

FARMINGTON CITY
PLANNING COMMISSION MEETING
March 29, 2012

WORK SESSION

***Present:** Chairman Michael Nilson, Commissioners Brett Anderson, Rick Draper, Brigham Mellor, and Alternate Commissioners Brad Dutson and Mack McDonald, Community Development Director David Petersen, Associate City Planner Christy Alexander, and Planning Secretary Heidi Gordon. Commissioners Kris Kaufman, Bob Murri and Michael Wagstaff were excused.*

#3 – Hunters Creek, LLC – Applicant is requesting a recommendation for Final Plat Approval for Phase 4A of the Hunters Creek Subdivision which is 10.337 acres and consists of 26 lots located at approximately 2250 West 700 North in an AE Zone. (S-1-12)

David Petersen gave an overview of the Developer's plans and said the residents in the area are fully aware of the proposal. The Commission discussed the amount of open space in the Subdivision and whether or not the previous agreements were recorded.

#4 – Frank McCullough – Applicant is requesting a recommendation for Final Plat approval for the Villa Susanna PUD Subdivision encompassing .88 acre and consisting of 5 lots located at approximately 1400 North Main Street in an LR-F zone. (S-3-11)

Christy Alexander referred to the detailed information as described in the staff report and said the Commission and City Council approved the Preliminary (PUD) Master Plan in April-May 2011.

#5 – Rick Wyss – Applicant is requesting a recommendation for Final Plat approval for the Arendal Manor Subdivision encompassing 1.5 acres and consisting of 2 lots located at approximately 1442 North 1670 West in an R zone (S-6-12)

David Petersen said this minor 2-lot subdivision was approved in 2010 but was never finalized, and the applicant is once again seeking final plat approval.

#6 – Richard and Lori Conover – (Public Hearing) – Applicant is requesting approval of a conditional use permit for the operation of a preschool in their basement at 469 Quail Run Road in an LR-F zone. (C-3-12)

The Commission discussed issues such as the number of students, the hours of operation, a yard that is not fenced, state licensing and signage.

#7 – Park Lane Village Partners, LLC – (Public Hearing) – Applicant is requesting approval of a conditional use permit to increase the size of a property sign for the Park Lane Village Apartments in a TMU zone. (C-4-12)

Several Commissioners expressed concern about setting a precedent by allowing a larger sign for this applicant and discussed how many other developers in Farmington would have a similar scenario. Most agreed that the sign should be large enough to market the property successfully.

#8 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation of approval to amend the zoning text, establishing additional criteria for smoke shops within the City. (ZT-3-11)

Christy Alexander presented information from the State Ordinance regarding Smoke Shops. She expressed that this would be okay for us to adapt. Michael Nilson said that we need to discuss the item and get public comments and then table until the next meeting.

REGULAR SESSION

***Present:** Chairman Michael Nilson, Commissioners Brett Anderson, Rick Draper, Brigham Mellor, and Alternate Commissioners Brad Dutson and Mack McDonald, Community Development Director David Petersen, Associate City Planner Christy Alexander, and Planning Secretary Heidi Gordon. Commissioners Kris Kaufman, Bob Murri and Michael Wagstaff were excused.*

Chairman Nilson began the meeting at 7:00 p.m. and offered an opening prayer.

#1 – Minutes

Motion:

Mack McDonald made a motion to approve the minutes of the March 1, 2012 Planning Commission meeting. **Brett Anderson** seconded the motion which was approved by Commissioners **Anderson, Draper, Mellor,** and **Nilson,** and Alternate Commissioners **Dutson** and **McDonald.**

#2 – City Council Report

- The Council approved the Final Plat for the Miller Meadows Phase 4 Subdivision on March 6, 2012.
- The Council approved the Chestnut Farms zone change and the Schematic Plan for 16 lots. Residents petitioned for a public hearing on the Master Plan which will be held on April 17, 2012.

SUBDIVISION APPLICATIONS:

#3 – Hunters Creek, LLC – Applicant is requesting a recommendation for Final Plat Approval for Phase 4A of the Hunters Creek Subdivision which is 10.337 acres and consists of 26 lots located at approximately 2250 West 700 North in an AE Zone. (S-1-12)

Christy Alexander explained that this plan was submitted to the City in 2010, but Woodside Homes experienced financial difficulty and was unable to complete the Subdivision. They recently obtained control of the property and are seeking a renewal of the previous approvals. The plan is consistent with the Development Agreement and Master Plan for the area and is a conservation subdivision adjacent to the existing Phase 3.

Motion:

Rick Draper made a motion to recommend that the City Council approve the Final Plat for the Hunters Creek Phase 4A Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall continue to work with the City and other agencies to address any outstanding issues remaining with regard to the Final Plat.
2. The developer shall convey a conservation easement acceptable to the City, including any trail easements over and across all remaining open space in the Hunters Creek Subdivision as well as for all previous phases already built, prior or concurrent to Final Plat recordation.

The motion was seconded by **Brigham Mellor** and approved by Commissioners **Anderson, Draper, Mellor,** and **Nilson,** and Alternate Commissioners **Dutson** and **McDonald.**

Findings for Approval:

1. The proposed subdivision is desirable in that the platting of the property in this area will provide a cleaner description and record of the properties and residences in the subject area.
2. The proposed Final Plat submittal is consistent with all necessary requirements for a Final Plat as found in Chapter 5 of the City’s Subdivision Ordinance.
3. The project is consistent with the Development Agreement and the Master Plan for the area.

#4 – Frank McCullough – Applicant is requesting a recommendation for Final Plat approval for the Villa Susanna PUD Subdivision encompassing .88 acre and consisting of 5 lots located at approximately 1400 North Main Street in an LR-F zone. (S-3-11)

David Petersen explained that this is a minor subdivision with no street dedications, and a preliminary plat is not required. He said there is a discrepancy between the agenda and the staff report, but the agenda is correct because it is a Final Plat approval rather than a Final (PUD) Master Plan approval.

Motion:

Brett Anderson made a motion to recommend that the City Council approve the Final Plat for the Villa Susanna PUD Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall continue to work with the City and other agencies to address any outstanding issues remaining with regard to the Final (PUD) Master Plan approval and finalize a Development Agreement;
2. More information about the proposed dwellings must be provided to the City at building permit application—including but not limited to, information regarding architectural details to ensure that: (a) garages do not dominate the parking area, (b) porches are accentuated, (c) the rear and side elevations will display an attractive “front” to Main Street and 1400 North, and (d) the design contributes to justifying a density bonus for the 5th lot. These architectural details must be approved by City staff before a building permit will be issued;
3. The Farmington City Council must approve the street vacation surrounding the property along Main Street and 1400 North before receiving Final (PUD) Master Plan approval.

Rick Draper seconded the motion which was approved by Commissioners **Anderson, Draper, Mellor,** and **Nilson,** and Alternate Commissioners **Dutson** and **McDonald.**

Findings for Approval:

1. The proposed layout will provide a more pleasant and attractive living environment than a conventional development established under the strict applications of the provisions of the underlying zones.
2. The proposed Planned Unit Development (PUD) will create no detriment to property adjacent to the PUD.
3. The proposed PUD will provide more efficient use of the land and more usable open space than a conventional development permitted in the underlying zone.
4. The increased density allowed within the PUD will be compensated by better site design and by the provision of increased amenities and common open space.
5. 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.

#5 – Rick Wyss – Applicant is requesting a recommendation for Final Plat approval for the Arenal Manor Subdivision encompassing 1.5 acres and consisting of 2 lots located at approximately 1442 North 1670 West in an R zone (S-6-12)

David Petersen explained that this proposal is a minor subdivision because it consists of fewer than 10 lots, and it does not involve the dedication and/or improvement of a public right-of-way. It is identical to the

previous proposal which was approved by the City Council in 2009. When asked about a solution for a small remnant of property, he said that Ivory Homes needs to sign the plat, and it will be dovetailed into Lot #1.

Motion:

Mack McDonald made a motion to recommend that the City Council approve the Final Plat of Arenal Manor subject to all required public improvements being installed in accordance with the provisions in Chapter 8, Title 12, of the City's Construction Standards and Specifications and with the following condition:

1. Ivory Homes will be required to sign the Final Plat.

Brad Dutson seconded the motion which was approved by Commissioners **Anderson, Draper, Mellor, and Nilson**, and Alternate Commissioners **Dutson and McDonald**.

Findings for Approval:

1. The amendment to the Oakridge Farms Subdivision is appropriate in order to formalize previously recorded boundary adjustments and minor subdivisions on the subject properties.
2. The proposed subdivision is in compliance with all the standards set forth in the City's Zoning Ordinance.

Change in Agenda Item Order

Motion:

At 7:30 p.m. **Rick Draper** made a motion to move Item #7 prior to Item #6. The motion was seconded by **Mack McDonald** and approved by Commissioners **Anderson, Draper, Mellor, and Nilson**, and Alternate Commissioners **Dutson and McDonald**.

CONDITIONAL USE APPLICATIONS

#7 – Park Lane Village Partners, LLC – (Public Hearing) – Applicant is requesting approval of a conditional use permit to increase the size of a property sign for the Park Lane Village Apartments in a TMU zone. (C-4-12)

Christy Alexander said the applicant placed signs on and around this property to begin the marketing process; however, the signs were in violation of the City's Sign Ordinance and were removed. The applicant is now requesting a conditional use permit for a 10' x 40' sign to be placed on the exterior of either Building A or B facing the freeway and three A-frame signs up to 7' x 4'. The three A-frame signs are not allowed within the Ordinance and cannot be part of this conditional use permit. The applicant is requesting that the signs be allowed during construction and lease-up activity until 6 months from the date of issuance of the last certificate of occupancy on the five residential buildings.

Ernie Willmore, 500 N. Broadway, Farmington, reported that construction was set back more than two months by the wind storm in December of 2011. They sign was removed as requested by the City, and they are seeking approval to place it as they begin advertising the apartments. He does not know the cost of the sign or how the size was determined, but its primary purpose is to make people aware that the apartments are ready and available. They did not intend for the sign to be offensive, and there has been a decline in calls since the sign was removed. The end of construction is planned for December 2012, and 100% occupancy is planned for March 2013. The sign is easy to install and can be put up or down within 10-15 minutes, and they would like to see it remain in place until they are 100% leased.

Public Hearing:

Chairman Nilson opened the public hearing. There were no public comments, and it was closed.

David Petersen said a typical billboard sign on I-15 is 14' x 48', and the City did not receive any complaints from the public regarding the sign. He suggested that if this were a hardship issue he could foresee a Board of Adjustments granting a variance because he believes the wind storm would classify as a bona fide hardship.

Rick Draper recognizes the need for occupancy in the Park Lane Village, and although the current Sign Ordinance may be unrealistic, he is concerned about setting a precedent. He pointed out that a slightly smaller sign would be 256 square feet as opposed to the current 400 square feet. **Michael Nilson** respects the fact that this sign will help the developer generate business, but the Commission cannot use that as a factor for its decision. **Brett Anderson** said it was demonstrated that a smaller sign (within the Ordinance) was ineffective for this use, so a smaller sign would not solve anything. **Mack McDonald** said he is in favor of a smaller sign because this is a transit-oriented development, and both the commuter rail and I-15 are marketing tools. **Brad Dutson** agrees with allowing the placement of the sign until March 2013 and asked that the hardship factor be included as a finding. Additional topics of discussion were a possible expiration date for the sign, the percentage of rentals the sign may generate, and the use of brighter colors on the sign.

Motion:

Brett Anderson made a motion to approve the placement of one banner sign on Building A or B of the Park Lane Village Apartments with the following conditions: (1) The sign shall be limited to its current 10' x 40' (400 square feet) size; (2) The sign shall not be over 33' above the grade at the foot of the building on which it is located; (3) The conditional use permit will expire when the certificate of occupancy on Building B is issued. **Brad Dutson** seconded the motion which was approved by **Anderson, Dutson, and Nilson. Draper, McDonald** and **Mellor** voted against the motion resulting in a split vote, and the motion did not pass.

Motion:

Mack McDonald made a motion to approve the placement of one banner sign on Building A or B of the Park Lane Village Apartments with the following conditions: (1) The sign shall be limited to 8' x 32' (256 square feet); (2) The sign shall not be over 33' above the grade at the foot of the building on which it is located; and (3) The sign shall be removed when the certificate of Occupancy on Building B is issued. There was no second to the motion, and it died.

Rick Draper did not second the motion because he is fine with the current size of the sign and is in favor of it being left in place until March 2013. **Brigham Mellor** agreed and said he would allow the sign to be in place for one year. The Commission asked how the 3 months beyond the completion date was determined, and **Mr. Willmore** explained that Building B has 62 units, and the absorption rate identified by most marketing people is 20-22 units per month, so March 2013 would allow 3 months once the project is finished. He would rather have the larger sign than the additional time; however, he requested 10 days following the issuance of the certificate of occupancy to allow for the removal of the sign.

Motion:

Brett Anderson made a motion to approve the placement of one banner sign on Building A or B of the Park Lane Village Apartments with the following conditions:

1. The sign shall be limited to 10' x 40' (400 square feet) in size.
2. The sign shall not be over 33' above the grade at the foot of the building on which it is located.
3. The sign shall be removed 10 days following the issuance of the certificate of Occupancy on Building B.

The motion was seconded by **Brad Dutson** and approved by Commissioners **Anderson, Draper, Mellor,** and **Nilson,** and Alternate Commissioner **Dutson.** Alternate Commissioner **McDonald** voted against the motion.

Finding:

1. The Commission’s motivation for granting this conditional use was based upon the unprecedented wind storm in December 2011.

#6 – Richard and Lori Conover – (Public Hearing) – Applicant is requesting approval of a conditional use permit for the operation of a preschool in their basement at 469 Quail Run Road in an LR-F zone. (C-3-12)

Michael Nilson recused himself for this item (his daughter attends the preschool) and requested that **Rick Draper** act as Chairman. **Christy Alexander** explained that the applicant was unaware of the requirement for a business license, and since she would like to enroll more than eight students, a conditional use permit is required.

Lori Conover, 469 Quail Run Road, said she has two teachers and adequate space for 16 students in her preschool. She contacted the State concerning the preschool and was told she does not need a child care license because of the hours of operation. She contacted the Fire Chief and is waiting for a call back for an inspection.

Public Hearing:

Rick Draper opened the public hearing. There were no public comments, and it was closed.

The Commission raised questions regarding the hours of operation, the lack of fencing in the yard, if there have been complaints with regards to additional traffic in the neighborhood, and state licensing. They asked **Mrs. Conover** to obtain a letter from the state to verify that the preschool is operating within their standards.

Motion:

Brett Anderson made a motion to approve the conditional use permit for a home occupation preschool at 469 Quail Run Road allowing more than eight (8) students but not more than sixteen (16) students at any one time with the following conditions:

1. The applicant will work with the City to obtain all necessary business license permits.
2. The instruction times and days are limited generally to those indicated with the application.
3. The applicant will obtain any appropriate permits from the State and a letter stating the reasons why the applicant is not required to have a childcare license.
4. The applicant will work with the building and/or fire official to ensure property safety and compliance with any applicable fire codes as necessary.

The motion was seconded by **Mack McDonald** and approved by Commissioners **Anderson, Draper, Mellor, and Nilson**, and Alternate Commissioners **Dutson and McDonald**.

Findings for Approval:

1. The proposed use is desirable to provide a community service which will contribute to the general well-being of the community by providing an opportunity for neighboring residents to participate in a preschool at a location near their home.
2. The proposed use complies with the regulations and conditions set forth in the City’s Zoning Ordinance.
3. The proposed use is compatible with the character of the site and surrounding neighborhood as the school would be entirely within the home and would not impact the residential nature of the area. The use has been in operation for some time, and site compatibility has not been an issue; moreover, the use is well received by area residents.
4. Adequate services are available for the operation of the preschool, and with the limited times the classes are offered, parking and access will not be significantly impacted.

5. 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.

ZONING TEXT CHANGES

#8 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation of approval to amend the zoning text, establishing additional criteria for smoke shops within the City. (ZT-3-11)

David Petersen said staff was unaware that the State currently has criteria for the regulation of smoke shops, and he questioned whether or not the City would need its own criteria.

Public Hearing:

Chairman Nilson opened the public hearing.

Richard Conover, 469 Quail Run Road, commented that he previously worked in downtown Salt Lake City where there are plenty of smoke shops. He asked that Farmington enact strict regulations regarding smoke shops.

The public hearing was closed, and the Commission decided to table the item to allow staff to prepare a comparison between the State regulations and the proposed amendment for Farmington.

Motion:

Mack McDonald made a motion to table this request for a zone text amendment regarding smoke shops in Farmington City. **Rick Draper** seconded the motion which was approved by Commission Members **Anderson, Draper, Mellor**, and **Nilson**, and Alternate Commissioners **Dutson** and **McDonald**.

ADJOURNMENT

Motion:

At 8:45 p.m. **Brad Dutson** made a motion to adjourn the meeting, and it was approved by Commission Members **Anderson, Draper, Mellor**, and **Nilson**, and Alternate Commissioners **Dutson** and **McDonald**.

Michael Nilson, Chairman
Farmington City Planning Commission