

**FARMINGTON CITY
PLANNING COMMISSION MEETING
February 6, 2014**

STUDY SESSION

***Present:** Chairman Brett Anderson, Commissioners Heather Barnum, Kent Hinckley, Kris Kaufman and Rebecca Wayment, Alternate Commissioner Karolyn Lehn, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Commissioners Brad Dutson, Mack McDonald and Alternate Commissioner Michael Nilson were excused.*

Item #3. Jared Darger – Plat Amendment and Minor Subdivision Approval for Meadow View Subdivision

Eric Anderson explained this is a simple subdivision. It will be part of the Meadow View Conservation Subdivision; it is currently listed as "Parcel C" in the Subdivision. The developer would like to subdivide it into 5 additional lots. The developer provided the open space requirement for the conservation subdivision and is now requesting a transfer of development rights (TDR) of this open space to the City's regional park which would allow him to build the requested 5 lots. David Petersen provided a history and explanation of the TDR section of the Zoning Ordinance for the Commissioners.

Item #4. Chris Ensign – Preliminary Plat Approval for Farmington Bungalows Subdivision

Eric Anderson requested this item be tabled as the developer is finalizing the storm drain on the Preliminary Plat.

Item #5. Farmington City – Amendments to the Zoning and Subdivision Ordinances

David Petersen explained the use of the word "minimum" as shown in Section 11-28-070 of the Zoning Ordinance. Commissioners are comfortable removing it from the ordinance. After discussing with staff the possibility of striking Section 11-35-103(15), which makes the sale of firearms a prohibited use under Home Occupations, the commissioners would like the City Attorney to review the State firearm laws before a final decision is made.

REGULAR SESSION

***Present:** Chairman Brett Anderson, Commissioners Heather Barnum, Kent Hinckley, Kris Kaufman and Rebecca Wayment, Alternate Commissioner Karolyn Lehn, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Commissioners Brad Dutson, Mack McDonald and Alternate Commissioner Michael Nilson were excused.*

#1. Minutes

Kris Kaufman made a motion to approve the Minutes from the January 23, 2014 Planning Commission meeting. **Heather Barnum** seconded the motion which was unanimously approved.

#2. City Council Report

Eric Anderson gave a report from the City Council meeting on February 4, 2014. The Cottages at Rigby Road Schematic Plan, Annexation and Zone Designation was approved with an added condition that a trail be built at the bottom of the ravine. The Preliminary Plat and Preliminary (PUD) Master Plan for the Kestrel Bay Estates PUD Subdivision was also approved.

SUBDIVISION/ZONE CHANGE APPLICATIONS

#3. Jared Darger (Public Hearing) – Applicant is requesting recommendation for plat amendment and minor subdivision approval for the Meadow View Subdivision Amendment #1 consisting of 5 lots on 1.32 located at 1525 West 425 North in an AE zone. (S-1-14)

David Petersen showed the vicinity map and where the location of the open space is in relation to the Meadow View Subdivision. Currently, the Meadow View Conservation Subdivision has 19 lots with much of the open space as “Parcel C” in the northeast corner. The City implemented a transfer of development rights section to the Zoning Ordinance. This allows a city to “transfer” lots from where they don’t necessarily want/need open space to where they do want it. The City is currently developing a regional city park; there is a value for developable lots that could have been built there. Since “Parcel C” doesn’t have the greatest utility, the developer can “transfer” developable lots from the City’s regional park to his subdivision and move his open space to the City’s regional park. The City Manager will determine the terms and monetary value of the TDR.

Heather Barnum asked why Lot 23 is smaller and narrower than Lot 24. She suggested making Lot 24 slightly smaller so both lots are more consistent with the others.

Jared Darger, 1575 S. Packsaddle Dr., Bluffdale, said they plan to adjust the property lines for Lots 23 and 24 and will appear that way in the Final Plat. He also added that he did not feel 19 lots would support a park and an open field would not have much use to the community. He feels transferring the open space to an area where the whole community can enjoy them is a much better use of land.

Brett Anderson opened the public hearing at 7:26 p.m.

Sherri Ellis, 1722 W. Country Bend Rd., lives directly behind the Meadow View development.

She would like to see less density, larger lots, and more open space. She feels larger lots invite quality homes that add value to the surrounding area. Currently, Farmington’s ordinances are written to preserve the open space and keep the density low. She feels transferring this open space is not consistent with the intent of the ordinances and with the surrounding community. She explained where she lives, in Phase 3 of the Farmington Ranches Subdivision, there is a lot of undeveloped open space. It adds privacy to the neighborhood and keeps the density low. She also expressed concern that the development has not been consistent with the current ordinances in place which could then result in further issues as additional lots may be added to the development. She stated that some of the

issues that still need to be addressed in the development are the height of the homes and the water drainage. She stated she is frustrated and concerned as she has seen the developer try and sneak in solutions to these problems.

Tim Ellis, 1722 W. Country Bend Rd., expressed disappointment that the original proposal for the development included open space backing on their back property line, but the open space was originally moved to the front as the lots were packed in together. He is frustrated that the road for the development is already higher than his 6' fence, then the homes are built up an additional 6'. The homes are also being built approximately 10' from the property lines; any privacy he once had is now gone. He is very unhappy with the large wall of homes behind him and would like to see the open space as is required. He suggested having a large grass area for those using the trail system; it would be a great benefit to the community. He is frustrated with the development process of the current homes; the lots backing his have piped their drainage to the property lines resulting in approximately 12-18" of standing water on his property in the spring. He feels the best use of "Parcel C" is to leave it as open space.

Brett Anderson closed the public hearing at 7:35 p.m.

David Petersen addressed a few of the concerns brought up by residents. When the Ranches Subdivision was developed approximately 10 years ago, drainage plans were not as sophisticated as the plans are now. The developer is required to have all surface water drain to the street. Staff, including the City Engineer and Storm Water Official, have met with residents to address their concerns. They are looking to see if the development is causing any impact to neighbors' property. They are putting together a report of the possible water issues, the actual elevation of the road and the height of the homes as the finished grade has not yet occurred. As for the density, the lots in the Meadow View Subdivision are comparable in size to the Farmington Ranches Subdivision. "Parcel C" provided some open space, but there is not much utility in leaving it undeveloped. A grassy area would be nice, but it could not be maintained by 19 lots and the Parks and Recreation director said he is also not able to maintain it.

Brett Anderson clarified and **David Petersen** agreed that the issues regarding the drainage are not before the Planning Commission as the applicant is just requesting a plat amendment for 5 additional lots. **Kent Hinckley** added his condolences to the Ellis' with the drainage issues they are facing, but continued that the issues are not relevant to the decision before the Commission at this time.

Sherri Ellis stated she is frustrated that although it is not directly related, she feels the developer is getting away with a lot and is now being awarded additional lots despite the unresolved issues. At one point, the basements of homes were full of water and the developer installed unapproved sump pumps approximately 5-10' away from the property line, which is against City ordinances. She feels the developer should be asked to follow the current "rules" before he should be allowed to continue with additional lots. **Brett Anderson** replied that although the Commission understands and feels for those issues, the Planning Commission does not have the policing authority to address them. **David Petersen** added the report from the City Engineer and the Storm Water Official will include recommendations and will determine if the developer is in violation of the ordinances.

Brett Anderson said he likes the idea of open space, but sees and understands the merits of aggregation. **Rebecca Wayment** stated she feels this is a good location for a TDR. Although small patches of grass are appealing, so much open space is just weeds. She likes the idea of being able to transfer open space to an area where all the community can enjoy it. **Karolyn Lehn** also added there used to be undeveloped open space behind her home; it

became a breeding ground for feral animals and weeds. She is also in favor of a TDR for this area.

Motion:

Rebecca Wayment made a motion that the Planning Commission recommend that the City Council approve the enclosed Plat Amendment and minor subdivision subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The applicant must pay a TDR fee to the City for a monetary sum as decided by the City Manager through negotiations with the applicant prior to plat amendment approval;
2. The applicant enter into an agreement with the City Council as per the ordinance.

Kent Hinckley seconded the motion which was unanimously approved.

Findings for Approval:

1. Lot dimensions comply with the standards set forth in the Zoning and Subdivision ordinances.
2. All lots front an existing fully improved public ROW (425 North).
3. The City will receive compensation through a TDR to transfer/acquire open space at the regional park site.

Item #4. Chris Ensign – Applicant is requesting a recommendation for Preliminary Plat approval for The Farmington Bungalows Subdivision (10 lots) on 3.2 acres located at approximately 50 South and 300 West in an OTR zone. (S-15-13)

David Petersen asked the Commission to table this item.

Motion:

Kent Hinckley made a motion that the Planning Commission table this item. **Karolyn Lehn** seconded the motion which was unanimously approved.

ZONING TEXT CHANGE APPLICATION

Item #5. Farmington City (Public Hearing) – Applicant is requesting amendments to the Zoning and Subdivision Ordinances (ZT-9-13 and ZT-8-93) as listed below.

- a) Deleting the word “minimum” in 11-28-070
- b) Striking Section 11-35-103(15) which makes the sale of firearms a prohibited use under Home Occupations

David Petersen explained the use of the word “minimum” in Section 11-28-070 of the Zoning Ordinance as shown in the staff report. As for the home occupation amendment, he stated staff is comfortable moving forward with whatever the Commissioners would like to do as discussed in the study session.

Brett Anderson opened the public hearing at 7:54 p.m.

No comments were received.

Brett Anderson closed the public hearing at 7:54 p.m.

Rebecca Wayment said she is comfortable with approving proposed amendment a and deleting the word “minimum” from the ordinance, but based on the conversation in the study session, she would like additional information from the City Attorney to determine which route to go regarding the proposed amendment related to firearms. **David Petersen** asked if the Commissioners would like him to attend a study session. The Commissioners said yes they would like him to attend after he has done adequate research regarding the issue and can appropriately counsel on the issue.

Motion:

Kent Hinckley made a motion that the Planning Commission recommend approval of the proposed amendment a to the Zoning and Subdivision Ordinances, but table proposed amendment b until the Commission can have further discussion with the City Attorney. **Karolyn Lehn** seconded the motion which was unanimously approved.

Finding:

1. Striking the word “minimum” in proposal “a” allows more flexibility in the design and siting of accessory buildings and still prohibits accessory buildings from being too large in residential zones.

OTHER BUSINESS

#6. Miscellaneous, correspondence, etc.

- a) **Flag Lot Discussion**
- b) **Public Notice Process Discussion**

Eric Anderson provided a memo regarding flag lots to the Commissioners as shown in the staff report. He explained our ordinance for flag lots may be inadequate. He would like input as to whether or not the City should change the ordinance or allow flag lots at all. In his memo, he proposed design requirements A-K for flag lots based on his research of other cities' flag lot requirements. These requirements would make it more stringent as to what types of flag lots would be accepted. **Rebecca Wayment** added that recently there have been a few larger developments proposed that include a couple flag lots; she feels the developer could make something else work if flag lots were better regulated. **David Petersen** stated design requirements A, B, E, F, H, I and K are currently part of the City's ordinance, but requirements C, D, G and J would be new standards.

The Commissioners discussed one lot versus two lots being serviced by the stem on a flag lot. The commissioners feel comfortable that if there are two lots there needs to be two stems. Staff suggested amending design requirement G to read if two stems are side by side, each stem width could be decreased from 28' to 20'.

With regards to the second memo provided to the Commission, **David Petersen** said the City Council would like input on considering sign posting for public hearings in lieu of public mailings as is done in other cities. For example, Kaysville will post a sign on a property if it is being considered for a major subdivision or rezone so residents are informed about it. Farmington has always stuck to mailings to ensure each property owner is informed; there

may be some cases where a property owner may own a lot in a subdivision but lives elsewhere. The flip side, however, is that often times the mailing radius of 300' may only catch a few lot owners, but many in the community may be interested in the impact of a development, as is the case with much of the property north of Station Park. The concern staff has is once sign posting begins, it must be continued for all items. Staff would still like to do mailings on all agenda items to ensure property owners are informed; sign posting would be additional notification. **Rebeca Wayment** stated she is not opposed to informing the public via sign posting; she gave the example that it would have been helpful when determining public notifications when the electronic sign on Main Street was being discussed. **Kris Kaufman** added that with the electronic sign, he would have liked notification sent to residents via the City newsletter, but also agreed that a sign posting would have been sufficient and effective.

The Commissioners also expressed concern that if postings were happening on all items for the Planning Commission and the City Council, it would take a lot of time and money, and people would stop paying attention. **David Petersen** suggested only doing postings for conditional uses and rezones and keep mailings as is for all other items.

ADJOURNMENT

Motion:

At 8:25 p.m., **Kris Kaufman** made a motion to adjourn the meeting which was unanimously approved.



Brett Anderson, Chairman
Farmington City Planning Commission