

FARMINGTON CITY
PLANNING COMMISSION MEETING
August 16, 2012

WORK SESSION

***Present:** Chairman Michael Nilson, Commissioners Brett Anderson, Rick Draper, Kris Kaufman, Brigham Mellor, Bob Murri, and Michael Wagstaff, Alternate Commissioners Brad Dutson and Mack McDonald, Community Development Director David Petersen, Associate City Planner Christy Alexander, and Recording Secretary Cynthia DeCoursey*

#3 – Leavitt Properties LLC – (Public Hearing)

Christy Alexander said the applicant is attending a Benchland Water meeting, and during the regular session, this item needs to be moved to the end of the meeting. Elevations were included in the staff report, and there was discussion regarding the elevations and other issues.

#4 – Shepard Ridge Enterprises, L.C.

Christy Alexander said there are only two outstanding issues—the applicant must obtain easements for the sewer line and a trail.

#5 – Rice Farms Estates, LLC

Christy Alexander said this is the last phase in Rice Farms, and nothing has changed.

REGULAR SESSION

***Present:** Chairman Michael Nilson, Commissioners Brett Anderson, Rick Draper, Kris Kaufman, Brigham Mellor, Bob Murri, and Michael Wagstaff, Community Development Director David Petersen, Associate City Planner Christy Alexander, and Recording Secretary Cynthia DeCoursey*

Chairman Nilson began the meeting at 7:15 p.m. and offered an opening prayer.

#1 – Minutes

Motion:

Rick Draper made a motion to approve the minutes of the August 7, 2012 Planning Commission Meeting. The motion was seconded by **Brigham Mellor** and approved by Commissioners **Brett Anderson, Rick Draper, Kris Kaufman, Brigham Mellor, Bob Murri, Michael Nilson, Michael Wagstaff.**

#2 – City Council Report

Christy Alexander reported that the City Council did not approve the zone text amendment to allow small, neighborhood truck/trailer rental businesses on Main Street. They approved the Final Plat for the Meadow View Conservation Subdivision, the Final Plat/Waiver of Open Space for Spring Creek

Estates Phase 7, and the Final Plat/Final PUD Master Plan for the Chestnut Farms PUD Phase 2 Subdivision.

SUBDIVISION APPLICATIONS

Change in Order of Agenda Items

Motion:

Michael Wagstaff made a motion to move Item #3 and review it following Agenda Item #6. The motion was seconded by **Brigham Mellor** and approved by Commissioners **Brett Anderson, Rick Draper, Kris Kaufman, Brigham Mellor, Bob Murri, Michael Nilson, Michael Wagstaff.**

#4 – Shepard Ridge Enterprises, L.C. – Applicant is requesting Preliminary Plat approval and a recommendation for Final Plat approval for the Oakwood Estates Phase 4 Subdivision encompassing 7.88 acres and consisting of 4 lots located at approximately North Compton Road and Oakwood Place in an LR-F zone. (S-7-12)

Christy Alexander said this property is located in an LR-F zone, and the applicant plans to ask for an open space waiver because of less than desirable open space in the subdivision. An easement for the sewer line is required as well as a trail easement on the west sides of Lot 401 and Lot 504. **Lew Swain**, 698 North Canyon Circle, will work with Planning Department staff to evaluate the existing landscaping and plan the future landscaping. There was a brief discussion regarding curb cuts and the tree plan.

Motion:

Rick Draper made a motion to approve the Preliminary Plat and Street Tree Plan for the Oakwood Estates Phases 4 & 5 Conservation Subdivision subject to all applicable Farmington City ordinances and development standards and to recommend that the City Council approve the Final Plat for the Oakwood Estates Phase 4 Conservation Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant continues to work with the City and other agencies to address any outstanding issues with regard to the Final Plat prior to recording the Plat;
2. The applicant must receive a waiver of open space from the City Council prior to or concurrent with Final Plat approval.

The motion was seconded by **Brett Anderson** and approved Commissioners **Brett Anderson, Rick Draper, Kris Kaufman, Brigham Mellor, Bob Murri, Michael Nilson, Michael Wagstaff.**

Findings for Approval:

1. The proposed Final Plat is consistent with the previously approved Schematic Plan and Phases 1-3 of the Subdivision.
2. The proposed Subdivision meets all of the requirements for Final Plat approval.

#5 – Rice Farms Estates, LLC – Applicant is requesting a recommendation for Final Plat approval for the Rice Farms Estates Phase 6 PUD Subdivision encompassing 6.0 acres and consisting of 17 lots located at approximately 750 South and 140 East in an LR (PUD) zone. (S-8-12)

Christy Alexander said these Final Plat plans are consistent with the Master Development Plan. The developer, **Jerry Preston**, plans to provide a 96-foot wide turnaround at the end of 140 East Street and said this is the final phase and should be ready in the spring of 2013.

Motion:

Michael Wagstaff made a motion to recommend that the City Council approve the Final Plat for the Rice Farms Estates PUD Phase 6 Subdivision subject to all applicable Farmington City ordinances and development standards and the following condition:

1. The applicant continues to work with the City and other agencies to address any outstanding issues remaining with regard to the Final Plat prior to recording the plat.

The motion was seconded by **Bob Murri** and approved by Commissioners **Brett Anderson, Kris Kaufman, Brigham Mellor, Bob Murri, Michael Nilson, Michael Wagstaff.** **Rick Draper** recused himself and did not vote.

Findings for Approval:

1. The proposed Final Plat is consistent with the previously approved Master Development Plan memorialized by the Development Agreement.
2. The proposed Subdivision meets all of the requirements for approval of a Final Plat.

CONDITIONAL USE APPLICATION

#6 – Woodside Homes – (Public Hearing) – Applicant is requesting Conditional Use approval for the operation of a sales office in a model home on property located at 2237 West Rifleman Drive in an AE zone. (C-9-12)

Public Hearing:

Chairman Nilson opened the public hearing at 7:30 p.m. There were no public comments, and it was closed. An email from a resident who is concerned about the amount of dust in the construction area was added to the record. **Garrett Sealy**, 39 East Eagle Ridge Drive, North Salt Lake, Woodside representative, said the City has required that they haul in loads of extra soil to improve the drainage situation. Because of the dry weather, it would be difficult to alleviate the dust problem.

Motion:

Bob Murri made a motion to approve the conditional use permit for the operation of a sales office in an existing model home on Lot 401 of the Hunters Creek Phase 4A Conservation Subdivision, 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 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 11:00 a.m. and 7:00 p.m. Monday 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 Commissioners **Brett Anderson, Rick Draper, Kris Kaufman, Brigham Mellor, Bob Murri, Michael Nilson, Michael Wagstaff.**

Findings for Approval:

1. The proposed use of the particular location is necessary and desirable to the applicant and provides a service which contributes to the general well-being of the community because it will contribute to the success of Woodside Homes' marketing and home building on lots within the Hunters Creek Subdivision.
2. Other model homes had been approved and built on site during previous phases of their development.
3. If the conditions of approval are met, the proposed use will comply with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
4. 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 subdivisions that the sales office in the model home will serve will ensure that the goals of the General Plan are met.
5. The proposed use is compatible with this new phase and previous phases of the Hunters Creek Subdivision in the area.

Change in Order of Agenda Items

Motion:

Michael Wagstaff made a motion to move Item #3 to this position on the agenda. The motion was seconded by **Rick Draper** and approved by Commissioners **Brett Anderson, Rick Draper, Kris Kaufman, Brigham Mellor, Bob Murri, Michael Nilson, Michael Wagstaff.**

SUBDIVISION APPLICATION

#3 – Leavitt Properties LLC – (Public Hearing) – Applicant is requesting a recommendation of approval for the Schematic Plan and Preliminary PUD Master Plan for the Kestrel Bay Townhomes PUD Subdivision encompassing .775 acres and consisting of 11 units located at approximately 123 West and 620 South in an R-8 zone. (S-11-12)

Christy Alexander said this PUD does not conform to several of the City’s zoning codes. Staff’s concerns include driveways and curb cuts in close proximity to one another, the look and height of the buildings, side yard setbacks, limited space for snow removal, view obstruction, limited visitor parking, and pedestrian safety. The possibility of placing the garages/parking areas in the rear and having the units face each other with an inner court for open space was discussed along with other issues detailed in the staff report.

The applicant, **Scott Balling**, 1995 North 100 East, Centerville, received a list of concerns from the City several hours prior to the meeting, and he asked permission to provide information and receive input regarding his proposal. Each unit will have 3 bedrooms, 2 ½ bathrooms, enclosed garages, and covered patios. There will be a 40-foot rear yard setback. The project is in an R-8 zone which allows up to 15 units per acre as a conditional use. PUD status will allow the option of selling individual units, and the PUD ordinance requires 30% open space; this PUD will have 46%. Improvements along frontage road will include 8-foot sidewalks and a precast concrete wall. Each lot will have two curb cuts, a 40-foot drive approach, and 15-foot spacing from the east property line. Staff’s suggestion to have the parking in the rear or on the side is not a good option because it would eliminate the open space.

Public Hearing:

Chairman Nilson opened the public hearing at 8:00 p.m.

Toby Johnson, 564 South 50 West, said he and his neighbors received information from the developer which they appreciated. However, many are attending a neighborhood party and were unable to come to the meeting. They are concerned about parking on the street and additional traffic in the area. They hope that the units will be owner occupied as much as possible.

Robert Leavitt, 511 South 111 West, said that 620 South was wider than any other street in the area, and it was meant to provide overflow parking from the apartments which were all supposed to be 8-plexes. Now it is down to 11 units, and up the street they park trailers, motor homes, etc. He has enough parking in front of the garages to accommodate four vehicles per unit which is excellent and will keep the vehicles off of 620 South. The tenants in the existing apartments still park on the street. He is in favor of this PUD proposal.

Brandon Banz, 58 West 620 South, said he saw the plan a few days ago but has not had a chance to formulate an opinion.

There was discussion about whether or not to continue the public hearing, parking, safety, traffic, landscaping, open space, frontage appeal, the amount of concrete/asphalt, the definition of “architecturally integrated”, and alternative proposals. **Chairman Nilson** said the new site plan is a step in the right direction, and he urged the developer to limit curb cuts and increase landscaping. **Bob Murri** asked how the open space would be maintained and **Mr. Balling** said an HOA would be formed.

Motion:

Michael Wagstaff made a motion to table this item to allow further review by the City Traffic Engineer and the Planning Department and to continue the public hearing until the September 13, 2012 Planning Commission meeting. The motion was seconded by **Bob Murri** and approved by Commissioners **Brett Anderson, Rick Draper, Kris Kaufman, Brigham Mellor, Bob Murri, Michael Nilson, Michael Wagstaff.**

Motion:

Michael Wagstaff made a motion to take a 5-minute recess. The motion was seconded by **Bob Murri** and approved by Commissioners **Brett Anderson, Rick Draper, Kris Kaufman, Brigham Mellor, Bob Murri, Michael Nilson, Michael Wagstaff.**

ZONING ORDINANCE TEXT CHANGES

#7 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend the Zoning Ordinance (Chapter 28) regarding the demolition of buildings and structures. (ZT-6-10)

David Petersen referred to the draft which includes regulations for the demolition of buildings/structures and post-demolition activity. It is also intended to reduce blight and protect the property rights and values of abutting and nearby owners. Changes to paragraphs (8) and (9) on p. 5 of the draft are pending until further direction from the Planning Commission and input from the City's Historic Preservation Commission is received. There was discussion regarding fines, health concerns related to asbestos, the definition of "structure", and other related issues. Possible changes and/or additions were also discussed. **Michael Wagstaff** suggested the possibility of working with the County to penalties for noncompliance.

Public Hearing: **Chairman Nilson** opened the public hearing at 9:05 p.m.

Mack McDonald, 856 North Spring Pond Drive, suggested that language regarding the disposal of hazardous material be included in the Ordinance. He said appropriate measures for dust control during a demolition should also be required. The Public Hearing was closed at 9:08 p.m.

Motion:

Brett Anderson made a motion to table action regarding the proposed ordinance to allow time to receive input from the Historic Preservation Commission and to prepare additional draft changes to the Zoning Ordinance. The motion was seconded by **Brigham Mellor** and approved by Commissioners **Brett Anderson, Rick Draper, Kris Kaufman, Brigham Mellor, Bob Murri, Michael Nilson, Michael Wagstaff.**

#8 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend the Zoning Ordinance regarding the transfer of lots in exchange for open space off site or outside the boundaries of a conservation subdivision or PUD and other miscellaneous changes. (ZT-8-12)

David Petersen said this amendment would allow developers to acquire additional lots in a conservation subdivision (when open space areas are required) above what is allowed by the yield plan and "move" the open space to other areas in the community. The City Attorney is reviewing the changes to ensure that they are consistent with the State Code. The Commission reviewed the "red-line version" of the draft and discussed various aspects of the Ordinance

Public Hearing: Chairman Nilson opened the public hearing at 9:15 p.m.

Mack McDonald, 856 North Spring Pond Drive, asked if this could apply to apartments or only for single-family homes and was told that it only applies to single-family homes. The Public Hearing was closed at 9:18 p.m.

Motion:

Michael Wagstaff made a motion to table action regarding the “transfer lot” ordinance to allow time to for the City Attorney to determine the compatibility of the ordinance and state law, and to allow staff to make changes to Chapter 27 of the Zoning Ordinance, after which another public hearing will be scheduled. The motion was seconded by **Rick Draper** and approved by Commissioners **Brett Anderson, Rick Draper, Kris Kaufman, Brigham Mellor, Bob Murri, Michael Nilson, Michael Wagstaff.**

#9 – Farmington City – Applicant is presenting a first draft of changes to the Zoning & Sign Ordinance regarding electronic message signs in preparation for a future public hearing. (ZT-3-12 & ZT-7-12

David Petersen reminded the Commission that they reviewed these changes on May 10th and tabled the item and suggested that a subcommittee (Electronic Sign Committee) be formed to further study the issues. The proposed amendments were reviewed in detail by the Commission.

OTHER BUSINESS

#10 – New ride at Lagoon

David Petersen informed the Commission that he and **Michael Nilson** met with Lagoon and were informed that they are finalizing negotiations for a new amusement ride which will be located near the Sky Scraper, Catapult, and Rocket—an area of the Park designated for high rides. The ride will be 208 feet high, and Chapter 25 of the City Code states that any ride higher than 150 feet must be approved by the Planning Commission.

Roll Call Vote:

Commissioners **Brett Anderson, Rick Draper, Kris Kaufman, Brigham Mellor, Bob Murri, Michael Nilson, and Michael Wagstaff** voted in favor of the new ride at Lagoon.

ADJOURNMENT

Motion:

At 10:30 p.m. **Kris Kaufman** made a motion to adjourn the meeting. It was approved by Commissioners **Brett Anderson, Rick Draper, Kris Kaufman, Brigham Mellor, Bob Murri, Michael Nilson, Michael Wagstaff,** and the meeting was adjourned.

**Michael Nilson, Chairman
Farmington City Planning Commission**