

**FARMINGTON CITY
PLANNING COMMISSION MEETING
July 2, 2015**

REGULAR SESSION

***Present:** Chair Rebecca Wayment, Commissioners Brett Anderson, Heather Barnum, Alex Leeman and Kent Hinckley, Community Development Director David Petersen and Recording Secretary Lara Johnson. Commissioner Dan Rogers and Associate City Planner Eric Anderson were excused.*

Item #1. Minutes

Heather Barnum made a motion to approve the Minutes from the June 18, 2015 Planning Commission meeting. **Bret Gallacher** seconded the motion which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from the June 16, 2015 City Council meeting. He said the City Council discussed the City's current water system in depth during the Study Session; the system is in need of capital improvements and updates as the City has grown faster than previously expected. During the Regular Session, there was a split vote for the Residences at Farmington Hills Schematic Plan and Preliminary PUD Master Plan. **Brigham Mellor** and **Jim Young** did not want our mountains to turn into the hills like St. George. **John Bilton** and **Cory Ritz** wanted more information before making a decision; they felt if a developer is willing to take a risk and pay for the engineering to explore the option, then it's okay to move it to the next step before a decision is made. The Mayor voted for the Schematic Plan and Preliminary PUD Master Plan's approval in order to see what may be involved in the next step. **David Petersen** also said the Elementary School #61 Schematic Subdivision and the Residences at Station Parkway Subdivision Schematic Plan were both approved and an ordinance adopting emergency water conservation measures for culinary water was adopted. The Council received an update that over 100 Eagle Scout projects have been organized and completed with the Farmington Trails Committee last year. Also, an agreement amendment for Station Park regarding drive-up windows was accepted after the Mayor cast the deciding vote due to a split-vote among the Council members.

SUBDIVISION APPLICATION

Item #3. Scott Harwood / The Haws Companies (Public Hearing) – Applicant is requesting a recommendation for schematic plan approval for the Park Lane Commons Phase III Subdivision consisting of 3 lots on 9.77 acres located at approximately Market Street and Station Parkway in a GMU (General Mixed Use) zone. (S-16-15)

David Petersen showed the proposed schematic plan for this item. He said right now the property is one parcel, but the applicant would like to subdivide it to lots 301, 302 and 303 with a remainder parcel. The proposed plan supports the City's current Regulating Plan. He said staff reviewed lot 303 along with the ordinance to determine if it was a flag lot and if it was allowed; staff feels it is allowed and not considered a flag lot for several reasons including the site has two frontages. The Legacy Assisted Living Center is being proposed for lot 303. **David Petersen** said there must be a

road/drive aisle around the facility due to its type of use and to allow fire department access to the facility; however, the property owners to the south, the Evans family, are unsure their plans for their property and are not ready to dedicate right-of-way (ROW) to allow for the road's construction. As a result, the developer will build a temporary road with curb, gutter, and sidewalk. Once the Evan's family is ready to develop, the applicant will need to relocate their portion of the road and complete their half of the road to City standards, which will include a wider sidewalk than the temporary road and a park strip.

Alex Leeman asked if the remainder parcel, as shown on the schematic plan, is designated wetlands. **David Petersen** said he is unsure, but that condition #1 to the motion requests an approved wetland delineation be provided to staff. He said the applicant has completed that study so staff can now determine where the wetlands' boundary line is located.

Heather Barnum asked if there is a conflict of use for an Assisted Living Facility for this area. **David Petersen** said no, its use is permitted per the ordinance.

Brad Miles, 1126 N. Dutch Fields Parkway, Midway, representative from Western States Lodging, said the facility will operate under the name Legacy Assisted Living Facility. He said they have a community in Bountiful and recently sold their community in Layton. He said the facility will include 136 bedrooms, 106 assisted living units, and 30 memory care units. He said assisted living facilities differ from nursing homes as residents can enter and exit without assistance, but may need assistance in other areas of their lives. He said these type of facilities are low-impact and can provide a great source of employment to the community with approximately 115 employees. **Brad Miles** explained having a road around the facility is an important piece for financing the project. He said the project is HUD insured which means off-site costs much be covered by the developer. **Brad Miles** said HUD is comfortable with the solution of putting an internal road loop on the south side of the project. **David Petersen** also stated that condition 4 needs to be amended to read that the ROW must be shown on preliminary plat, in lieu of dedication. Condition 5 then includes wording to show the dedication will happen at a later date.

Heather Barnum expressed concern that if an agreement is in place for the future dedication and construction of the road money may not be available when the agreement is called upon. She asked if the applicant could be required to pay for the cost of their portion of the road upfront to the City and the City would then assume ownership to complete it. The Commissioners, applicant and staff thoroughly discussed this issue.

Brad Miles explained a bond could be requested; however, a bond cannot be held for an undetermined amount of time. He stated it is unfortunate that the road cannot be constructed the proper way from the beginning as they would like it to be done, but he feels an extension agreement is the best way to address the issue. **David Petersen** asked if that agreement would be entered into with Western States as they will be the owner of the facility and not have THC as a third party to the agreement. **Brad Miles** said it will be owned by an entity under the Western States ownership group, but that entity will not be the majority owner. The majority owner will be one of the entities of THC.

Heather Barnum is concerned a future property owner may not fulfill the agreement and the City is then responsible for the bill of the road construction. **Brad Miles** expressed concern that it is not feasible to require money to be fronted for the construction of the road at this time in the event there is a different property owner when the actual construction begins. He feels an agreement is the best option and feels others will know and plan for the agreement to be called upon if their due diligence has been done. **David Petersen** said the Commissioners can require what they feel is most prudent, but also pointed out that the applicant will be putting the road in as best they can.

Heather Barnum asked if the facility will be contracted with the state for the residents. **Brad Miles** said most of the residents will be private pay.

Scott Harwood, The Haws Companies, 33 S. Shadow Breeze Rd., Kaysville, said he is unsure why the Evans' family is not willing to split the road at this time, but that they are doing their best to find a solution now. He explained it is more upfront cost for them to put the loop around the development at this time with the remainder of the build-out of the road later, but that is what is needed. He said he just sent a draft of the agreement to the City for review; it includes trigger dates and enforcement provisions so ensure the road will be completed. He said if a bond is required for the road's future construction, it would be problematic as there are no timelines for when the road's construction will take place. He also wanted further clarification on condition 4 as the current wording makes it seem that the dedication of ROW will take place right now.

Heather Barnum asked if there is wording in the draft agreement to ensure it is transferable to a new property owner. **Scott Harwood** said yes, there is language that ensures the agreement would be transferred to a new property owner.

Scott Harwood also stated that condition 3 requires secondary water shares be purchased from Weber Basin prior to preliminary plat; however, those shares are determined based on calculations per acreage. The project's acreage has not yet been determined as they are working to finalize the landscape plan. He asked if that condition can be tied to final plat in lieu of preliminary plat. He assured the Commission those shares have to be purchased before the plat can be recorded so it will be completed.

Heather Barnum asked the applicants their building timeline. **Brad Miles** said they hope to open the facility sprint of 2017.

Rebecca Wayment opened the Public Hearing at 7:40 p.m.

No comments were received.

Rebecca Wayment closed the Public Hearing at 7:40 p.m.

Rebecca Wayment asked when the Commission would be seeing the landscape plan for this project. **David Petersen** said the applicant's agreement calls for the site plan (landscape plan included) to be reviewed by staff; however, the Commission chair can call the landscape plan back to the Commission for review. **Rebecca Wayment** asked if condition 3 can be amended to read the water shares must be obtained prior to final plat. **David Petersen** said yes, it is okay to amend the wording to final plat.

Brett Anderson provided a number of solutions that could be included in the agreement to ensure the payment of the road is made, including:

- If there is a sale of the property to a third party, the funds be escrowed to ensure the improvements can be made,
- An assignment and assumption provision so that whomever takes it must expressly assume the obligations of the cost,
- Guarantees by the current applicant that if the future buyer defaults on the cost, the City can go back to the developer to obtain payment,

- A recordable interest on record with the County so that whomever is looking at purchasing will see a notice of these obligations,
- A consideration of a bond or paying for the costs upfront in an escrow account.

Brett Anderson said he feels the Commission could make these suggestions but that it is not up to the Commission to determine the exact details. He feels it should be discussed by the Council and the City Attorney. He suggested that condition 5 include wording to recommend that the agreement may consider some of the above listed terms to protect the City in the event the property owner does not have the money to cover the road's completion.

David Petersen said the above suggestions could be added to condition 5 of the proposed motion. **Brett Gallacher** expressed concern on having a specific list. **Brett Anderson** proposed also adding, "or other terms acceptable to both parties."

Heather Barnum asked if an additional finding for approval needs to be included. **David Petersen** said yes, an additional finding could be included. **Heather Barnum** proposed the following wording be added as finding 7, "The agreement will ensure that the road will be built in the future and protect the City from incurring the cost in perpetuity of the improvements."

Motion:

Brett Anderson made a motion that the Planning Commission recommend approval of the schematic plan for the Park Lane Commons Phase III, subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. The applicant shall provide an approved wetland delineation prior to or concurrent with Preliminary Plat approval;
2. The applicant shall rename "Remainder Parcel" to "Parcel A" on Preliminary Plat;
3. The applicant shall obtain all necessary secondary water shares from Weber Basin prior to consideration of Final Plat;
4. The applicant shall show a 16.5' of public right-of-way on the south boundary of their property on preliminary plat and that dedication is to take place when the Evans property to the south is developed;
5. The applicant shall enter into an agreement to dedicate said right-of-way to ensure that future improvements and the future street will be built at that time that the Evans family develops, that said agreement shall consider terms and conditions as follows:
 - a. If there is a sale of the property to a third party or to an affiliate party, the funds may be escrowed for the improvements,
 - b. An obligation or an assignment and assumption of any third party that is going to take ownership or developmental rights regarding this parcel,
 - c. A possible guarantee by the current developer or applicant,
 - d. Recordable interest to give public notice or constructive notice to the world of these improvements in the dedications,
 - e. Bonds or escrowing money to pay upfront the cost of the improvements,
 - f. And other such terms to ensure that the improvements will be built and that there is financial resources to build the improvements not to be borne by the City;
6. The City Traffic Engineer shall review the proposed development at preliminary plat;
7. The applicant shall provide a trail easement along those portions of his property that abuts Shepard Creek;

8. Along the west side of the property, the applicant shall provide a no-build easement to delineate the block face; and an easement shall be provided for public safety and pedestrian access, as well as maintenance vehicles.

Kent Hinckley seconded the motion which was unanimously approved.

Finding:

1. The proposed subdivision conforms to all of the development standards as set forth in the Farmington City Subdivision and Zoning Ordinances.
2. The propose Schematic Plan creates a needed east-west connection from Station Parkway to points west, and conforms to the Regulating Plan and that plan's states purpose of creating connectivity throughout the Mixed Use District.
3. Parcel A will preserve wetlands, and the portions of those properties that abut Shepard Creek will be preserved as open space, and a trail easement will be provided.
4. The applicant has performed a geotech report above and beyond the normal requirements as a way to address the soil issues.
5. The subdivision of this property will allow for Western States Assisted Living to develop, which is a good use in this location, and fills a need the City has to care for those needing assistance.
6. Lots 301 and 302 will be developed as part of the Park Lane Commons project master plan, and although we don't know what uses will be proposed there yet, when those applications do come, staff will review and approve them as part of the review process set forth in the development agreement with The Haws Company.
7. The agreement will ensure that the road will be built in the future and protect the City from incurring the cost in perpetuity of the improvements.

ZONE TEXT CHANGE APPLICATION

Item #4. Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend Chapter 28 of the Zoning Ordinance as it relates to the inclusion of pool houses in Section 11-28-060. (ZT-9-15)

David Petersen explained the applicant owns both lots. He said based on the Ordinance, the side corner setback is 20'; however, in many zones within the City, the side setback is 15'. The applicant is proposing an accessory building, a pool house, 15' off the side corner. Staff does not have any concerns reducing the side setbacks to 15'. He also reminded the Commission that accessory buildings also have a height restrictions to prevent anything outrageous.

Rebecca Wayment opened the Public Hearing at 8:00 p.m.

No comments were received.

Rebecca Wayment closed the Public Hearing at 8:00 p.m.

Heather Barnum said she is comfortable with the change. She also likes that the wording states restrictions still apply to sounds and lighting to ensure it is not burdensome to neighbors.

Bret Gallacher asked if this particular circumstance could request a one time variance from the Board of Adjustments. **David Petersen** said in order for the applicant to receive a variance, he must show economic hardship. He did not feel a pool house would qualify him for the variance. **Bret**

Gallacher asked if this change would create larger problems within the City. **David Petersen** said no as this distance for side corner setbacks is already found in areas within the City.

Motion:

Heather Barnum made a motion that the Planning Commission recommend that the City amend Chapter 28 of the Zoning Ordinance as follows:

11-28-060 Location of Recreational Pools and Tennis Courts.

- (a) Private Recreational Pool. Any private recreational pool not completely enclosed within a building having solid walls shall be set back at least five (5) feet from the rear and side property lines and at least thirty (30) feet from the front property line. The private recreational pool shall not be less than twenty (20) feet from any neighbor's dwelling. Any detached accessory buildings related to an enclosed pool shall meet setback requirements and standards for such buildings, except the side corner setback may be reduced to fifteen (15) feet. Any recreational pool shall be completely surrounded by a fence or wall having a height of at least six (6) feet. In lieu of fencing on hot tubs, spas or Jacuzzis, security covers may be provided. Fences or walls that are not solid shall have intermediate rails or an ornamental pattern such that a sphere four (4) inches in diameter cannot pass through. Gates shall be equipped with self-closing and self-latching devices. No loudspeaker devices which can be heard beyond the property lines of the premises on which any recreational pool has been installed may be operated in connection with such pool, nor may any lighting be installed in connection with such pool which shall throw any direct rays beyond such property lines.

Alex Leeman seconded the motion which was unanimously approved.

Findings for Approval:

1. Pool houses are not separated from accessory buildings, and this zone text amendment does not change that, however, it allows for more flexibility in the setback standard for pool houses where it makes sense and certain design considerations can be used to mitigate potentially negative effects.
2. Limiting this to the side corner further clarifies the zoning ordinance as it relates to the single family residential zones.

OTHER BUSINESS

Item #8. Miscellaneous:

David Petersen presented the improvement drawings to the Commission for the new U of U medical site. He said the U's facility is exempt by state law to meet all the City's ordinance requirements. The City has not agreed with their current site plans; however, the City staff is adamant that the U meet the City's proposed cross-sections as follows:

- Park Lane cross-section – 6' sidewalk and 6-8' park strip
- 1100 West cross-section – 6' sidewalk and 10' park strip
- Clark Lane cross-section – 6' sidewalk and 6-8' park strip

Bret Gallacher asked if this facility will be used as a clinic or for research. **David Petersen** said it will be a clinic. **Kent Hinckley** asked if there is a reason for such a large amount of parking. **David Petersen** said the U would like patrons to be as close as possible to the facility's entrances.

Motion:

Heather Barnum made a motion that the Planning Commission recommend the cross-sections and sidewalk distances around the University of Utah medical campus according to Farmington City planning staff recommendations as listed below and according to all applicable Farmington City standards.

- Park Lane cross-section – 6' sidewalk and 6-8' park strip
- 1100 West cross-section – 6' sidewalk and 10' park strip
- Clark Lane cross-section – 6' sidewalk and 6-8' park strip

Alex Leeman seconded the motion which was unanimously approved.

ADJOURNMENT

Motion:

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



Rebecca Wayment
Chair, Farmington City Planning Commission