

FARMINGTON CITY PLANNING COMMISSION MEETING
Thursday, April 16, 2009

PLANNING COMMISSION STUDY/WORK SESSION

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

Chairman John Bilton opened the work session at 6:35 p.m. He welcomed the Commission members and **Morgan Philpot**, an attorney representing Reagan Outdoor Advertising.

(Agenda Item #1) - Approval of Minutes

Rick Draper referred to page 5 of the minutes and said the words “objective” and “subjective” should be switched.

(Agenda Item #3) Jerry Preston – (Pubic 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 25 single-family attached units on the same property (S-2-09)

Glenn Symes said **Jerry Preston** took the advice of the Planning Commission seriously and held two meetings with the residents in the Rice Farms PUD area. Most of the residents agree with this change, but there are still a few who do not agree. They were able to work out a compromise, and there is proposed to be 25 units, five fewer than the 30 units requested previously. **Mr. Symes** gave each member a copy of an email from **Jim** and **Linda Hite** who were against the first plan, but they have changed their minds and are supportive of this proposal. **Mr. Symes** also distributed a copy of the City’s P.U.D. standards (§11-27-070) for the Commission members to review. The members discussed whether or not this was a better site plan than the one seen previously. They agreed on the following points: (1) more open space, (2) better amenities, (3) more wetlands, and (4) diversity in the type of housing. They believe this new proposal will benefit the community.

(Agenda Item #4) - Rodney Griffin – Request that the Planning Commission review and provide a recommendation regarding a street standard not listed in the Farmington City Development Standards for the dedication of Elliot Lane in the Nicholl’s Nook PUD (S-2-07)

Chairman Bilton reminded the Commission that this item was on the agenda at the previous meeting. **Mr. Griffin** met with the City Planners to work towards a solution. **Mr. Symes** said the Commission needs to decide if they are willing to change the City’s standards with regards to the width of the street and sidewalks, and he pointed out that the public street would be a benefit to the neighbors in the future when they do not have money to make repairs and maintain the street.

(Agenda Item #5) - Farmington City – (Public Hearing) – Applicant is requesting a recommendation for changes to a Scenic Byways Overlay Ordinance proposed to be Chapter 41 of the Zoning Ordinance. The proposed overlay zone addresses design standards for property adjacent to and visible from Legacy Parkway in Farmington (ZT-7-08)

Chairman Bilton said Morgan Philpot, legal counsel for Reagan Outdoor Advertising, was at the meeting to discuss this item. Glenn Symes said Staff made some amendments to the footprint of the overlay on the east side and came away with a narrower boundary. He said there were no text changes from last time--the only change made was to the map.

(Agenda Item #6) - Farmington City - (Public Hearing) – Applicant is requesting a recommendation for changes to the Official Zoning Map creating a Scenic Byways Overlay Zone. The general vicinity for the proposed overlay zone is Legacy Highway/I-15 south of State Street to the Centerville City limits between 200 West and along 600 West. The proposed overlay zone is associated with a proposed zone text amendment to Chapter 41 Scenic Byway Overlay which addresses design standards for property adjacent to and visible from Legacy Parkway in Farmington (ZT-07-08)

Morgan Philpot asked if the City considered both the blue area and the yellow area to be under the scenic byway definition. He said having the “scenic byway” designation presents many issues and that as a sign company, anything designated “scenic” restricts them significantly. He stated that the regulations are very strict--such that one sign located in Farmington could never be moved. He offered his opinion that Farmington City should stay as far away as possible from scenic byway programs. He said that if this area was designated as a “scenic byway,” Farmington City would relinquish its control to federal overlay controls and implicate many different issues.

(Agenda Item #7) - Farmington City – (Public Hearing) – Applicant is requesting approval of a conditional use permit for the placement of the proposed Farmington City Hall facility located at 166 South Main Street (C-3-09)

Mr. Symes explained that this request was for the conditional use permit only. He referred to the map and said the City bought two homes in the area which will be torn down in order to have sufficient space for the proposed facility.

Chairman Bilton adjourned the study session at 6:55 p.m.

PLANNING COMMISSION REGULAR SESSION

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

Chairman Bilton opened the meeting at 7:00 p.m. **Geoff Butler** offered the invocation.

Approval of Minutes - (Agenda Item #1)

Motion

Rick Draper made a motion to approve the minutes of the Planning Commission Meeting on March 26, 2009, subject to the change discussed in the study session. **Steve Andersen** seconded the motion, and it was approved by four Commission members. **Geoff Butler** abstained because he was not in attendance at the meeting.

City Council Report - (Agenda Item #2)

Mr. Symes said the City Council did not finalize the Nicholl's Nook proposal at their last meeting because of several outstanding issues. He said it will be on the agenda of the City Council's Tuesday, April 21, 2009 meeting, and he was hopeful the Commission would give a recommendation on the road. He said the sign ordinance change was continued to next Tuesday's City Council meeting.

Jerry Preston – (Pubic 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 25 single-family attached units on the same property (S-2-09) - Agenda Item #3)

Background Information

Mr. Symes said the original application for this amendment was heard by the Commission on February 26, 2009. The Commission did not approve the amendment but advised **Jerry Preston**, the developer, to meet with the residents. **Mr. Preston** held two meetings with the neighbors in the area, and they were able to reach a compromise. **Mr. Symes** referred to the plat and said there will be 25 single-family attached units.

Mr. Preston, 347 East 100 North, Farmington confirmed that he had two meetings with the neighbors in and surrounding the Rice Farms PUD. He said the first meeting was very well attended, but the second one was scheduled during spring break, and fewer people were able to come. He said the property owners were able to voice their opinions, and he was anxious to move forward with this new plan.

Public Hearing Opened

Chairman Bilton opened the public hearing at 7:10 p.m.

Jim Cheney, 31 East Camden Way, said his home is located east of the Rice Farms PUD. He was in opposition to the original petition, but he attended one of the meetings and studied the proposal and is now fully supportive of this new plan. He said he liked the idea of more grassy areas and fewer units. He said he believes those changes will help significantly with the traffic, population and safety issues which

were discussed in the previous meeting. He believes the smaller, less expensive units would be more likely to sell in today's market, and he thinks more diversity in the area would be beneficial to all.

August Miller, 19 Virginia Circle, Farmington, said he and his wife were not able to attend the second meeting, and they had not seen the new proposal until tonight. He expressed their opposition to the proposal. He believes their home value has decreased and feels this proposal will continue to erode the value of his home. He also thinks it could set precedence and allow other developers to build this type of project in the area. He said they looked at both west and east Farmington before they bought a home, and they decided to live on the east side because of the lower density.

Chairman Bilton closed the public hearing at 7:20 p.m.

Public Hearing Closed

Steve Andersen asked what the original density of the PUD was, and **Mr. Preston** said there were 48 units in the first two phases; 28 were actually recorded. The Commission members asked various questions regarding previous and current pricing, percentage of open space, value of adjacent properties, parking, height diversity, fencing, and the importance of having an attractive façade on both the east and west sides of the units. **Jim Young** praised **Mr. Preston** for the dignified neighborhood meeting that was held. He complimented **Mr. Preston** on the high-quality and nice homes he has built in the PUD. He read from a letter received from Rice Farms residents **Jim & Linda Hite** (the letter is attached to this record) who explained their change of opinion regarding this issue. The Commission members agreed that the residents who were in opposition to the proposal were complimentary to **Mr. Preston** as the developer, and they realize he has a strong interest in seeing a favorable outcome for this entire PUD.

Motion

Jim Young made a motion that the Planning Commission recommend to the City Council Preliminary (PUD) Master Plan approval of the amended Rice Farms PUD Master Plan. **Geoff Butler** seconded the motion, and it was unanimously approved.

Rick Draper made a motion that the Planning Commission recommend to the City Council Final (PUD) Master Plan approval of the amended Rice Farms PUD Master Plan with the following conditions:

1. The applicant shall comply with all conditions placed on any previous Master Plan approval.
2. The applicant must receive Preliminary and Final Plat approval for phase 3 reflecting the amendments and must vacate the recorded plat in conjunction with the approval and recordation of an amended phase 3 plat.

Geoff Butler seconded the motion, and it was unanimously approved.

Findings for Approval

1. The proposed amendment will not substantially change the nature of the Master Plan as phases 2 and 3 were of a slightly higher density.

2. The proposed change is in the most appropriate place in the overall subdivision plan as it sits closest to the frontage road and is adjacent to phase 2 which is of a slightly higher density than the subdivision overall.
3. The proposed amendments do not change the infrastructure or circulation patterns from that which was approved previously.
4. The proposed amendment does not increase the total number of lots for the overall subdivision beyond that which could have been achieved at maximum build out.
5. The proposed amendment will not substantially increase the anticipated traffic impacts of the overall neighborhood as the amended phase 3 is located directly adjacent to the frontage road.
6. The proposed amendment provides housing opportunity for a wider range of residents in the City.
7. Each of the criteria listed in the Code Standards 11-27-070 have been met:
 - a) That the proposed layout will provide a more pleasant and attractive living environment than a conventional development;
 - b) That the proposed PUD will create no detriment to property adjacent to the PUD;
 - c) That the proposed PUD will provide more efficient use of the land and more usable open space than a conventional development;
 - d) That the increased density allowed within the PUD will be compensated by better site design and by the provision of increased amenities, common open space, and recreational activities;
 - e) That any variation allowed from the development standards of the underlying zone will not increase hazards to the health, safety, or general welfare of the residents of the proposed PUD.

Rodney Griffin – Request that the Planning Commission review and provide a recommendation regarding a street standard not listed in the Farmington City Development Standards for the dedication of Elliot Lane in the Nicholl’s Nook PUD (S-2-07) – (Agenda Item #4)

Background Information

Mr. Symes said the Commission discussed options regarding this item at the March 26, 2009 meeting. They advised Staff to meet with **Mr. Griffin** and discuss the proposed road. **Mr. Symes** said that in order to do a public road in this PUD, the City Council had to grant a waiver to the development standards which, in this case, would be the park strip and side walk. He said it was not possible to move the buildings back because of setback and other issues.

Chairman Bilton asked for comments and/or questions. **Steve Andersen** said they discussed this item in the study session, and he was in agreement with the proposal. **Rodney Griffin** apologized for not being in attendance at the previous meeting and thanked the Commission for their help.

Motion

Steve Andersen made a motion that the Planning Commission recommend to the City Council the approval of a Public Street Standard not listed in the Farmington City Development Standards for the dedication of Elliot Lane, approximately 50 South 100 West, with the following conditions:

1. The curb be a high back curb;
2. The width be as determined by the Planning Commission (30 feet); and
3. Elliot Lane be in compliance with all compaction and development standards of the City.

Geoff Butler seconded the motion, and it was unanimously approved.

Findings for Approval

1. The approval of a Public Street Standard not listed will allow the dedication of Elliot Lane within the Nicholl's Nook PUD.
2. The approval of the proposed right-of-way width will not affect the safety or access of the project.
3. The dedication of Eliot Lane will allow the city to maintain the roadway and prevent a future HOA from having to negotiate with the City for its repair or future dedication.
4. The dedication of Elliot lane will allow future development to utilize the roadway and eliminate the need for future roads within the block.

Motion

Steve Andersen made a motion that Agenda Item #7 be moved in front of Agenda Items #6 and #7. **Geoff Butler** seconded the motion, and it was unanimously approved.

Farmington City – (Public Hearing) – Applicant is requesting approval of a conditional use permit for the placement of the proposed Farmington City Hall facility located at 166 South Main Street (C-3-09) – (Agenda Item #7)

Background Information

Mr. Symes presented the proposed city hall facility. He said there were a couple of other options, but they felt this was the best location, and the City purchased two homes in the area in order to have the necessary space for the development. He said the current plan was to have a pod of four buildings using mostly red brick. The Commission members all agreed that the City should find a way to use Farmington rock in the building of the City Hall.

Chairman Bilton asked if there was anyone present who wished to speak regarding this issue. There were no comments.

Motion

Steve Andersen made a motion that the Planning Commission approve a conditional use permit for the placement of a City Hall facility on property located at approximately 166 South Main Street with the following conditions:

1. The applicant must submit and receive approval for a site plan for the conditional use;

2. The site plan must meet all standards of the Farmington City zoning ordinance.

Jim Young seconded the motion, and it was unanimously approved.

Findings for Approval

1. The use requested is listed as a conditional use within the LR zone;
2. 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;
3. The proposed use shall comply with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use;
4. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan;
5. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and existing development;
6. 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;
7. 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.

Farmington City – (Public Hearing) – Applicant is requesting a recommendation for changes to a Scenic Byways Overlay Ordinance proposed to be Chapter 41 of the Zoning Ordinance. The proposed overlay zone addresses design standards for property adjacent to and visible from Legacy Parkway in Farmington (ZT-7-08) - (Agenda Item #5)

Background Information

Mr. Symes said **David Petersen** did some additional research regarding this item, but he was unable to attend the meeting tonight. He said there were no text changes since the last meeting, and they had tried to get an opinion from the City Attorney but had not been able to do so.

Public Hearing Opened

Chairman Bilton opened the public hearing at 8:00 p.m.

Dick Andrew, Lagoon, 375 North Lagoon Drive, said their interest in this item is to protect their asset. He said the Lagoon billboard is lighted and is 28-30 feet high. It is on the east side of frontage road and has freeway visibility, and on a good day it can be seen from Legacy Parkway. He said it is an important asset for Lagoon, and they would like to protect their sign.

Jared Johnson, Yesco, 2767 Industrial Drive, Ogden, Utah, said he met with Staff to express his concerns, and he left the meeting with no real answers. He said he did not understand why Farmington was

including the east side of I-15 in the corridor management plan and that the proposed overlay is specific to only one issue--billboard signs. He stated his opposition to the plan.

Morgan Philpot, Reagan Outdoor Advertising, 1775 Warm Springs Road, Salt Lake City, asked why Farmington City was attempting to distinguish the blue zone as a scenic byway view shed corridor and the yellow zone as a scenic byway overlay zone. He showed a map his company uses to diagram both state and federal scenic byways within the state of Utah. He said the yellow represents a state scenic byway, and orange represents a federal scenic byway or what is called a national scenic byway or all-american road. When he first saw the corridor management plan for Legacy Parkway, he wondered why I-15 was even included in the plan. He pointed out that I-15 is a vein of commerce and advertisement for Utah, and it should not be a scenic byway. He questioned why cities in Utah were even trying to adopt the corridor management plan, a plan which would make it very difficult to maintain local control.

Chairman Bilton asked **Mr. Philpot** to discuss House Bill 272 which talks about segmentation. **Mr. Philpot** said House Bill 272 sought to require mandatory segmentation of commercial and industrial areas. They felt that by doing so, they could protect themselves and other private property owners from scenic byway regulation. However, what happened was a change in the makeup of the state scenic byway committee. He said that prior to this bill, the state scenic byway committee was not elected; they were all appointed by department heads. The bill established a program of local segmentation so that a city can segment any area within their scenic byway corridor. **Mr. Philpot** said congressional records state: "*local control is supposed to be maintained through a process called segmentation.*" Unfortunately, the state scenic byway committee was not allowing segmentation to occur. State rule said the scenic byway committee could hear the request of a City, but they were not required to grant segmentation. House Bill 272 gave segmentation power to cities; however, there are still reasons for concern. He encouraged the Commission to table this item and obtain their City Attorney's opinion. He said the Reagan Company's greatest concern is that the federal government will have control, and they believe each city should be able to define their own zoning laws.

Chairman Bilton asked if there were any other comments.

Charles Clark, 368 West State Street, lives north of the proposed byway zone. He said he has not read all the requirements, but the area on the map looks like it extends into private property east of the freeway and encompasses existing homes. He said there are several acres of undeveloped property in that area, and he wondered how this would impact the owners if they were to do a PUD or residential development.

Mr. Symes said this ordinance would have very little impact to residential development on the east side.

Public Hearing Closed

Chairman Bilton closed the public hearing at 8:40 p.m. and asked for comments from the Planning Commission.

Rick Draper and **Jim Young** noted that most of the public input was directed toward whether or not the City should get the federal designation as a scenic byway instead of addressing the issues associated with items #5 and #6. Other questions/comments that were discussed:

- The application has already been submitted; is there any way to withdraw?
- What are the possible unintended consequences?
- Will we be able to maintain control through segmentation?
- Will this overlay be applicable?

Mr. Philpot confirmed that the official application was made, and the City could maintain some control through segmentation because of the new legislation. He said the legislation would be effective on May 13, 2009. He also explained that the scenic byway program is a relatively new program which began in the 1990s. He pointed out that any property owner within the blue zone is not governed by what Farmington City has done but by what the corridor management plan says. He read from the new legislation regarding segmentation:

“A state scenic byway, national scenic byway or all-American road may be segmented by the legislative body of the county, city or town where the segmentation is to occur. If a person or another entity has requested the segmentation of a portion of the road or highway and the legislative body of the county, city or town reviews the segmentation, the legislative body of the county shall render a decision on the segmentation within 45 days and may grant segmentation to the person or entity if the property is a non-scenic area.”

He emphasized that scenic byways are an environmentalist’s planning tool because the definition of “scenic” includes all kinds of things, and he listed these examples: (1) “My view of the mountain is more important than your building,” (2) “My scenic pond off I-15 is more important than your fence,” (3) “The historic building that exists takes precedence over your ability to remove it.” He again advised Farmington City to seek legal counsel.

Motion

Rick Draper made a motion to continue this item until the next Planning Commission meeting on April 30, 2009 to allow Staff to do further research regarding segmentation, federal scenic byway status, etc. Staff should also obtain a legal review from the City Attorney concerning house bill 272, its May 13, 2009 execution date, and what the rules may be regarding the execution of segmentation and funding. **Geoff Butler** seconded the motion, and it was unanimously approved.

Farmington City - (Public Hearing) – Applicant is requesting a recommendation for changes to the Official Zoning Map creating a Scenic Byways Overlay Zone. The general vicinity for the proposed overlay zone is Legacy Highway/I-15 south of State Street to the Centerville City limits between 200 West and along 600 West. The proposed overlay zone is associated with a proposed zone text amendment to the Chapter 41 Scenic Byway Overlay which addresses design standards for property adjacent to and visible from Legacy Parkway in Farmington (ZT-07-08) - (Agenda Item #6)

Background Information

Mr. Symes said the issues regarding this item were discussed previously.

Chairman Bilton asked if there was anyone to speak regarding this item. There were no comments.

Motion

Steve Andersen made a motion that Agenda Item #6 be continued to the next Planning Commission meeting on April 30, 2009 and advised Staff to obtain legal opinion regarding the blue section of the overlay on the map and the piece east of I-15. Rick Draper seconded the motion, and it was unanimously approved.

ADJOURNMENT

Motion

Rick Draper made a motion to adjourn the meeting. Steve Andersen seconded the motion, and it was unanimously approved. The meeting was adjourned at 9:05 p.m.

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