

FARMINGTON CITY
PLANNING COMMISSION MEETING
April 17, 2014

WORK SESSION

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

#3 – Symphony Homes (Public Hearing) – Applicant is requesting a recommendation for Schematic Plan approval for Phase 1 of the proposed Eastridge Cove Conservation Subdivision

David Petersen said Symphony Homes plans to have two phases in this Subdivision; this request is for Phase 1. They are working with the Army Corps of Engineers to mitigate the areas shown in red on the map, and the Master Plan calls for a large detention basin near the Lagoon billboard (Phase 2). **Eric Anderson** referred to several letters from neighbors who mentioned that a connecting road to 200 East would be safer than the cul de sac option.

CLOSED SESSION:

Motions:

At 6:30 p.m. **Mack McDonald** made a motion to go into a closed session to discuss pending litigation. The motion was seconded by **Rebecca Wayment** and unanimously approved. At 6:40 p.m. **Heather Barnum** made a motion to reconvene into an open session. The motion was seconded by **Mack McDonald** and unanimously approved.

REGULAR SESSION

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

#1 – Minutes

Motions:

Rebecca Wayment made a motion to approve the Minutes of the March 19, 2014 Planning Commission meeting with one amendment. **Karolyn Lehn** seconded the motion which was unanimously approved. **Kent Hinckley** made a motion to approve the Minutes of the April 3, 2014 Planning Commission meeting. **Heather Barnum** seconded the motion which was unanimously approved.

#2 – City Council Report

Eric Anderson reported that the City Council approved the Schematic Plan for the Farmington Park Conservation Subdivision (without the TDR), the Brentwood Estates Subdivision waiver for road, storm drain and trail improvements, the Final Plat for the Farmington Bungalows Subdivision, and the Final Plat for the Westwood Cove Conservation Subdivision.

SUBDIVISION APPLICATION

#3 – Symphony Homes (Public Hearing) – Applicant is requesting a recommendation for Schematic Plan approval for Phase 1 of the proposed Eastridge Cove Conservation Subdivision consisting of 13 lots on 4.785 acres located at approximately 1470 South and 200 East in an LR Zone. (S-3-14)

Eric Anderson said the applicant submitted a master plan for the entire development which has two phases. Waivers will be required for open space, design standards, setback requirements and a buffer for Lots 106/107. The lots will be comparable to other lot sizes in the area.

Robert Miller, 8780 Parley's Lane, Symphony Homes, said additional details regarding the detention basin will be given during Phase 2. This proposal is consistent with other homes in the neighborhood, and they are willing to explore the safest route for construction vehicles.

Public Hearing

The Public Hearing opened at 7:10 p.m.

James Housinger, 1593 South 100 East, expressed concern about additional traffic and said a better solution would be an access onto 200 East. He would also like the City and the developer to consider the safest route for construction vehicles.

Elizabeth Droge 1470 South 13 East, is concerned about the detention basin and said there are problems with flooding whenever there is a high-water event. She asked how the water will be collected and where it will go.

Mitch Stevens, 52 East 1600 South, lives directly south of the subdivision and is concerned about the additional traffic. The proposal to connect the road to 200 East would provide an alternate access for residents in the subdivision.

Alice Palmer, 111 East 1600 South, lives on the corner where the new road is proposed. They enjoy their dead-end street which is a safe play area for her 5 children and the other 102 children in the neighborhood. Additional traffic and safety are her main concerns.

Ben Frank, 53 East 1600 South, agreed with the concerns expressed by his neighbors and said the traffic flow from 200 E to Frontage Road is substantial.

A letter from Lagoon and letters from residents James Housinger and Dave Korzep were also included in the record. The residents are concerned about traffic, safety, and population.

The Public Hearing closed at 7:20 p.m.

David Petersen pointed out that a connection to 200 East would likely be too steep, and because 200 East is a UDOT right-of-way it may not be likely that they would allow another connection.

Motion:

Rebecca Wayment made a motion to recommend approval of the Schematic Plan for the Eastridge Estates Conservation Subdivision, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The City Manager shall determine the just compensation for the waiver of .478 acres of open space, and the City Council shall approve the waiver prior to Preliminary Plat.
2. The City Council shall approve the waiver of Sections 11-12-100(b) and (e) of the Farmington City Zoning Ordinance.
3. The applicant will meet with **Ken Klinker** prior to preliminary plat approval to determine a viable haul/construction route that is as safe as possible.

The motion was seconded by **Heather Barnum** and unanimously approved.

Findings for Approval:

1. The proposed subdivision conforms to all of the development standards as set forth in Section 11-11-050.
2. Although the proposed Schematic Plan is requesting several waivers, at least two of the waivers will disappear when Chapter 12 is amended.
3. The open space requirement is of no value to the City so the open space will be of more value elsewhere in the City.

ZONE CHANGE, ZONE TEXT CHANGES, AND PROJECT MASTER PLAN APPLICATION

#4 – Scott Harwood/The Haws Companies (THC) (Public Hearing) – Applicant is requesting a recommendation for each of the following:

- I. **Rezone 16.19 acres north of Burke Lane and west of the Union Pacific R.R. right-of-way from A (Agriculture) to OMU (Office Mixed Use) (Z-5-13) and 21.56 acres west of Station Parkway and north of Park Lane from A (Agriculture) to GMU (General Mixed Use) (Z-6-13);**
- II. **A PMP/Development Agreement for “Park Lane Commons” (approximately 46 acres);**
- III. **Alternative Development Standards/Development Agreement as per Section 114 of Chapter 18 of the Zoning Ordinance;**
- IV. **A zone text change to amend the Regulating Plan consistent with the proposed PMP;**

David Petersen reviewed the proposed motions for each of these requests:

I. Rezone:

A portion of the Project Master Plan (PMP) abuts Shepard Creek and should be rezoned to OS (Open Space); however, the Regulating Plan does not specify dimensions. The City would like a trail and other amenities along Shepard Creek (and Spring Creek which also flows in this area but outside the boundary of the PMP).

II. PMP:

A PMP is a conceptual framework to guide development within a defined area. This PMP was reviewed by the City's DRC and SPARC and some of their recommendations are included in the suggested motion. Matters that need to be resolved include:

1. The City approved a previous PMP (by development agreement under Section 114) also known as "Park Lane Commons". This first Park Lane Commons encompasses 33 acres east of Station Parkway between Burke Lane and Park Lane abutting the Union Pacific r.o.w. Will owners of properties within these 33 acres agree to share the PMP name? Or assume a different name? Will they agree to amend their development agreement if necessary?
2. Area Lot 101 and Area D are controlled by an existing PMP;
3. Areas B and A (approximately 4 acres) are also controlled by the same existing PMP;
4. Portions of the PMP should be updated to show buildings fronting Grand Avenue at build out;
5. Modifications to the Regulating Plan related to street design standards and realignments;
6. PMP amended as directed by the City Engineer;
7. Remove from the PMP: (a) Attachment 5 (Allowed Uses); (b) Attachment 6 (Approved Sign Plan); and (c) Attachment 7 (Road Cross Sections).

Brett Anderson commented that it may be cleaner to have separate agreements on 1, 2, and 3, but Attorney **Jody Burnett** said he was confident the issues could be resolved as part of the Development Agreement. **David Petersen** said item 4 is the most significant deviation. The City would like the buildings to be depicted (rather than dashed lines) facing the street with parking behind or at the side. Staff and the developer are also in agreement on items 5, 6, and 7.

III. Section 114 Alternative Development Standards/Development Agreement:

David Petersen stated that THC is requesting eight alternative development standards, and staff recommends approving 1, 3, 4, 5, 7, and 8 and disapproving 2 and 6.

IV. Approve the Regulating Plan zone text amendment consistent with the proposed PMP;

There are no outstanding issues with regard to this item.

Scott Harwood, (33 South Shadow Breeze Road, Kaysville), representing THC, said their architectural team is available for questions. He referred to the following letters of support from their stakeholders:

- **Davis County Community & Economic Development** supports THC for making a significant positive impact to the entire region and asked the City to approve the Master Plan.
- **Western States Lodging & Development** plans to develop a 125-unit senior living community which will provide numerous jobs. This plan is sustainable and well suited for the area.
- **Coldwell Banker**, hiring brokerage for Park Lane Commons, said signage that provides visibility for the tenants and creates exposure is critical to attract tenants to this location.
- **Ascent Construction**, said this is a well-thought-out, sustainable project that implements realistic design planning and follows the City's guidelines.
- **Davis Chamber of Commerce** said this is the natural next step for development in this area, and the current stalemate is not benefiting either the City or the developer.
- **Architectural Nexus** said this has been a work in process for five years, and they carefully considered the City's General Plan and Ordinances as they designed this Master Plan.

THC's desires related to the requested approvals are as follows:

I. Rezone:

THC is fine with the OMU, TMU and GMU designations, but the open space portion is significant. Because the open space includes a large area, they would like a defined boundary and suggested following the Davis County flood control guideline which they think might be 50 feet from center point.

II. PMP:

Attorneys for the City and THC are confident they can resolve 1, 2, and 3. Related to 4, THC has agreed to front the buildings to Grand Avenue, and they will show the footprints in incremental stages. There are a few issues to finish on 5, the Regulating Plan. A key piece is Market Street which gives THC and an adjacent property owner a build-to line. They agree with item 6 and 7a, but asked that the text: "residential housing for the elderly and people with disabilities" be added, and they are fine with items 7b and 7c.

III. Section 114 Alternative Development Standards/Development Agreement:

Scott Harwood referred to the eight alternative development standards mentioned by City staff and said THC agrees with 1, 3, 4, 5, 7, and 8; however, additional discussion is necessary for the 4-acre parcel mentioned in 2 and the drive-up windows for 6.

IV. Approve the Regulating Plan zone text amendment consistent with the proposed PMP;

THC is fine with this item.

Public Hearing:

The Public Hearing opened at 8:45 p.m.

David Stringfellow, 268 Sharpshooter Court, and his neighbors are anxious for McDonalds to be built. He heard these same issues last year, and nothing has changed. The only people who will walk down Grand Avenue will be apartment tenants because there is no pedestrian overpass across Park Lane. The City's obsession with having buildings next to Park Lane seems odd—he prefers parking near the entrance of a store or business. The development will provide a significant increase in sales tax revenue, and he asked the Commission to approve the project.

Spencer Tibbits, 2127 North 2400 West, Clinton, is the business manager of Park Lane Commons and represents future residents of Farmington. The most common question potential renters ask is what the development will be and when it will begin. He asked the Commission to approve this and let the process begin.

David Webster, 3435 S 200 W, Bountiful, is the owner/operator of Legacy Assisted Living Centers and plans to build a new facility in this location. The addition of text for senior and disabled housing is important. The proposal for open space on either side of the Creek will enhance the seniors' experience, and the trail system was an attraction for this location.

Bob Murri, 513 Greystone Avenue, served on the Planning Commission for two years, and when this issue came up, he recused himself because his company was involved with the project. Any great development takes time, but time is up, and it is time to make a decision and approve this project. THC and the City have come together with a win-win solution that will enhance the entire area. This project has innovation and forward thinking, and a great deal of time, effort and expense has been invested, so let the project begin!

The Public Hearing closed at 8:55 p.m.

I. Rezone:

There was discussion regarding details of the open space, and **David Petersen** said Davis County's initial requirement for a flood control permit is 100 feet. **Jody Burnett** said rather than specifying wetlands mitigation or flood control, the precise boundary of the OS zone could be determined at the time the trail amenity and related improvements are approved which would provide the City and the developer some flexibility. **Jason Nelson**, attorney for THC, said this entire process could take 5 years, and they would like a definition of what it is in the meantime. They are in favor of having an adequate boundary.

Motion:

Kent Hinckley made a motion to recommend that the City Council approve the zone change as requested, subject to a condition that the land along Shepard Creek shall be zoned OS (Open Space) with a width of not less than 50 feet on each side of the center line of the Creek and with the Development Agreement to provide a mechanism for the trail to be developed outside of the Open Space Zoning Agreement to be binding on subsequent property owners. **Karolyn Lehn** seconded the motion which was unanimously approved.

Findings:

1. The zone change is consistent with the Farmington City General Plan (future land use map and text) and will allow mixed-use development for the subject property.
2. The zone change matches the zone designations identified on the Farmington City Regulating Plan for this area.

II. PMP:

Mack McDonald asked if #4 could be removed from the PMP, and if the developer is bound if they show buildings. **David Petersen** said he does not want to remove the language, and the PMP does not bind them but the Development Agreement does. There was additional discussion of various issues related to the PMP.

Motion:

Rebecca Wayment made a motion to recommend that the City Council approve the PMP subject to all applicable Farmington City ordinances and development standards and complete and/or resolve the following:

1. A previous PMP known as “Park Lane Commons” encompasses 33 acres east of Station Parkway between Burke Lane and Park Lane and abuts the Union Pacific right-of-way.
2. “Area Lot 101” and Area D are controlled by an existing PMP.
3. Areas B and A (approximately 4 acres) are also controlled by the same existing PMP.
4. The developer shall use building depictions for illustrative purposes which are not intended to depict the final location of the buildings and are not binding. Language to this effect should be included as part of the Development Agreement.
5. The developer must prepare an amendment to the Regulating Plan for City Council consideration which will meet the street network design standards in Section 11-18-104(3) and include all areas impacted by the realignments.
6. The PMP will be amended as directed by the City Engineer.
7. The following attachments will be removed from the PMP:
 - Attachment 5 (Allowed Uses)
 - Attachment 6 (Approved Sign Plan)
 - Attachment 7 (Road Cross Sections)
1. Text will be added to the Development Agreement stating the intent to allow assisted living facilities and housing for the elderly.
2. The attachments will be renumbered accordingly.

The motion was seconded by **Mack McDonald** and unanimously approved.

Findings:

1. The PMP is consistent with the Farmington City General Plan;
2. The PMP complies with all other City codes, rules, regulations and standards;
3. The PMP complies with all applicable codes, rules, regulations and standards of any agencies or entities with regulatory jurisdiction over the proposed PMP area; and
4. If changes to the PMP and Alternative Development Standards are made as recommended herein, the PMP is consistent with the criteria in Section 11-18-114.

III. Section 114 Alternative Development Standards/Development Agreement:

Motion:

Kent Hinckley made a motion to recommend approval and/or disapproval of each of the following items separately. The motion was seconded by **Mack McDonald** and unanimously approved.

1. Signage Package:

Motions:

Kent Hinckley made a motion to recommend approval of the signage package. There was no second and it died.

Rebecca Wayment made a motion to table a recommendation on the signage package to allow additional time for detailed consideration and to suggest that the tower signage be located in the interior of the project. **Heather Barnum** seconded the motion which was approved by **Heather Barnum, Karolyn Lehn, and Rebecca Wayment** and not approved by **Brett Anderson, Kent Hinckley, and Mack McDonald**. Because there was a split vote, the motion was not approved.

Scott Harwood emphasized that signage is critical to the success of a commercial development, and there was discussion about the pros and cons of the proposed signs.

Rebecca Wayment said this is a beautiful spot in a rural location so why would the applicant want to throw up a bunch of big signs and obscure the beautiful view of the red barn—that is just not the feel of Farmington. **Karolyn Lehn** said she envisioned a simple sign for a premier shopping experience rather than an “in your face McDonalds sign, next right.” **Heather Barnum** said this will be a destination shopping area, and she does not think tenants need the signs as much as they think they do. She suggested putting the signage on the buildings and said the City Council may not have considered some of the concerns they have expressed tonight.

Jody Burnett pointed out that they are not writing on a clean slate. The Commission would not be hearing this proposal but for the feedback the applicant received from the SPARC to push the sign to the freeway rather than the interior. **Kent Hinckley** said commercial projects must be allowed to have signage. **Brett Anderson** agreed and said Farmington has historic Main Street that is something different, but because they decided to allow commercial development in that area, the project needs to be given every chance to be wildly successful. The Commission needs to approve or deny rather than table. **Mack McDonald** said signs are necessary, and this applicant has been dragged through the mire and the mud on these issues, so this seems like a good compromise. Tabling the motion does not make sense.

Motion:

Mack McDonald made a motion to recommend approval of the signage package as stated in the staff report. **Kent Hinckley** seconded the motion which was approved by **Brett Anderson, Kent Hinckley, and Mack McDonald**. **Heather Barnum, Karolyn Lehn, and Rebecca Wayment** did not approved the motion. Because there was a split vote, the motion was denied and was automatically tabled until the next meeting of the Planning Commission.

2. ***Grand Avenue NORTH:***

Doug Thimm, Architectural Nexus, 2505 Parley's Way, Salt Lake City said this development is far beyond a typical strip mall. Drive-up windows do work in TOD-type zones as proven by Chase Bank and Starbucks in Station Park. They understand the importance of connectivity. The overall shape of this plan had some incredibly difficult geometry because of petroleum easements in the area. They worked with planning staff to create a sustainable development.

Chairman Anderson said the proposed layout does not rub him the wrong way, and **Mack McDonald** said having the buildings front the street is a mechanism to force walkability.

Motion:

Rebecca Wayment made a motion to deny approval of THC's plan for Grand Avenue. The motion was seconded by **Mack McDonald** and approved by **Heather Barnum, Karolyn Lehn, and Mack McDonald** and not approved by **Brett Anderson and Kent Hinckley**.

3. ***Grand Avenue SOUTH:***

Motion:

Heather Barnum made a motion to recommend approval of the request to improve the frontage along Grand Avenue in Parcels E and H with horizontal hardscape, landscape or parking improvements on an interim basis until vertical improvements are constructed along this portion of Grande Avenue frontage and subject to review and approval by the City at development plan review. The motion was seconded by **Rebecca Wayment** and unanimously approved.

4. ***Regulating Plan Amendments:***

Motion:

Heather Barnum made a motion to recommend approval of the proposal for Market Street to travel down the south edge of Parcel E and be split 50-50 between THC property and E&H Land (Evans) property and that the perpendicular street to Market Street (going through the flag property) be removed, subject to approval of zone text change realigning the Regulating Plan and areas affected thereby. **Mack McDonald** seconded the motion which was unanimously approved.

5. ***Parking Density:***

Motion:

Mack McDonald made a motion to recommend approval of the request that minimum parking spaces required for fast-food and/or drive-in restaurants be 12 parking spaces per 1000 square feet of floor area and for assisted living 0.5 spaces per unit. **Kent Hinckley** seconded the motion which was unanimously approved.

6. **Drive-Up Window:**

There was discussion of the pros and cons of drive-up windows.

Motion:

Kent Hinckley made a motion to approve with an amendment from five drive-up windows to two drive-up windows. **Rebecca Wayment** seconded the motion which was unanimously approved.

7. **Site Plan Review:**

Motion:

Rebecca Wayment moved to approve the request to have the application reviewed and approved exclusively by the City Planner/Zoning Administrator, with the following conditions:

- a. The Planning Commission and City Council members receive notice of such applications subject to Section 11-18-107(2)(b) regardless of parcel or building size in relation to 11-18-107(2)(d)(i)(1-4);
- b. The City Planner/Zoning Administrator, at his or her sole discretion, may present the application to the Planning Commission for its approval; and
- c. Appeals of any decision by the City Planner/Zoning Administrator may be made to the Planning Commission.
- d. In the event that a given application now must be reviewed by the Planning Commission under the existing ordinance, but this alternative development standard states otherwise, the Chairman of the Planning Commission may review such applications and determine if they should be reviewed by the Planning Commission.

Mack McDonald seconded the motion which was unanimously approved.

1. **Building Orientation:**

Motion:

Heather Barnum made a motion to recommend approval of the request that, except for Grand Avenue, commercial retail buildings may “back” onto Park Lane, Station Park and other streets as illustrated in the PMP with the primary entrance not facing or clearly visible and accessible from the public street [a deviation from the standards set forth in Section 11-18-107(2)(e)(iii)(6)], and oriented to interior parking, but shall otherwise comply with the building form, site development standards and other criteria (including large footprint building criteria) as set

forth in Chapter 18 and the Development Agreement. **Rebecca Wayment** seconded the motion which was unanimously approved.

2. **Explore the possibility, with the City Attorney, of not including the PMP as an exhibit to the Development Agreement:**

Motion:

Heather Barnum made a motion to recommend approval of this item. The motion was seconded by **Rebecca Wayment** and unanimously approved.

Findings:

The Alternative Development Standards as recommended by the Planning Commission:

1. Are consistent with the Farmington City General Plan;
2. Comply with applicable City codes, regulations and standards applicable to the proposed PMP, except that Development Standards specifically included in the development agreement are different from Development Standards contained in the Farmington City Ordinances;
3. Are otherwise consistent with any Development Standards determined by the City to be applicable to all development within the mixed-use area;
4. Establish a mix of uses in locations that will promote and encourage the goals of the TOD mixed-use districts and be consistent with the objectives of Section 11-18-105 (Uses); and
5. Establish circulation and transportation features sufficient to meet the requirements of Section 11-18-104 (Regulating Plan), to coordinate with anticipated offsite circulation and transportation features and to further any applicable community-wide transportation objectives.

IV. Regulating Plan Amendment – Zone Text Change

Mack McDonald made a motion to recommend that the City Council approve the regulating plan amendments prepared by the applicant subject to THC completing modifications for City Council consideration which meet the street network design standards in Section 11-18-104(3) and will include all areas impacted by the re-alignments proposed by the developer. The motion was seconded by **Rebecca Wayment** and unanimously approved.

Findings:

The Alternative Development Standards as recommended by the Planning Commission:

1. Are consistent with the Farmington City General Plan; and
2. Comply with the standards set forth in Section 11-18-104(3) of the Zoning Ordinance.

#5 – Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend the Zoning Ordinance by modifying Chapter 12 regarding Conservation Subdivisions. (ZT-3-14)

Public hearing:

The Public Hearing was opened at 11:55 p.m. There were no comments and it was closed.

Motion:

Karolyn Lehn made a motion to table this item. The motion was seconded by Heather Barnum and unanimously approved.

#6 – Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend the Subdivision Ordinance by modifying the definition of flag lots. (ZT-4-14)

Public hearing:

The Public Hearing was opened at 11:58 p.m. There were no comments and it was closed.

Motion:

Mack McDonald made a motion to table this item. The motion was seconded by Rebecca Wayment and unanimously approved.

ADJOURNMENT

#7 - Motion to Adjourn

At 12:00 p.m. Heather Barnum made a motion to adjourn the meeting which was unanimously approved.



Brett Anderson, Chairman
Farmington City Planning Commission