STUDY/WORK SESSION

Present: Chairman Randy Hillier, Commission Members Rick Draper, Nelsen Michaelson, and Michael Wagstaff, Alternate Commission Member Kris Kaufman, Community Development Director David Petersen, and Recording Secretary Cynthia DeCoursey.

#2 – City Council Report

David Petersen gave a report of several actions taken at the City Council meeting held August 16, 2011:

1. An Agreement with Verizon for a new cell phone tower was approved and will be on the next Planning Commission agenda;
2. The Final Plat for the VanZweden Subdivision was approved;
3. Results of a flag lot study were presented;
4. The Haws Companies’ request for Street Standards not listed in the Development Standards was approved.

David Petersen presented details of Agenda Items #3 - #7, and the Commission discussed various issues pertaining to each item.

REGULAR SESSION

Present: Chairman Randy Hillier, Commission Members Rick Draper, Nelsen Michaelson, and Michael Wagstaff, Alternate Commission Member Kris Kaufman, Community Development Director David Petersen, and Recording Secretary Cynthia DeCoursey.

Chairman Hillier opened the meeting at 7:05 p.m. and welcomed those in attendance. The opening prayer was offered by Nelsen Michaelson.

#1 – Minutes

Motion

Rick Draper made a motion to approve the minutes of the August 11, 2011 Planning Commission Meeting. The motion was seconded by Nelsen Michaelson and approved by Commission Members Draper, Hillier, and Michaelson. Commissioner Wagstaff, and Alternate Commissioner Kaufman abstained because they were not in attendance.

#2 – City Council Report

This report was given during the work session.
SUBDIVISION APPLICATION

#3 – Rainey Homes – Applicant is requesting Preliminary Plat approval for the Miller Meadows Conservation Subdivision encompassing 58.3 acres and consisting of 117 lots located at approximately 600 South 65 West in an AE/SBO zone. (S-6-11)

David Petersen said the applicant submitted the location of the utilities and a grading and drainage plan, and the Plat was reviewed by the Development Review Committee. The City Engineer is concerned about a drainage issue and has requested that an additional condition be added to the motion.

Motion

Rick Draper made a motion that the Planning Commission approve the Preliminary Plat for the Miller Meadows Conservation Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. Provide a development schedule indicating the approximate date when construction of the subdivision phases can be expected to begin and to be completed;
2. Provide a soil report prior to Final Plat approval;
3. Continue to work with the City and other agencies to address any outstanding issues remaining with regard to the Preliminary and Final Plat;
4. Address all conditions placed of the Schematic Plan approval prior to construction;
5. Submit and obtain a recommendation for Final Plat approval from the City Council;
6. Provide additional information regarding the proposed elevations to the City—including, but not limited to, information about architectural and landscaping details to ensure that garages do not dominate the front of the home, that porches are accentuated, that the rear and sides of the homes facing the Legacy Parkway Trail have interesting facades, that all architecture and landscaping remains consistent with the design guidelines, standards, and themes as set forth in the Scenic Byway Overlay zoning chapter, and that the design contributes to the surrounding homes previously built within the Miller Meadows Subdivision.
7. Phase the project in such a way that the storm drain system is not blocked and that it accommodates all east to west drainage across the property.

The motion was seconded by Michael Wagstaff and approved by Commission Members Draper, Hillier, Michaelson and Wagstaff, and Alternate Commission Member Kaufman.

Motion

Nelsen Michaelson made a motion to recommend that the City Council approve Plat Amendments to include additional property added to Lots 111, 210, 212, 213, 214, 301, 302, and 303. The motion was seconded by Kris Kaufman and approved by Commission Members Draper, Hillier, Michaelson and Wagstaff, and Alternate Commission Member Kaufman.

Findings:

1. The proposed subdivision is desirable in that the platting of the property in this area will provide a cleaner description and record of the properties and residences in the subject area.
2. The proposed Preliminary Plan submittal is consistent with all necessary requirements for a
3. Attached are plans showing 117 lots on the site. Such a plan would introduce open space and trail access points.
4. Although cul-de-sacs are not preferred, the curves at the ends of the cul-de-sacs are a nice addition to avoid the appearance of a dead-end road.
5. The adjacent properties include the Legacy rail trail corridor and a public school and undeveloped property. Landscaping will be consistent with City codes and will also utilize the mature landscaping now on site.
6. The open space on site will remain as such, with landscaping duties performed by the developer unless an agreement is reached with the City to maintain such land.
7. The proposed architecture of the homes for the site will be single family homes with similar architectural styles as those found within other Rainey Homes developments.
8. The character, identity, architectural, landscaping, lot and setback standards and variations will be consistent with those already found within the Miller Meadows Subdivision and will include all standards as set forth in the Scenic Byway Overlay zone.

#4 – Rainey Homes – Applicant is requesting Preliminary Plat approval for the Tuscany Cove Phases 2 & 3 Subdivision encompassing 2.09 acres and consisting of 4 lots located at approximately 275 East Tuscany Cove Drive in an LR-F zone. (S-7-11)

David Petersen explained that condition #6 needs to be amended to show that Parcel A will be part of the dedicated right-of-way.

Motion

Kris Kaufman made a motion to approve the Preliminary Plat for the Tuscany Cove Phases 2 & 3 Subdivision on property located at approximately 275 East Tuscany Cove Drive with the amendment made by City Staff and the following conditions:

1. Applicant must receive a recommendation of approval from the City Council to record the proposed subdivision;
2. The applicant must remove all Public Utility Easements (PUEs) except on the front of lot unless specifically required;
3. The applicant must continue to work with the City and other agencies to address any outstanding issues with regard to the Preliminary and Final Plat;
4. The applicant must address all conditions placed at Schematic Plan approval prior to construction;
5. The applicant must ensure compliance to all Foothill Development Standards as set forth in Chapter 30 of the Zoning Ordinance;
6. The applicant must complete a boundary line adjustment or a plat amendment (for Parcel B which is being conveyed to Lot 13) prior to or concurrent with the recordation of the Final Plat. Parcel A—as shown on the preliminary plat—shall be incorporated as part of the dedicated right-of-way.

The motion was seconded by Rick Draper and approved by Commission Members Draper, Hillier, Michaelson and Wagstaff, and Alternate Commission Member Kaufman.

Findings:
1. The proposed subdivision is desirable in that the platting of the property in this area will provide a cleaner description and record of the properties and residences in the subject area.
2. The proposed Preliminary Plat submittal is consistent with all necessary requirements for a Preliminary Plat as found in Chapter 5 of the City’s Subdivision Ordinance.

CONDITIONAL USE APPLICATIONS

#5 – Shreya Management Inc. – (Public Hearing) – Applicant is requesting approval of a conditional use permit/site plan for the construction of a Hampton Inn on property located near the northeast corner of Park Lane and Lagoon Drive in a CMU zone. (C-14-11)

David Petersen said the proposed site is Lot 4a of the Farmington Fields Lot 4 Amended Subdivision. Prior to 2008, the parcel was one lot, and in 2009 it was divided into 2 lots. During the subdivision process the applicant showed a site plan, but it was never part of an official application, nor was a conditional use application ever submitted. Because of the downward shift in the economy, the applicants plans to submit a conditional use application were put on hold, but now he is ready to move forward on this four-story Hampton Inn. He and his engineer met with the City's Development Review Committee (DRC), and there were no major issues. The area is zoned for Commercial Mixed Use (CMU), and the area to the north is listed as residential and possibly mixed use on the General Plan.

Public Hearing

Chairman Hillier opened the public hearing at 7:25 p.m.

Jeff Randall, Great Basin Engineering, engineer for Shreya Management, Inc. said his client recently obtained financing for this project. He read condition #4 of a letter dated August 18, 2009 from the Planning Department which states: “Fencing is required for any area of the property that abuts a residential zone. The property to the north of the subject site is zoned Large Residential which requires either a 6’ fence and/or a 30’ buffer along the north property line of the site.” He said the property to the north of them is Master planned CMU except for a small piece on the northeast corner of the property, and he requested that condition #4 be removed and that the fencing for the remainder of the property line be readdressed when further development occurs and/or if the property is zoned CMU.

Gary DeJong, 763 North Main, said he lives just north of the hotel property. He is not opposed to having a hotel in this location, but he listed several concerns: (1) fire safety—Farmington does not have a ladder truck that could handle a four-story building; (2) an additional hotel planned for Farmington when one is already planned for Station Park. Will the Hampton Inn be successful; (3) trash—prior to cutting his hay he has to clear the trash blown onto his field from the Chevron station; (4) lighting—he requested that the lighting on the hotel more subdued than the lighting on the Chevron station; (5) improved fencing—the barbed wire fence is not sufficient and allows trash and children to get through.

Pat DeJong, 715 North Main, said her home is adjacent to the southeast corner of the hotel property, and she will definitely be affected by this plan. There will be additional traffic, noise, headlights, and obstruction of view. She asked that trees be included in the hotel’s buffer plans.

The public hearing was closed at 7:45 p.m.

The Commission discussed concerns raised by the residents, including the type of fencing which would
be required, the four-story building which will obstruct views, a buffer which will include trees and other types of vegetation, lighting, additional trash, and fire equipment.

**Jeff Randall** said the hotel’s outdoor lighting will shine in toward the building, their dumpster will be located in an enclosed area with a lid, various shrubs and trees will be planted on the north property line, and the opening is scheduled for next summer at the beginning of the Lagoon season.

**David Petersen** reported that there will be a hotel in the Station Park Development, but with Lagoon’s summer season and the Legacy Events Center hosting events year round, a large number of people are drawn to the area. He said the City plans to purchase a ladder truck with funds from impact fees, but he does not know the timing of that purchase.

**Dharmesh Ahir**, owner of the proposed hotel, said he wants to be a good neighbor and plans to develop a hotel that Farmington can be proud of. He confirmed that the north property line of the hotel would have plenty of landscaping, and they would like the option to fence it as development occurs.

**David Petersen** encouraged the Commission to provide a wall along the entire north property line, and if they chose only to require a barrier along those areas as zoned LR to specify whatever it must be a wall or a wrought iron fence. He reminded the Commission that the Hampton Inn is a conditional use, and it was in their authority to impose conditions even beyond what is in the ordinance so long as those conditions are reasonable.

**Planning Commission Meeting** (August 25, 2011) – Extra Notes

**Chairman Hillier**: would you be willing to meet with the neighbors to discuss fencing?
**Jeff Randall**: Yes, we want to be a good neighbor.
**RD**: If we decide that the fence should be installed at a later date, how would we ensure that the fence would be built?
**David Petersen**: The conditional use permit provides leverage to ensure that the stipulated terms are completed.

**Planning Commission**: It is not smart to install a partial fence now—wait for additional development

**Nelsen Michaelson**: The way the laws are written, the Commission cannot require a fence unless the property is developed as residential. The City’s intent is to create a barrier between commercial and residential and that does not currently exist.

**DP**: read from Chapter 7, “a fence is required where it is zoned LR, and when the CMU zone kicks in, and vinyl or wood is not permitted.”
**NM**: Let me clarify the terms of the wall. Section 11-19-115: “appropriate materials include Farmington stone, precast molded concrete, etc. wrought iron or colored masonry.” That is telling me it does not have to be a wall. I don’t know if the conditions are the same here—can people put in the type of material that looks like wrought iron but it is not actual wrought iron?
**MW** made a motion to approve the request; **RD** seconded the motion.

**DP**: Asked for additional clarity—should the required fence be a wall or a wrought iron fence?
**MW**: According to the ordinance it may be either one.

**DP**: So you are giving staff the discretion to do a wall?
**MW** and **NM**: no
**RH**: Wouldn’t the developer decide which kind to have?
**MW**: As long as you approve it according to the ordinance, I am fine with that.
**RH**: If it is wrought iron, you will still need an appropriate barrier.
**Kris Kaufman:** So we are giving staff the ability to decide on the type of fence? Or do you want it in the developer’s hands?

**MW:** I am okay if staff applies the ordinance to their recommendations.

**RH:** The ordinance does not say it has to be masonry.

**KK:** But doesn’t the PC have the power to make that a condition if there is a need for it?

**MW:** I don’t want to make that a condition.

**KK:** I feel strongly that the discretion to determine the type of fence should be with the PC and not with the developer.

**MW:** The developer will make a suggestion, and DP will decide if it meets the code.

**DP:** KK is saying this is a conditional use, and you have the ability to state what you want.

**RH:** are you okay with a masonry fence if it was required?

**JR:** Is that different from a pre-cast concrete wall?

**MW:** I think the pre-cast is a masonry wall. So we have three options--does one of those work?

**JR:** One of them will work, but we have not explored which one will work.

**KK:** Why can’t we reserve the right to require one of the three down the road when the need arises?

**JR:** When the corner property develops, I think that you will want the same fence to go all the way to Main Street. We are setting a precedent now even though we are doing a small portion of it.

**NM:** We are setting a precedent here and we need to think through what this will look like long term.

**RH:** I don’t think we can say which way is better.

**JR:** A 6-foot wall will not screen the building. The wall will screen the headlights.

**DP:** We have a 4-story Hampton Inn coming in at this location, and these citizens have been residents of Farmington for generations. They are not causing the impact—the new building is. The reason why we have conditional use permits is so that we can apply conditions to help mitigate any impacts the new building will impose on the surrounding neighborhood. The ordinance is clear that there needs to be a fence, and it makes a lot of sense to provide some mitigation for these residents.

**RH:** We have a motion and a second.

**NM:** Can we restate the motion?

**MW:** It is the same motion.

**RD:** I second the motion.

**PC:** The motion was approved by Commission Members Draper, Hillier, Michaelson and Wagstaff. Kris Kaufman opposed the motion.

**Questions:**

Will the developer be willing to meet with residents to determine a satisfactory type of fencing?

What type of fencing will be required?

Can imitation wrought iron be used?

If we delay the fencing, how will we ensure that it will be installed in the future?

Will staff decide on the type of fencing? Or Will the developer decide on the type of fencing?

Does the PC have the power to state which type of fencing should be used?

Is a pre-cast concrete wall the same as a masonry wall?

**Possible addition to the August 25, 2011 minutes:**

There was a question/answer discussion regarding the type of fencing which should be used. David Petersen read from the City Code: “a fence is required where the zoning is LR, and if it is in a CMU zone, vinyl or wood is not permitted.” Nelsen Michaelson read from Section 11-19-115: “appropriate materials include Farmington stone, precast molded concrete, wrought iron or colored masonry.” The developers said they would be willing to meet with residents to determine the most appropriate type of fencing.
**Motion**

**Michael Wagstaff** made a motion to approve the request for a conditional use/site plan of a Hampton Inn, subject to all applicable codes, development standards, and ordinances and the following conditions 1-5 with an amendment to condition #2 as stated below:

1. Improvement drawings, including a drainage and grading plan, shall be reviewed and approved by the City Engineer, City Storm Water official, Central Davis Sewer District, Benchland secondary water district, Public Works, Fire, and Community Development Dept., and UDOT prior to the issuance of a building permit.
2. The applicant must meet all review comments as set forth on the Planning Department Review of Hampton Inn list by Glenn Symes dated August 18, 2009, with an amendment to condition #4 requiring the applicant to install an appropriate barrier on the northeast corner of the property, and that if the remainder of the north property line is developed as residential, a barrier along the entire north property line will be required according to the stipulations of the City Ordinance at the time that the area develops.
3. All conditions of plat approval shall be met, including but not limited to a reciprocal access easement acceptable to the City which shall be recorded over and across Lots 4a and 4b of the Farmington Fields Lot 4 Amended Subdivision.
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.
5. Any conditions of site plan approval imposed by the City, and/or its related reviewing entities, will be conditions of the conditional use approval and will be identified as such on the permit.

**Rick Draper** seconded the motion which was approved by Commission Members **Draper**, **Hillier**, **Michaelson** and **Wagstaff**. Alternate Commission Member **Kaufman** voted against the motion.

**Findings:**

1. 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. Tourism is a significant segment of the Farmington City economy. Lagoon is the only major amusement park in the region, and the Legacy Events Center draws (and will continue to draw) weekly events attracting out-of-state and in-state visitors to Farmington. Lodging is currently unavailable in Farmington, and one must travel to Layton or Bountiful to find accommodations. Hopefully, a hotel use will be a good use for the City.
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use as it will possibly abut residential and other uses to the east and to the north.
3. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan. For example, the development complies with the first commercial land use and development policy set forth in Chapter 11 of the General Plan, which states: “Farmington City encourages and supports commercial land uses and development patterns consistent with the goals and policies of adopted community land use plans and studies. Commercial development will be encouraged to locate within areas identified for commercial-type land uses.” The location of the proposed Hampton Inn in the CMU area is consistent with the City’s adopted General Land Use Plan map;
4. The proposed use is compatible with the character of the site, adjacent properties, surrounding
neighbor-hoods and other existing development as it will be designed pursuant to the standards
in the CMU zone, and it will be screened with a wall and landscaping;
5. The locating provides or will provide adequate utilities, transportation access, drainage, parking
and loading space, lighting, screening, landscaping and open space, fire protection, and safe and
convenient pedestrian and vehicular circulation;
6. The proposed use is not detrimental to the health, safety and general welfare of persons
residing or working in the vicinity and does not cause:
   a. Unreasonable risks to the safety of persons or property because of vehicular traffic or
      parking;
   b. Unreasonable interference with the lawful use of surrounding property; and
   c. A need for essential municipal services which cannot be reasonably met.

#6 – Lawson Landscaping, LLC – (Public Hearing) – Applicant is requesting approval of a conditional use
permit for a home occupation on property located at 215 East 300 North in an OTR-F zone. (C-13-11)

David Petersen said the applicant is requesting a business license for the operation of a landscaping
business within and outside his home and a conditional use permit to allow outdoor storage of trees and
trucks used for the business. He referred to the site plan and showed pictures of the Lawson home
including examples of erosion and excess debris.

Jake Lawson, 338 North 200 East, realizes that retention work needs to be done on his property, and he
plans to use a larger type of gravel which should help control the erosion. He plans to have the work
done within 30 days. He said there is no retail traffic for his landscaping business, and his company does
about 20 jobs a year which are mostly commercial projects. He has two work trucks which are located
on the job the majority of the time, and a trailer will be parked near his home during the winter months.
He also uses the area as a holding yard for trees during the spring and fall.

Public Hearing

Chairman Hilier opened the public hearing at 8:30 p.m.

Paul & Charmaine Christy, 191 East 300 North, expressed concerns regarding privacy, noise, trucks
parked on the street, constant dirt and mud, and the close proximity of their backyard to his work area.
They plan to either remodel the existing home or build another home on their lot, but their backyard
would be close to his work area. If this conditional is permitted, they may not build a home on their lot.
It is a residential area, and they want it to remain peaceful. She said that earlier in the day, workers
were shoveling mud and debris down the storm drain.

Ed Fisher, 333 North 200 East, said Jake Lawson’s family has been in Farmington for five generations,
he has a nice wife and family, and he is a good neighbor. However, the problem with this request is that
it changes a residential zone to a business zone. Other businesses in the area include a welder who
works all night, an electrician with a home business, an old man with a rental unit still under
construction after many years, and a large steel building at 375 North. Jake’s grandmother is opposed to
this plan but has been silenced. He agreed with complaints from other residents which include vehicles
parked in the street, semi-trucks with loaded trailers, and mud/debris in the streets. Farmington City
needs to enforce its laws and ordinances regarding home businesses and fire building so that he and his
neighbors may live in a peaceful place.
James Stock, 293 North 200 East, said they do not want another business in their neighborhood—200 East has become a trucking route, and there are many children who live in the area. He has personally stopped some of the drivers who drive too fast and do not stop at 200 East.

Boyd Slagowsky, 256 North 200 East, questioned whether or not Jake Lawson owns this property and if his grandmother, Ardella Lawson, is aware of this proposal and if her rights have been considered. He does not approve of the vehicles with noisy trails which drive too fast on 200 East, and he would like to know the development plans for the property.

Karen Sims, 356 North 200 East, said Jake Lawson is a great asset to the neighborhood and has assisted other residents numerous times. When he says he will do something, he will do it. Everyone has things about their neighbors and their properties that they do not approve of, but that does not make it wrong.

James Stock commented that he worked for a landscaping company, and he knows there is a lot of leftover stuff—he asked where Mr. Lawson will store all of the extra stuff. He suggested a possible solution—two gardening centers in Davis County rent space to landscapers and contractors—he wondered if that might be a possibility for Lawson Landscaping.

The public hearing was closed at 8:55 p.m.

David Petersen read a section from the City Code regarding the purpose of a home occupation, and he questioned whether or not Mr. Lawson meets the first standard. He also read from the Code that: “Only family members related by blood, marriage or adoption or are bona fide residents of the property shall be employed on said premises except that one additional person may be employed as a secretary, computer operator or helper.” Following additional discussion by the Commission, it was determined that this item should be tabled to allow further research.

Motion

Michael Wagstaff made a motion to table the request (from Lawson Landscaping, LLC) for a conditional use permit for the operation of a home occupation landscaping business where outside storage is requested in conjunction with the home occupation to allow staff additional time to resolve the following: (1) off premise issue; (2) greenhouse issue; and (3) visibility of the outside storage issue. The motion was seconded by Nelsen Michaelson and approved by Commission Members Draper, Hillier, Michaelson and Wagstaff, and Alternate Commission Member Kaufman.

#7 – Farmington City – (Public Hearing) – Request for a recommendation/approval for a preliminary PUD Master Plan for a two dwelling (zero lot line) planned unit development in conjunction with the proposed restoration and preservation of a home located at 68 West 100 North in an OTR zone. (C-15-11)

David Petersen explained that the purpose of this public hearing is for the City to determine if the overall concept to restore this historic building is acceptable if the home is preserved as two single family homes showing a single lot line or if it is a two-family dwelling. He presented background information and said that Davkris Investment LC (David Freed and Kristen Obagay), owners of Lagoon, purchased this home in 2001, and the home has remained vacant since that time. Farmington City received an application to demolish the home, and City staff met with Davkris Investment to suggest the
possible restoration of this historic home. They would like the project to accommodate two dwellings. The City has arranged for an architect who is ready to provide an overall budget, and although the OTR zoning does not allow a two-family dwelling, a single-family residential PUD consisting of two "attached" single family dwellings is allowed as a conditional use in the OTR zone. Mr. Petersen shared further details regarding the current zoning and the possibility of using RDA funds.

Public Hearing

Chairman Hillier opened the public hearing at 9:25 p.m.

Wendy Michaelson, 251 South 1350 West, said she questions whether or not a two-family dwelling is a wise decision for this area. If she lived in the area she would be against it. The intent is good, but it comes at the expense of the overall good of Farmington. She asked what will happen to the home if the City does not do this project, and David Petersen replied that he did not know.

The public hearing was closed at 9:30 p.m., and the Commission discussed various issues concerning this item, including a letter from the Farmington Historic Commission who is in favor of restoring the 108-year-old home and suggested an office use, having a single-family home, RDA funds, future repercussions, and setting a precedent. David Petersen thanked the Commission for their input and said he would report the concerns/suggestions to the City Manager and Mayor Harbertson.

Motion

Nelsen Michaelson made a motion to continue the public hearing to allow time for City staff to determine the feasibility of converting the structure into two attached single family dwellings and/or whether or not an ordinance amendment is possible to enable DavKris to re-establish the building as a two family dwelling. The motion was seconded by Rick Draper and approved by Commission Members Draper, Hillier, Michaelson and Wagstaff, and Alternate Commission Member Kaufman.

#8 – Miscellaneous

David Petersen distributed copies of the Planning Commission Policies and Procedures and asked the Commissioners to review it and provide feedback.

ADJOURNMENT

Motion

Nelsen Michaelson made a motion to adjourn the meeting. The motion was seconded by Michael Wagstaff and approved by Commission Members Draper, Hillier, Michaelson and Wagstaff, and Alternate Commission Member Kaufman. The meeting was adjourned at 9:45 p.m.

Randy Hillier, Chairman
Farmington City Planning Commission