

FARMINGTON CITY
PLANNING COMMISSION MEETING
June 30, 2011

STUDY/WORK SESSION

***Present:** Chairman Randy Hillier, Vice Chairman Jim Young, Commission Members Steven Andersen, Rick Draper, and Michael Nilson, and Michael Wagstaff (via telephone) Alternate Commission Member Kris Kaufman, City Manager Dave Millheim, City Attorney Todd Godfrey, Community Development Director David Petersen, Associate City Planner Christy Alexander and Recording Secretary Cynthia DeCoursey. Commission Member Nelsen Michaelson and Alternate Commission Member Brett Anderson were excused.*

Motion:

At 6:10 p.m. **Steven Andersen** made a motion for the Commission to go into a closed meeting to discuss strategy as it pertains to potential litigation. **Rick Draper** seconded the motion which was approved by Commission Members **Andersen, Draper, Hillier, Nilson,** and **Young** and alternate Commission Member **Kaufman**.

Sworn Statement

I, **Randy Hillier**, Chairman of the Planning Commission of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Commission was so convened in a closed meeting.

Randy Hillier, Chairman

Motion:

At 7:00 p.m. **Steve Andersen** made a motion to end the closed session and reconvene into an open meeting. **Michael Nilson** seconded the motion which was approved by Commission Members **Andersen, Draper, Hillier, Nilson,** and **Young** and alternate Commission Member **Kaufman**.

REGULAR SESSION

***Present:** Chairman Randy Hillier, Vice Chairman Jim Young, Commission Members Steven Andersen, Rick Draper, and Michael Nilson, and Michael Wagstaff (via telephone) Alternate Commission Member Kris Kaufman, City Manager Dave Millheim, City Attorney Todd Godfrey, Community Development Director David Petersen, Associate City Planner Christy Alexander and Recording Secretary Cynthia DeCoursey. Commission Member Nelsen Michaelson and Alternate Commission Member Brett Anderson were excused.*

Chairman Hillier opened the meeting at 7:10 p.m. and conducted a roll call vote. The opening prayer was offered by **Jim Young**.

#1 – Minutes

Motion:

Rick Draper made a motion to approve the minutes of the June 16, 2011 Planning Commission Meeting. The motion was seconded by **Kris Kaufman** and approved by Commission Members **Draper, Hillier, Wagstaff,** and **Young,** and Alternate Commission Member **Kaufman.** Commission Members **Andersen** and **Nilson** abstained because they were not in attendance.

#2 – City Council Report

David Petersen said there were no Planning Commission items at the June 21, 2011 City Council meeting. He mentioned that the Council adopted the 2012 budget and held a discussion regarding fireworks.

SUBDIVISION APPLICATIONS

#3 – Garbett Homes (continued from previous meeting) – Applicant is requesting a recommendation for schematic plan approval for Farmington Crossing North Phase 5 encompassing 5.9 acres and consisting of 93 lots located at approximately Shepard Church Drive and Stillwater Drive in a C-PUD zone. (S-4-11)

David Petersen gave a brief summary of this request and said Garbett Homes is prepared to share financial and market information regarding current and future housing conditions and a list of lease-to-own projects in Utah. Staff received an email from a Farmington resident who said everyone should receive equal time at the microphone, but he said this is not a contest. The role of the Planning Commission is to review the information and decide if the project meets the intent of the City’s General Plan and ordinances.

Chairman Hillier informed the residents in attendance that the public hearing for this item was held on June 16, 2011, and another public hearing will be held during the July 19, 2011 City Council Meeting. **Steven Andersen** said he spent several hours listening to the previous meeting and studying this issue. He said this is the largest construction phase Farmington has ever had, and he praised the involvement of the community. **Jim Young** commended the parties on both sides of this discussion for being civil and articulate. He visited the Garbett Homes development in West Valley, and was impressed by its beauty. The residents were happy, and he hopes that someday Farmington Crossing will be the same.

Motion:

Steve Andersen made a motion to recommend that the City Council re-approve the schematic plan specific to, or for, Farmington Crossing Phase 5, and to reflect the existing Final (PUD) Master Plan, subject to all applicable Farmington City ordinances development standards and the same conditions and findings established previously by the City. The motion was seconded by **Jim Young** and approved by Commission Members **Andersen, Hillier, Wagstaff, Young,** and Alternate Commission Member **Kaufman.** Commission Members **Rick Draper** and **Michael Nilson** did not approve the motion.

Findings:

1. Existing property owners purchased homes within Farmington Crossing with the knowledge that they were buying into an owner-occupied community and not a rental project.
2. A lease-to-own option may negatively impact the investment of residents currently owning homes in Farmington Crossing.
3. A rental or lease-to-own alternative for Phase 5 may set a precedent where others in the existing 400+ units can also rent for similar reasons (slow sales).

4. Improvements to the project (i.e., US-89 access, the re-paving of Shepard Creek Parkway, and the completion of trail and parks) will likely eventually be finished albeit in an unknown manner and time frame.
5. A land-use decision to allow rentals may be contractually problematic for the City due to existing agreements in place to do otherwise.
6. The swimming pool may eventually be completed.
7. The 93 rental units may not be successful as they may compete with 324 apartments in the Farmington Village development now underway west of I-15.

David Petersen gave an explanation of the motion and said residents within 300 feet of the Farmington Crossing development would receive a notice of the next City Council Meeting to be held on July 19, 2011.

#4 – Farmington Crossing North Final (P.U.D.) Master Plan (continued from previous meeting) – Consideration of possible amendment of conditions related thereto. (S-4-11)

David Petersen explained that no motion was needed on this item. **Michael Nilson** commented that if this issue comes up again in the future, the Commission should seriously consider additional restrictions on property owners.

Commission Member **Michael Wagstaff** 's connection (via telephone) was discontinued at 7:27 p.m.

CONDITIONAL USE APPLICATIONS

Motion:

At 7:30 p.m. **Michael Nilson** made a motion to review Agenda Items #7 and #8 prior to Agenda Items #5 and #6. The motion was seconded by **Rick Draper** and approved by Commission Members **Andersen, Draper, Hillier, Nilson, Young**, and Alternate Commission Member **Kaufman**.

#7 – Rainey Homes – (Public Hearing) – Applicant is requesting approval of a conditional use permit for a sales office in a model home on Lot 209 of the Miller Meadows Subdivision at 514 West Rigby Road in an AE zone. ((C-11-11))

Christy Alexander said this model home will be shown during the Parade of Homes June 24 through July 10, 2011, and staff suggested that the Commission require compliance with signage regulations in association with the sales office.

Public Hearing:

Chairman Hillier opened the public hearing at 7:35 p.m. There were no comments from the public, and the public hearing was closed at 7:35 p.m.

Motion:

Steven Andersen made a motion that the Planning Commission approve the temporary use subject to all applicable codes, development standards and ordinances and with the following conditions:

1. Permanent signs on the site of the model home and sales office are prohibited. The size and location of signs must be in compliance with the provisions of the zoning ordinance in which the use is located. All signs must be removed when the activity ends.

2. Sign regulations shall be followed for all signs throughout the subdivision represented by this sales office.
3. No loud speakers or amplifying sound devices shall be used in conjunction with the temporary office.
4. Outdoor lighting, if used, must be subdued. All lighting shall be designed, located and directed to minimize glare, reflection and light pollution into adjoining and nearby lots. Search lights shall not be permitted.
5. Conduct of the temporary use shall be limited to hours between 12 p.m. and 6 p.m. Tuesday through Saturday.
6. No portable restroom facilities are allowed on site. Restrooms must be provided inside the model home/sales office.
7. The use granted is solely for purposes of a sales office associated with the subdivision on which it is located, and no other commercial activities of any kind shall be associated with this use permit.
8. The sales office may be used until the last lot in the subdivision is sold. If the office is located in the area of the home intended for the garage, any alterations made to accommodate the office shall be removed, and the space shall be converted to function as a garage upon termination of the temporary office.
9. Parking areas for the model home/sales office will be appropriate hard surface to be removed at the time the sales office is closed and the model home is converted for sale as a single family residence.

The motion was seconded by **Kris Kaufman** approved by Commission Members **Andersen, Draper, Hillier, Nilson, Wagstaff,** and **Young,** and Alternate Commission Member **Kaufman.**

Findings:

- a. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well being of the community because it will contribute to the success of Rainey Homes' marketing for lots within the Miller Meadows Subdivision.
- b. A model home has already been approved and built on-site.
- c. If the conditions of approval are met, the proposed use will comply with all regulations and conditions in the Farmington City Sign Ordinance for this particular use.
- d. Signage inconsistent with the sign ordinance is not compatible with goals, policies, and principles of the Comprehensive General Plan, and associating compliance of all signs in the subdivision that the sales office in the model home will serve, will ensure that the goals of the General Plan are met.
- e. The proposed use is compatible with the new phases of the Miller Meadows Subdivision in the area.

#8 – Symphony Homes – (Public Hearing) – Applicant is requesting approval of a conditional use permit for a sales office in a model home on Lot 33 of the Chestnut Farms Subdivision at 286 South 1150 West in an R zone. (C-12-11)

Christy Alexander said this model home will also be shown during the Parade of Homes, and the Commission may want to require a condition that ensures compliance with signage regulations in association with the sales office.

Public Hearing:

Chairman Hillier opened the public hearing at 7:40 p.m. There were no comments from the public, and the public hearing was closed at 7:40 p.m.

Motion:

Michael Nilson made a motion to approve the conditional use permit for a sales office in a model home on Lot 33 of the Chestnut Farms Subdivision at 286 South 1150 West in an R zone subject to all applicable codes, development standards and ordinances and with the following conditions:

1. Permanent signs on the site of the model home and sales office are prohibited. The size and location of signs must be in compliance with provisions of the zoning ordinance in which the use is located. All signs must be removed when the activity ends.
2. Sign regulations shall be followed for all signs throughout the subdivision(s) represented by this sales office.
3. No loud speakers or amplifying sound devices shall be used in conjunction with the temporary office.
4. Outdoor lighting, if used, must be subdued. All lighting shall be designed, located and directed to minimize glare, reflection and light pollution into adjoining and nearby lots. Search lights shall not be permitted.
5. Conduct of the temporary use shall be limited to hours between 12 p.m. and 6 p.m. Tuesday through Saturday.
6. No portable restroom facilities are allowed on site. Restrooms must be provided inside the model home/sales office.
7. The use granted is solely for purposes of a sales office associated with the subdivision on which it is located, and no other commercial activities of any kind shall be associated with this use permit.
8. The sales office may be used until the last lot in the subdivision is sold. If the office is located in the area of the home intended for the garage, any alterations made to accommodate the office shall be removed, and the space shall be converted to function as a garage upon termination of the temporary office.
9. Parking areas for the model home/sales office will be appropriate hard surface to be removed at the time the sales office is closed and the model home is converted for sale as a single family residence.

The motion was seconded by **Rick Draper** and approved by Commission Members **Andersen, Draper, Hillier, Nilson, Young**, and Alternate Commission Member **Kaufman**.

Findings:

- a. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well being of the community because it will contribute to the success of Symphony Homes' marketing and building homes on lots within the Chestnut Farms Subdivision.
- b. A model home has already been approved and built on-site.
- c. If the conditions of approval are met, the proposed use will comply with all regulations and conditions in the Farmington City Sign Ordinance for this particular use.
- d. Signage inconsistent with the sign ordinance is not compatible with goals, policies, and principles of the Comprehensive General Plan, and associating compliance of all signs in the subdivision that the sales office in the model home will serve, will ensure that the goals of the General Plan are met.
- e. The proposed use is compatible with the phases of the Chestnut Farms Subdivision in the area.

#5 – Rainey Homes – Applicant is requesting approval of a conditional use permit for a directional sign at approximately 650 West and State Street in an AE zone. (C-9-11)

Christy Alexander explained that Rainey Homes would like to place a directional sign advertising the Miller Meadows Subdivision on property owned by **Ron Lindorf** who has approved the use and rental of his land for the sign. The sign will be 8' x 8' and will direct potential buyers and Parade of Homes visitors to the Subdivision. Staff is recommending approval with an additional condition stating that the permit will be valid for one year and cannot be renewed.

David Petersen read a paragraph from the City's code regarding signage: "The following may be changed by the City's conditional use permit process: additional property and directional signs as may be reasonably required to create a sense of community, including the final size, location, character, and design of the sign." He said this is the first time staff has dealt with this specific clause—Farmington has never allowed a developer to place an off-site sign. He asked the Commission to table the item and approved a temporary Home Show sign on the corner.

Brock Johnston questioned the need to table the item. He pointed out that Miller Meadows has over 100 lots, and many of his competitors have placed off-site signs without obtaining City approval.

Public Hearing:

Chairman Hillier opened the public hearing at 7:50 p.m. There were no comments from the public, and the public hearing was closed at 7:50 p.m.

Motion:

Rick Draper made a motion to table this item to allow staff additional time to research the City's sign ordinance. **Michael Nilson** seconded the motion which was approved by Commission Members **Andersen, Draper, Hillier, Nilson, and Young**, and Alternate Commission Member **Kaufman**.

#6 – Rainey Homes – (Public Hearing) – Applicant is requesting approval of a conditional use permit for a property sign to be placed near the Legacy Parkway Trail of the Miller Meadows Subdivision in an AE zone. (C-10-11)

Christy Alexander explained that this Subdivision is located within the Scenic Byway Overlay Zone, and the ordinance states that "signage is to enhance the scenic qualities of the Byway Corridor environment and shall compliment the signing style used for Legacy Parkway."

Motion:

At 7:50 p.m. **Steven Andersen** made a motion to take a five-minute recess to allow staff additional time. The motion was seconded by **Rick Draper** and approved by Commission Members **Andersen, Draper, Hillier, Nilson, Young**, and Alternate Commission Member **Kaufman**.

Public Hearing:

Chairman Hillier opened the public hearing at 7:56 p.m. There were no comments from the public, and the public hearing was closed at 7:56 p.m.

Christy Alexander reported that additional time was necessary for staff to research this ordinance, and she requested that the Commission table this item.

Motion:

Kris Kaufman made a motion to table the request for a conditional use permit for a property sign to be placed near the Legacy Parkway Trail of the Miller Meadows Subdivision in an AE zone. **Jim Young** seconded the motion which was approved by Commission Members **Andersen, Draper, Hillier, Nilson, Young**, and Alternate Commission Member **Kaufman**.

ADJOURNMENT

Motion

Steven Andersen made a motion to adjourn the meeting. The motion was approved by Commission Members **Andersen, Draper, Hillier, Nilson, Young**, and Alternate Commission Member **Kaufman**. The meeting was adjourned at 8:00 p.m.

Randy Hillier, Chairman
Farmington City Planning Commission