zoning classifications (11-29-103(3), (4)); the number of pupils which music or dance instructors or tutors may teach in conjunction with a home occupation permit (11-35-103(12)); amendment to the wording regarding parking in front yards to be consistent with other wording in the same chapter (11-32-103(5)); and a proposed amendment to the minimum size of dwellings permitted reducing the minimum requirement to reflect the previously adopted standard. (11-28-110)), (ZT-1-10)

Glenn Symes briefly reviewed the proposed amendments.

(Agenda Item #9) – Farmington City – (Public Hearing) – Applicant is requesting a recommendation of approval for minor amendments to the City’s Subdivision Ordinance eliminating the requirement for public utility easements along rear property lines except when specifically needed (12-7-080(2)), and making minor amendments to the Final Plat submittal requirements. (12-6-110), (ZT-2-10)

Mr. Symes said these amendments were minor details in the Ordinance and that he would discuss them further in the regular session.

(Agenda Item #10) – Miscellaneous

Steven Andersen reported on an informative SPARC meeting he attended and said the Park Lane Village project will break ground soon. He said it will be a quality product, and the developers plan to have the first units ready to rent in February of 2011.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Jim Young, Vice Chairman Craig Kartchner, Commission members Steven Andersen, Rick Draper, Randy Hillier, and Nelsen Michaelson, Alternate Commission member Michael Nilson, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey. Commission member Michael Wagstaff and Alternate Commission member Brett Anderson were excused.

Chairman Young opened the meeting at 7:00 p.m., and Randy Hillier offered the invocation.

Approval of Minutes - (Agenda Item #1)

Motion

Steven Andersen made a motion to approve the minutes of the February 25, 2010 Planning Commission meeting. **Michael Nilson** seconded the motion, and it was approved by Commissioners **Jim Young** and **Randy Hillier**. Commissioners **Craig Kartchner**, **Rick Draper**, and **Nelsen Michaelson** abstained because they did not attend the meeting.

City Council Report - (Agenda Item #2)

Glenn Symes reported on the following items from the City Council:

- March 2, 2010 meeting: The request from **Chris Martineau** to install a six-foot sidewalk without a park strip at 541 West 1300 North was approved by the Council.
- March 26, 2010 meeting: The request for final plat approval of the Van Zweden Subdivision was approved by the Council.

Blake Mathews – (Public Hearing) – Applicant is requesting a recommendation of approval of a proposed schematic subdivision and a minor subdivision plat for a two-lot minor subdivision (Bell Estates) located at approximately 780 South Country Lane. (S-2-10) (Agenda Item #3)

Background Information

Mr. Symes referred to a map of this subdivision and discussed some of the relevant issues. He said it is within the Farmington Creek Estates Phase 3 Subdivision, and the City is proposing an easement on the northern lot which would allow a right-of-way to be dedicated some time in the future. If the full road is not needed, the right-of-way could possibly be a pedestrian connection or another type of access. He also said that to avoid the conservation subdivision requirements the lot sizes must be a minimum of one acre.

Public Hearing Opened

Chairman Young opened the public hearing at 7:10 p.m. There was no one to speak regarding the item, and the public hearing was closed at 7:10 p.m.

Motion

Steven Andersen made a motion that the Planning Commission recommend approval of a schematic plan, a minor subdivision plat, and a plat amendment to the Farmington Creek Phase 3 PUD First Amendment Plat for the Bell Estates subdivision with the following conditions:

1. The applicant work with the City's Development Review Committee to address any outstanding issues related to the final plat including but not limited to planning, engineering, storm water, sewer, culinary and secondary water and public works.
2. The changes discussed in the staff report of April 15, 2010 must be made prior to final approval and plat recordation.
3. An easement must be added to the plat for a sewer lateral across the eastern portion of Lot 2.

Rick Draper seconded the motion, and it was unanimously approved.

Findings for Approval

1. The proposed schematic plan is consistent with the requirements of the underlying zoning ordinance requirements.
2. The lots are large enough to avoid any conservation subdivision requirements and do not require a waiver from such requirements.
3. The provision of an easement for a future right-of-way allows the City to maintain adequate access for future development to the west of the proposed subdivision.

Farmington City – (Public Hearing) – Applicant is requesting a recommendation of approval to amend the General Plan from PPR or Public/Private Recreation Open Space and/or Parks, Very Low Density and LDR or Low Density Residential to MU/B or Mixed-use/Business, Medium Density Residential, Light Commercial for approximately 4 acres of property owned by the City at approximately 160 South Main Street and a rezone from LR (Large Residential) to BR (Business Residential) on the same property. (Z-1-10) (Agenda Item #4)

Background Information

Mr. Symes explained that Farmington City would like to rezone approximately four acres of property located at 160 South Main Street from LR (Large Residential) to BR (Business Residential). The primary reason for the requested change is to update the zoning classification so that it more appropriately reflects the uses within the zone. The second reason is that the change will allow the City to lease as light office space any unused portion of the new building. The new City building was designed to be able to accommodate the future growth of City staff, and the requested zoning change will allow more than one use on this property.

Public Hearing Opened

Chairman Jim Young opened the public hearing at 7:15 p.m.

Justin Solomy, 68 South 100 West, Apt. #9, Farmington, said he was representing his brother, who owns the corner on Main Street and 200 South, and asked what type of businesses would occupy the extra space in the new City Hall.

Glenn Symes reported that there are 22 permitted uses and 26 conditional uses currently listed in the ordinance, but the City's intent is to include light office types of businesses.

Public Hearing Closed

The public hearing was closed at 7:18 p.m.

Motion

Michael Nilson made a motion that the Planning Commission recommend approval of the proposed amendment to the Farmington City General Plan from PPR and LDR to MU/B (Mixed use Business) on approximately 4 acres of property located at 160 South Main Street and that the Planning Commission recommend approval of a proposed zone change from LR to BR on the same property.

Findings for Approval

1. The proposed zone change will create a zoning designation that more closely matches the actual land uses present on the subject property.
2. The BR zone is directly adjacent to the subject property and should not be considered a spot zone.
3. The change to BR will permit the City to lease the upper portion of the new City Hall facility to appropriate, low-impact office uses.
4. The uses and proposed zone is consistent with the City General Plan.

Randy Hillier seconded the motion, and it was unanimously approved.

Mark McSwain – (Public Hearing) – Applicant is requesting approval of a conditional use permit for the remodeling and use of an accessory dwelling located at 245 East 200 North. (C-2-10) (Agenda Item #5)

Background Information

Mr. Symes explained that the applicant plans to use this accessory building as a residence for visiting family members. The provisions require: (1) a conditional use permit, (2) family occupation only, and (3) no collection of money, (4) that the two parcels be combined and listed under one tax identification number. Because the remodel includes a pitched roof and will exceed the 15-foot limit permitted for accessory structures, the applicant is also requesting an increase in height. **Mr. Petersen** discussed the height issue in further detail.

Jerry Preston, 347 East 100 North, Farmington, said the height of the building will be about 23 ½ feet from existing grade on the north side to the peak of the building, so it will not exceed the height of the main building. He said it would not be a problem to combine the two parcels to make one parcel and tax identification number.

Public Hearing Opened

Chairman Young opened the public hearing at 7:25 p.m. There was no one to speak regarding this item, and the public hearing was closed at 7:25 p.m.

Motion

Randy Hillier made a motion that the Planning Commission approve a conditional use permit allowing an accessory dwelling in an existing structure on property located at 245 East 200 North as well as an increase in height in excess of 15 feet with the following conditions:

1. The applicant continues to work with the City's Community Development Department to obtain all necessary building permits.
2. The accessory dwelling be used as indicated by the applicant and be operated within the provisions of the accessory dwelling ordinances.
3. The height of the structure is limited to that which is shown on the submitted plans.
4. The property owner will combine the two parcels to have one tax identification number, which must be completed prior to the Certificate of Occupancy being granted by the City.
5. The City must verify that the accessory building conforms to the height requirements stated in the ordinance.

Steven Andersen seconded the motion, and it was unanimously approved.

Findings for Approval

1. The building in which the accessory dwelling is proposed exists on the property and will not impact adjacent properties any further than it is presently.
2. The use will not generate a substantial increase in traffic in the area.
3. The owner may not rent the unit to a non-family member as defined in the Utah State Code and the Farmington City Zoning Ordinance.

Bryan and Dela Ashby – (Public Hearing) – Applicant is requesting approval of a conditional use permit for the operation of a home business teaching swimming lessons from the applicant’s home located at 403 Miller Way. (C-3-10) (Agenda Item #6)

Background Information

Mr. Symes said there are several requirements for a home business and referred to the standards set forth in Chapter 8 of the Zoning Ordinance. He said staff feels that this request complies with the standards.

Dela Ashby, 403 Miller Way, Farmington, responded to questions from the Commission. She said she will be the only instructor and plans to have no more than six students in each class. The hours of the classes will be each week day from 9:00 a.m. to 12:00 p.m., and she plans to teach for approximately six weeks during the summer. She anticipates that a majority of her students may be from within her own neighborhood, and she will allow the parents to stay and watch their children if they desire to do so. The pool is in the ground, is located in a fenced area, and has a depth of 3 ½-9 feet. She told the Commission she is trained in CPR and is confident regarding the safety of the children.

Public Hearing Opened

Chairman Young opened the public hearing at 7:40 p.m.

Sharon Treu, 931 West Northridge Road, Farmington, requested that the Commission approve the change in Agenda Item #8 from six to eight students. She said instructors cannot realistically make money with fewer than eight students.

Public Hearing Closed

The public hearing was closed at 7:42 p.m.

Motion

Nelsen Michaelson made a motion that the Planning Commission approve a conditional use permit allowing the use of yard space for the operation of a home business teaching swimming lessons with the following conditions:

1. The applicant work with the City to obtain all necessary business license permits.
2. The instruction times and days are limited to that which the applicant indicated with the application.

Michael Nilson seconded the motion, and it was unanimously approved.

Findings for Approval

1. The proposed use is desirable to provide a community service that will contribute to the general well being of the community by providing an opportunity for neighboring residents to take lessons at a location near their home.
2. The proposed use complies with the regulations and conditions for in the Farmington City Zoning Ordinance.
3. The proposed use complies with the City's General Plan by complying with the Zoning Ordinances set forth to carry out the General Plan.
4. The proposed use is compatible with the character of the site and surrounding neighborhood as the pool being used is a typical use in a residential area.
5. Adequate services are available for the operation of the pool, and with the limited number of pupils being taught, parking and access will not be significantly impacted.
6. The use is not detrimental to the health, safety and general welfare of persons residing in the vicinity and will not cause unreasonable risks, will not interfere with the lawful use of surrounding properties and will not create a need for essential services which cannot be reasonably met.

George Clark – Applicant has submitted a petition for annexation of approximately 0.43 acres of property located at 1700 North 1500 West. The Farmington City Recorder has submitted the request to the Planning Commission for its recommendation. (A-1-10) (Agenda Item #7)

Background Information

Mr. Petersen said the applicant is requesting that the City annex this property and zone it R or LR. He explained that the General Plan supports either designation. There was a brief discussion regarding adjacent properties and their current zoning designations.

Motion

Rick Draper made a motion that the Planning Commission recommend that the City Council annex the property as requested with the zoning designation of LR. **Nelson Michaelson** seconded the motion, and it was unanimously approved.

Findings for Approval

1. The property abuts the Farmington corporate limits and is located within the City's future annexation area adjacent to a City street with culinary water, sanitary sewer and other services available to the site.
2. The annexation parcel represents a smaller portion of a much larger area owned by the petitioner. If the greater area is some day annexed, the City may likely rezone it to LR, resulting in a compatible lot size with other development in the area while allowing for the preservation of the stream corridor consistent with the PPR General Plan designation. The zone designation of the present annexation parcel should be consistent with the likely future zone designation for the entire greater area.

3. The LR zone also conforms to the low Density Residential designation called for in the General Plan for the area.

Farmington City – (Public Hearings) – Applicant is requesting a recommendation of approval for minor amendments to the City’s Zoning Ordinance updating listed zones for certain animals to reflect the current zoning classifications (11-29-103(3), (4)); the number of pupils which music or dance instructors or tutors may teach in conjunction with a home occupation permit (11-35-103(12)); amendment to the wording regarding parking in front yards to be consistent with other wording in the same chapter (11-32-103(5)); and a proposed amendment to the minimum size of dwellings permitted reducing the minimum requirement to reflect the previously adopted standard. (11-28-110) (ZT-1-10) (Agenda Item #8)

Background Information

Mr. Symes said staff is proposing the following updates to the Zoning Ordinance:

1. A minor amendment to the chapter on animals which updates the list of zone classifications.
2. A minor amendment to the home occupation chapter—making the number of students consistent throughout the chapter.
3. A minor amendment to the off-site parking chapter—rewording one section to be consistent with other sections of the chapter.
4. A proposed amendment to the minimum square footage requirement for residential construction.

Public Hearing Opened

Chairman Young opened the public hearing at 7:50 p.m. There was no one to speak regarding this item, and the public hearing was closed at 7:50 p.m. The Commission complimented staff for updating these miscellaneous issues.

Motion

Michael Nilson made a motion that the Planning Commission recommend approval of the proposed amendments to the Zoning Ordinance as set forth in the April 15, 2010 staff report. Nelsen Michaelson seconded the motion, and it was approved by all Commission members.

Farmington City – (Public Hearing) – Applicant is requesting a recommendation of approval for minor amendments to the City’s Subdivision Ordinance eliminating the requirement for public utility easements along rear property lines except when specifically needed (12-7-080(2)), and making minor amendments to the Final Plat submittal requirements. (12-6-110), (ZT-2-10) (Agenda Item #9)

Background Information

Mr. Symes explained that staff is proposing several minor amendments to the language in the current Subdivision Ordinance:

1. One of the materials used for a Final Plat has been changed from tracing linen to mylar.
2. The rear yard easement has been deleted from the section on public utility easements.

Public Hearing Opened

Chairman Young opened the public hearing at 7:50 p.m. There was no one to speak regarding this item, and the public hearing was closed at 7:50 p.m.

Motion

Nelsen Michaelson made a motion that the Planning Commission recommend approval of the proposed amendments to the Subdivision Ordinance as set forth in the April 15, 2010 staff report. **Rick Draper** seconded the motion, and all Commission members approved.

(Agenda Item #10) – Miscellaneous

David Petersen referred to a memorandum he sent to the Planning Commission asking their opinion as to whether or not the City should amend the text of the BR zone (in the downtown Farmington area) to allow residential mixed use. He said the issue has come up recently because a resident recently moved shipping containers into the rear yard of their residential dwelling. The containers are used for storage related to their book store in Bountiful; however, the containers are not appropriate in the residential use area, but with the current zone of BR they are allowed. He predicted that in the long term, mixed use development may occur on the east side of the block abutting the west side of Main between State Street and 100 East. He asked the Commission if they would like staff to pursue an amendment to allow a mixture of uses in the BR zone, and the consensus was yes.

He mentioned the additional articles included in the staff report and said they may be of interest to the Commissioners.

ADJOURNMENT

Motion

Randy Hillier made a motion to adjourn the meeting. **Nelsen Michaelson** seconded the motion, and it was unanimously approved. The meeting was adjourned at 8:00 p.m.

Jim Young, Chairman
Farmington City Planning Commission