

FARMINGTON CITY PLANNING COMMISSION MEETING

Thursday, June 24, 2010

PLANNING COMMISSION STUDY/WORK SESSION

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

Chairman Jim Young began the meeting at 6:40 p.m.

(Agenda Item #1) – Approval of Minutes

There were no amendments to the minutes of the Planning Commission meeting held May 27, 2010.

(Agenda Item #3) – Rodney Griffin – Applicant is requesting an extension of the approval of the Nicholl’s Nook Planned Unit Development as well as a minor modification to the final master plan for the Nicholl’s Nook PUD. (S-2-07)

David Petersen said this modification was made by staff previously; however, administrative approvals are more difficult to track, so the City Attorney advised staff to proceed with the formal process and have the item reviewed by both the Planning Commission and the City Council.

(Agenda Item #4) – Gardner Company – Applicant is requesting approval of a special exception for the reconstruction of the rock retaining wall west of Main Street within the Village at Old Farm PUD. The special exception is specific to the terracing requirement for retaining walls within the NMU zone. (M-4-10)

David Petersen reviewed information and photos provided in the staff report. A rock retaining wall within the Village at Old Farm PUD failed because of an irrigation leak. He said the zoning ordinance states: “Walls should generally not exceed four feet in height unless terraced with a planting area at least three feet wide between tiers.” There is currently a terrace, but some portions of the wall are higher than four feet. The engineer initially said the wall could remain if there were no landscaping and no irrigation; however, staff discovered a standard in the ordinance which stipulates that the PUD must have trees along the street which are watered by irrigation. City Engineer **Paul Hirst** met with the developer’s engineer, and they determined that it may be possible to replace the two tiers with a flattened area with rocks on a slope. City Attorney **Todd Godfrey** agreed and advised staff to move forward with the plan. However, the code states that there is no definition of a wall within the zoning ordinance, but City Building Official **Eric Miller** said it does qualify as a wall. Chapter 3 of the code is a special exception chapter which states that the Planning Commission has the authority to give special exemptions to fixed dimensions. The Commission discussed whether or not there would be vegetation in the area.

(Agenda Item #5) – West Davis Corridor EIS Information

David Petersen informed the Commission that the Purpose and Need comment period ended on June 7, and the next step in the EIS process is to develop alternatives which could meet the established purpose and need of the project.

The work session ended at 6:55 p.m.

PLANNING COMMISSION REGULAR SESSION

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

Chairman Young opened the meeting at 7:00 p.m. **Nelsen Michaelson** offered the invocation.

Approval of Minutes – (Agenda Item #1)

Motion

Michael Wagstaff made a motion to approve the minutes of the May 27, 2010 Planning Commission meeting. The motion was seconded by **Rick Draper**, and it was approved by Commission Members **Rick Draper, Randy Hillier, Craig Kartchner, Nelsen Michaelson, and Michael Wagstaff**. **Steve Andersen** abstained because he did not attend the meeting.

City Council Report – (Agenda Item #2)

Glenn Symes reported on the two previous City Council meetings:

1. June 1, 2010 – The rezone from A to LR on the **Merrill Law** property (1400 North) was approved.
2. June 15, 2010 – Plat amendment for Rice Farms Phase 3 was approved with the condition that CRS conduct a review of the geotechnical information.

Rodney Griffin – Applicant is requesting an extension of the approval of the Nicholl's Nook Planned Unit Development as well as a minor modification to the final master plan for the Nicholl's Nook PUD. (S-2-07) (Agenda Item #3)

Background Information

Mr. Symes explained that **Rodney Griffin** is requesting an extension to the conditional use approval for an additional year. The initial approval would expire in July of 2010, and he would like additional time to either sell the project or continue with the development as planned. Also, the applicant and staff are proposing a fairly minor adjustment to the final PUD master plan for the Nicholl's Nook PUD. This modification will allow six units to the north of the road and the single building and allow open space to the

south of the road. The City's attorneys advised staff to have the proposal reviewed by both the Planning Commission and the City Council to provide a clear record of the action.

Motion

Steve Andersen made a motion that the Planning Commission recommend approval of an amendment to the Nicholl's Nook final PUD master plan and further move to approve an extension of the conditional use permit for one (1) year with the following conditions:

1. Any further changes or amendments to the PUD master plan be re-approved by the Planning Commission and City Council.
2. As per Chapter 8 (Conditional Uses), no more extensions may be filed for this conditional use permit. Any further extension beyond one year shall require a new conditional use permit application.

Nelsen Michaelson seconded the motion, and it was unanimously approved.

Findings for Approval

1. The number of units approved for the Nicholl's Nook PUD have not changed from the preliminary PUD master plan to the proposed amended final PUD master plan;
2. There has been no reduction in area designated for common open space;
3. There is no non-residential use proposed;
4. There is no increase to the ground coverage ratio by all buildings with the proposed amendment to the final PUD master plan;
5. The applicant has submitted the request to the Planning Department within the required timeline for a requested extension of the conditional use permit.

Gardner Company – Applicant is requesting approval of a special exception for the reconstruction of the rock retaining wall west of Main Street within the Village at Old Farm PUD. The special exception is specific to the terracing requirement for retaining walls within the NMU zone. (M-4-10) (Agenda Item #4)

Background Information

David Petersen explained that a portion of a retaining wall located along the east boundary of the Village at Old Farm PUD near the Zion's Bank property collapsed as a result of a drip irrigation valve which did not close properly. The developer, Gardner Company, hired a geo-technical engineer to assess the situation and propose a solution to prevent a similar event in the future, and he recommended that the developer leave the walls as constructed but remove all irrigation systems along the entire length of both sections of the wall. An additional solution suggested by the engineer would be to reconstruct the wall by laying the rocks on an incline from top to bottom at a 1:1 slope. This would allow landscaping between the edge of the wall and the sidewalk but no terrace in the middle. Without the terrace, however, the wall does not comply with a four-foot dimension requirement in Section 11-20-160(e) of the NMU Zoning Ordinance. Chapter 3 of the Ordinance provides a way for the Planning Commission to grant "an adjustment to a fixed

dimension standard permitted as an exception to the requirements of this Title.” **Mr. Petersen** said the entire length of the wall is 500 feet, and Benchland Irrigation has a 24-inch water line which runs through the property.

Mark Murdock, the Gardner Company, expressed gratitude to the Commission for their consideration of this issue. He said maintenance for the rock wall will be the HOA’s responsibility.

Paul Hirst, City Engineer, said he has been working closely with the geotechnical engineer and the developers. It is a very complicated and technically detailed project, and the issue of having trees and plants along the wall is complex. The proposal includes drip lines for the trees; however, additional plants may not be feasible in the area because of water issues.

Public Hearing

Chairman Young opened the public hearing at 7:20 p.m. There were no comments from the public, and the hearing was closed.

Motion

Michael Wagstaff made a motion that the Planning Commission approve a special exception allowing the applicant to construct a wall as set forth in the geotechnical engineering report prepared by Earthtec Engineering, Inc., which wall exceeds four feet in height without a terrace, subject to all applicable Farmington City ordinances and development standards and the following:

1. The applicant must receive a building permit for the wall from the City.
2. Plans for the wall, and construction of the wall through final completion, must be reviewed, inspected and approved by the City Engineer and the City Building Official.
3. As early as the weather and season permits, the applicant must provide landscaping or replace/add landscaping, which may be damaged or lost as a result of the construction of the new wall, in the flat area between the wall and the sidewalk and the common area at the base of the wall. In conjunction with this, the applicant shall provide a landscaping plan, or an updated landscaping plan, which must be reviewed and approved by staff.

The motion was seconded by **Rick Draper**, and it was unanimously approved.

Findings for Approval

1. The City Engineer stated that the existing wall system has failed and is unsafe and recommends approval and to “get the specified repairs underway”.
2. The existing wall was not designed as per the approved construction drawings and should be replaced.
3. The existing wall cannot support street trees and a drip irrigation system as required by Section 11-20-090 of the Zoning Ordinance, whereas the proposed wall will be able to meet these standards.
4. The proposed wall meets engineering standards and is acceptable to the City Engineer.
5. The special exception meets the following criteria as per Section 11-3-045(5)(b) of the Zoning Ordinance:

- (i) Will not be detrimental to the health, safety, or general welfare of person residing or working in the vicinity;
- (ii) Will not create unreasonable traffic hazards;
- (iii) Is located on a lot or parcel of sufficient size to accommodate the special exception.

West Davis Corridor EIS Information (Agenda Item #5)

Background Information

David Petersen told the Commission that his letter and a letter written by City Traffic Engineer **Tim Taylor** were submitted to the West Davis Corridor during the Purpose and Need comment period which ended on June 7, 2010. He said there are three workshops scheduled to discuss the alternatives, and he encouraged the Planning Commission Members and other residents to attend one of the scheduled EIS meetings. The meetings will be held from 4:30 p.m. to 8:00 p.m. on the following dates:

- **Tuesday, August 3, 2010**
Sunset City Hall
200 West 1300 North
Sunset
- **Wednesday, August 4, 2010**
Kanesville Elementary School
3112 South 3500 West
West Haven
- **Thursday, August 5, 2010**
Legacy Events Center
151 South 1100 West
Farmington

Mr. Petersen also mentioned that copies of the preferred alignment are available at the City offices.

ADJOURNMENT

Motion

Steve Andersen made a motion to adjourn the meeting. **Michael Wagstaff** seconded the motion, and the meeting was adjourned at 7:25 p.m.

Jim Young, Chairman
Farmington City Planning Commission