

FARMINGTON CITY
PLANNING COMMISSION MEETING
April 26, 2012

WORK SESSION

***Present:** Chairman Michael Nilson, Commissioners Kris Kaufman, Brigham Mellor, Bob Murri, and Michael Wagstaff, Alternate Commissioner Brad Dutson, Associate City Planner Christy Alexander, and Recording Secretary Cynthia DeCoursey. Commissioners Brett Anderson and Rick Draper, and Alternate Commissioner Mack McDonald were excused.*

Chairman Nilson began the work session at 6:30 p.m. and welcomed those in attendance. The Commission discussed the following items:

#3 – Howard Kent – Applicant is requesting a recommendation for Final Plat approval for the Spring Creek Estates No. 5 Subdivision encompassing 2.984 acres and consisting of 10 lots located at approximately 1750 West Burke Lane in an AE zone. (S-17-11)

Christy Alexander said that the applicant has met all of the City's requirements for this Subdivision.

#4 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend Section 11-35-103(15) of the Zoning Ordinance removing real estate offices as a prohibited home occupation. (ZT-2-12)

Christy Alexander explained that **Ben Barrus**, a resident in west Farmington, informed staff that the City's Ordinance prohibits having a real estate office as a home occupation. Commissioner **Brett Anderson** was not in attendance but submitted a letter with several suggestions that the Commission would like staff to pursue.

There was a brief discussion regarding scheduling during the summer months, but it was determined that with nine Commissioners, there should be a sufficient number at each meeting.

REGULAR SESSION

***Present:** Chairman Michael Nilson, Commissioners Kris Kaufman, Brigham Mellor, Bob Murri, and Michael Wagstaff, Alternate Commissioner Brad Dutson, Associate City Planner Christy Alexander, and Recording Secretary Cynthia DeCoursey. Commissioners Brett Anderson and Rick Draper, and Alternate Commissioner Mack McDonald were excused.*

Chairman Nilson began the meeting at 7:00 p.m. and the opening prayer was offered by **Bob Murri**.

#1 – Minutes

Bob Murri made a motion to approve the minutes of the March 29, 2012 minutes. **Michael Wagstaff** seconded the motion which was approved by Commissioners **Kaufman, Mellor, Murri, Nilson, and Wagstaff**, and Alternate Commissioner **Brad Dutson**.

#2 – City Council Report

Christy Alexander reported that the Council approved the Final Plat for the Hunters Creek Phase 4A Subdivision at their April 17, 2012 meeting. There was a public hearing regarding the Street Master Plan for the Chestnut Farms PUD Subdivision in which the Council did not approve the Planning Commission's recommendation

to extend the 475 South cul-de-sac as a through street to a future development phase. All other recommended future street stubs and extensions were approved.

SUBDIVISION APPLICATION

#3 – Howard Kent – Applicant is requesting a recommendation for Final Plat approval for the Spring Creek Estates No. 5 Subdivision encompassing 2.984 acres and consisting of 10 lots located at approximately 1750 West Burke Lane in an AE zone. (S-17-11)

Christy Alexander informed the Commission the preliminary plat and a development agreement were approved previously, and nothing has changed—staff is recommending approval of this request.

Motion:

Michael Wagstaff made a motion to recommend approval the Final Plat for the Spring Creek Estates Phase 5 Subdivision with the following conditions:

1. The applicant will work with the City’s Development Review Committee to address and comply with 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 applicant must comply with all conditions of the Preliminary Plat and the Development Agreement.

The motion was seconded by **Bob Murri** and approved by Commissioners **Kaufman, Mellor, Murri, Nilson, and Wagstaff**, and Alternate Commissioner **Brad Dutson**.

Findings for Approval:

1. The proposed Final Plat is consistent with the approved Preliminary Plat.
2. The proposed Subdivision meets all the requirements for approval of a final plat.

ZONING SUBDIVISION ORDINANCE TEXT CHANGES

#4 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend Section 11-35-103(15) of the Zoning Ordinance removing real estate offices as a prohibited home occupation. (ZT-2-12)

Christy Alexander explained that the City received a request from a resident who is a real estate broker to amend the Ordinance which prohibits a real estate office as a home occupation.

Public Hearing:

The public hearing was opened at 7:06 p.m. There were no public comments, and the hearing was closed.

Motion:

Bob Murri made a motion to recommend approval of an amendment to the Farmington City Zoning Ordinance removing 11-35-103(15)(d) and re-numbering 11-35-103(15) to keep the remaining items in sequence and to direct staff to look at updating the entire section of the Zoning Ordinance and implementing the suggestions made by Commissioner **Brett Anderson**. The motion was seconded by **Brigham Mellor** and approved by Commissioners **Kaufman, Mellor, Murri, Nilson, and Wagstaff**, and Alternate Commissioner **Brad Dutson**.

#5 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend Sections 12-6-170 and 12-7-100 of the Subdivision Ordinance by eliminating a surety bond as an acceptable security bond and reducing the warranty period for public improvements from 2 years to 1 year (ZT-1-12)

Christy Alexander informed the Commission that the City has had difficulty with this issue several times in the past and would like to be in compliance with the state code.

Public Hearing:

The Public Hearing was opened at 7:10 p.m. There were no comments, and the hearing was closed.

Motion:

Brad Dutson made a motion to recommend that the City Council eliminate a surety bond as an acceptable form of security and reduce the warranty period for public improvements from 2 years to 1 year by amending Sections 12-6-170 and Section 12-7-100 as per the attached Exhibit "A". **Kris Kaufman** seconded the motion which was approved by Commissioners **Kaufman, Mellor, Murri, Nilson, and Wagstaff**, and Alternate Commissioner **Brad Dutson**.

Findings:

1. Surety bonds are difficult to collect, as opposed to cash bonds, escrow bonds, or a letter of credit bond.
2. Surety bonds are difficult to assign.
3. If a project is sold to a third party, the City's ability to enforce the bond (i.e. a surety bond) is placed at great risk because an attorney for such a third party may successfully argue that the surety bond was only for the original developer and not his client.
4. Unlike cash bonds, escrow bonds, or a letter of credit bond, the City has no ability to evaluate the financial strength of the guarantor of a surety bond.
5. State law states that the warranty period for security bonds shall not exceed 12 months.

ADJOURNMENT

Motion:

At 7:15 p.m. **Bob Murri** made a motion to adjourn the meeting. The motion was approved by Commissioners **Kaufman, Mellor, Murri, Nilson, and Wagstaff**, and Alternate Commissioner **Brad Dutson**.

Michael Nilson, Chairman
Farmington City Planning Commission