

**FARMINGTON CITY
PLANNING COMMISSION MEETING
September 13, 2012**

WORK SESSION

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

#3 – Leavitt Properties LLC – Kestrel Bay Townhomes PUD Subdivision

Christy Alexander provided background information, and there was discussion regarding parking, safety, architectural features, open space, and landscaping.

#4 – Howard Kent/SLI Real Estate – Spring Creek Estates Phase 6 Subdivision

Christy Alexander explained that staff thought this was previously approved by the City Council, but they only approved the Schematic Plan, so the applicant is seeking a recommendation for Final Plat approval.

#5 – Brad Pack – Farmington Bay Storage Units

The growing population in Farmington City and Davis County has prompted the applicant to build Phased 2 of this storage unit facility, and there are no outstanding issues.

#6 – Mikell Webb – Dance Studio

The applicant has been operating this business in her home without realizing that if she had more than 8 students at any one time she would need to apply for a conditional use permit. Issues such as parking, drop-off areas, dates and times of the classes, and the number of students were discussed.

#7 – Farmington City – Zoning Ordinance and Scenic Byway Overlay Zone – electronic message signs

Christy Alexander said the Electronic Sign Committee met four times to draft changes to the City Ordinance, and the Commission reviewed the changes as presented in the staff report.

REGULAR SESSION

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

Chairman Nilson began the meeting at 7:05 p.m. and offered an opening prayer.

#1 – Minutes

Motion:

Rick Draper made a motion to approve the minutes of the August 16, 2012 Planning Commission Meeting. The motion was seconded by **Brigham Mellor** and approved by Commissioners **Anderson, Draper, Kaufman, Mellor,** and **Nilson** and Alternate Commissioners **Dutson** and **McDonald**.

#2 – City Council Report

Christy Alexander reported that on August 21st the Council approved the Final Plat and Waiver of Open Space for the Spring Creek Estates Phase 7 Subdivision and Crosswalk/Bike Lane Improvements in the Station Park area. On September 4th they approved the Oakwood Estates Phase 4 Conservation Subdivision and the Final Plat for the Rice Farms Phase 6 PUD Subdivision.

SUBDIVISION APPLICATIONS

#3 – Leavitt Properties LLC – (Public Hearing) – Applicant is requesting a recommendation for Schematic Plan and Preliminary PUD Master Plan approval 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 the applicant plans to lease these units and sell them in the future. She referred to the findings for approval of preliminary PUD Master Plans and analysis by staff which included:

- Parking/garages in the rear of the development and townhomes closer to the street;
- First floor windows along the front of the buildings;
- Fewer curb cuts and asphalt;
- Improvements to the frontage road elevations—a possible window on the 2nd floor bedroom;
- Several of the units brought forward or recessed so the front is not a solid row of garages;
- Adequate landscaping for a “year round” buffer.

Scott Balling, 1995 North 100 East, Centerville, thanked the Commission and staff for the time they have spent on this project. He made several changes as requested by the City’s Traffic Engineer, staff and the Commission. He does not agree with staff’s suggestion to place the garages/parking in the rear because the common open space would be lost, and there would be grade and storm runoff issues. He plans to include a tot lot, grow boxes, and semi-private backyard spaces. The City’s PUD Ordinance states: “It is intended that a PUD will provide for more open space, more public amenities and the preservation of natural featuresw.” He believes his plan fits the intent of the Ordinance. **Brigham Mellor** asked if the appraised value of the property would be lower if parking was in the rear, and **Mr. Balling** said it would definitely affect the value. **Chairman Nilson** cautioned against the discussion of property values and said the Commission should only consider zoning and PUD requirements.

Public Hearing opened at 7:32 p.m.

Wes Holmes, Farmington resident, sent an email stating that he is in favor of the PUD.

Robert Leavitt, 511 South 111 West, pointed out that if the parking is moved to the back, excess water would be forced onto the adjacent neighbor’s property. He approves of the plan and said it looks much better than the 8-plex apartments which are adjacent to this development.

Jerry Wood, 621 South 200 West, owns the property directly south of the development and has no objections to this proposal. Parking in the back does not make sense. Developer **Jerry Preston** built high-density units south of this property (Rice Farms) with parking in front of the units, and it is more appealing and effective to have the garage/driveways in front of the units.

Mike Nielsen, Jennings Lane, Centerville, owns the 8-plex to the west of the subject property, and he asked about the proposed rental rates and square footage of the townhomes.

Shannon Hicks, 511 South 111 West, pointed out that there are numerous pipes in this area which drain off her property (north of the subject property). She is worried about possible damage to existing pipes should numerous trees be planted in the area.

Public Hearing closed at 7:40 p.m

Scott Balling said rental rates will range from \$1300-1500 per month, each unit will have 3 bedrooms and 2 ½ baths, and he plans to address the trees/roots issue in greater detail. **Brad Dutson** asked if it would be possible to split the parking between the front and back, and **Mr. Balling** said that would be contrary to his open space plan. He said there is space for the garbage can inside the garage but not for the recycling can, and the utility connections will be placed within a 20-foot wide strip. **Mack McDonald** lives in the Garbett Homes development with driveways/garages in the back, and it works well. His children play in the street and not on the grass.

Rick Draper attended the meeting with the applicant and thinks the smaller side yard setbacks and additional architectural features are positive changes—he is comfortable with the plan. **Brett Anderson** is in favor of having an area for kids to play behind the townhomes, and he leans away from back yard parking. **Kris Kaufman** asked if there were other architectural features the Commission should require, and **Chairman Nilson** pointed out that all design is subjective, and the developer has the right to choose. He is in favor of requiring an additional window on the second floor. **Brigham Mellor** said he has looked at a lot of real estate, and the units with parking in the rear typically have more junk in their yards whereas the units with access to parking from a public road are usually nicer.

Motion:

Kris Kaufman made a motion to recommend that the City Council approve the Schematic Plan for the Kestrel Bay Townhomes Subdivision and approve the associated Preliminary PUD Master Plan subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant will continue to work with the City and other agencies to address any outstanding issues remaining with regard to the Schematic Plan/Preliminary PUD Master Plan prior to Preliminary Plat approval;
2. The applicant must come to an agreement with Benchland Water District on secondary water shares/line extensions prior to Preliminary Plat approval;
3. All culinary water and sewer lines will be private lines within the project property;
4. All recommendations from the City's Landscape Architect consultant will be included into the Preliminary Plat and Final Plat/Final PUD Master Plan landscaping plans;
5. Applicant must receive approvals of the Preliminary Plat from the Planning Commission and Final Plat/Final PUD Master Plan from the City Council to record the proposed subdivision;
6. The applicant must comply with any additional conditions that the Planning Commission deems appropriate for the PUD.

- a. The applicant will break up the front with additional undulating setbacks of 1-2 units.
- b. The applicant will add a window to the 2nd floor bedroom exterior wall.
- c. The recycling can will also be stored inside the garage.
- d. The applicant will work with staff regarding the number and size of trees.

There was discussion regarding the additional window, and the motion was seconded by **Rick Draper**. Commissioners **Anderson, Draper, Kaufman, and Mellor** approved the motion, and Alternate Commissioners **Brad Dutson** and **Mack McDonald** voted against the motion.

Findings:

Findings are as stated in the staff report.

#4 – Howard Kent/SLI Real Estate – Applicant is requesting a recommendation for Final Plat approval for the Spring Creek Estates Phase 6 Subdivision encompassing 3.01 acres and consisting of 8 lots located at approximately 1800 West 575 North in an AE zone. (S-14-11)

Christy Alexander explained that the City and the developer made several adjustments regarding the waiver and compensation of open space, lot line adjustments, and a proposed detention basin. The City Council approved the Schematic Plan but not the Final Plat, and staff is recommending approval of the Final Plat.

Motion:

Rick Draper made a motion to recommend that the City Council approve the Final Plat for the proposed Spring Creek Estates Phase 6 Subdivision, subject to all applicable development standards and ordinances and the following conditions and findings:

1. Farmington City must enter into an agreement with the property owner to include, among other things, the assurance that any loss of open space in the proposed minor plat and boundary line modifications must result in the acquisition of open space elsewhere in the City equal in land area and/or value. Such agreement shall comply with Chapter 12 of the Zoning Ordinance.
2. The development agreement for the entire Spring Creek Subdivision must be amended to incorporate the changes.
3. The applicant must comply with all conditions of preliminary plat approval for the entire Spring Creek Estates Subdivision and provisions of the development agreement.

The motion was seconded by **Mack McDonald** and approved by Commissioners **Anderson, Draper, Kaufman, Mellor, and Nilson** and Alternate Commissioners **Dutson** and **McDonald**.

Findings:

1. The proposed minor plat complies with the Subdivision Ordinance if the City enters into an agreement to establish commensurate open space elsewhere in the City.
2. The four existing open space areas constitute small remnant parcels with little public benefit because individually the open spaces are isolated behind private property or configured in long, narrow strips of unusable land not as desirable for public space as it could be elsewhere.
3. Long-term maintenance obligations associated with the four parcels can be transferred elsewhere, resulting in better economies of scale.
4. The action sets a good precedent for the City to meet its goals for future parks and open space.

CONDITIONAL USE APPLICATIONS

#5 – Brad Pack – (Public Hearing) – Applicant is requesting Conditional Use and Site Plan approval for Phase 2 of the Farmington Bay Storage Units on property located at 1288 S. 650 W. in an LM&B zone. (C-20-011)

Christy Alexander said this addition will increase the number of storage units in Farmington and Davis County. Phase 2 will include two new buildings, and parking, lighting, landscaping, and signage will be consistent with Phase 1.

Brad Pack, 580 East 400 North, Bountiful, said there is a need for additional storage space, and he would like approval to building Phase 2 of the storage units.

Public Hearing opened at 8:20 p.m.

There were no comments, and it was closed.

Motion:

Brett Anderson made a motion to approve the conditional use/site plan subject to all applicable codes, development standards and ordinances and with the following conditions and findings:

1. The use granted is solely for the purpose of storage units on the site, and no other recreational or residential activities of any kind shall be associated with this use permit.
2. 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.
3. 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 identified as such on the permit.

The motion was seconded by **Brigham Mellor** and approved by Commissioners **Anderson, Draper, Kaufman, Mellor**, and **Nilson** and Alternate Commissioners **Dutson** and **McDonald**.

Findings:

1. The proposed use of this particular location is necessary and desirable and provides a service which contributes to the general well-being of the community. There are very few places within the City that provide self-storage units, and this is an appropriate zone and site location for such a use;
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use as it is expanding the existing Phase 1;
3. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan;
4. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing development as it will be designed consistent with the existing storage units to the north, and there are no residents adjacent to the site;
5. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping, 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 – Mikell Webb – (Public Hearing) – Applicant is requesting Conditional Use approval for the operation of a dance studio in her home on property located at 746 S. Hollie Avenue in an LR-PUD zone. (C-10-12)

Christy Alexander said the applicant is requesting approval to allow more than eight students in some or all of the dance sessions with a limit of 16 students for some sessions. The City requires a conditional use permit if the number exceeds eight (8) students.

Mikell Webb, 746 South Hollie Avenue, employs 3-4 dance teachers and has classes on Monday from 11:00 a.m.-noon and 5:00-6:00 p.m., and on Tues., Wed. and Thurs. from 4:00-8:00 p.m. She has 65 students, and classes are held from Sept. through May (no classes in December). No performances are held at her studio, and excessive sound has not been an issue. She has adequate restroom facilities and a separate entrance. Most of the traffic is to drop off and/or pick up children.

Public Hearing opened at 8:35 p.m.

Joshua Webb, 746 South Hollie Avenue, said they realize that parking is an issue, but they want to be good neighbors and have notified other people in the neighborhood. He pointed out that his wife truly cares about each girl.

Public Hearing closed at 8:36 p.m.

The Commission discussed issues such as the number of students, whether or not the business will grow, staggering the drop off/pick up times, and placing a time limit on the conditional use permit.

Motion:

Rick Draper made a motion to approve a conditional use permit for a home occupation dance studio at 746 South Hollie Avenue allowing more than eight (8) students but not more than sixteen (16) students at any one time. There will be a cap of 10 students per class with a cap of 80 students total until June 1, 2013 at which time the Planning Commission will review it again, and the conditional use fee will be waived upon reapplication. The following conditions and findings will also apply:

1. The applicant will work with the City to obtain all necessary business license permits.
2. The instruction times and days are limited generally to that which the applicant indicated with the application.
3. Only one additional teacher, not residing on the premises, may be in the studio at any given time.

The motion was seconded by **Brigham Mellor** and approved by Commissioners **Anderson, Draper, Kaufman, Mellor**, and **Nilson** and Alternate Commissioners **Dutson** and **McDonald**.

Findings:

1. The proposed use is desirable and provides a community service that will contribute to the general well-being of the community by providing an opportunity for neighboring residents to participate in a dance studio at a location near their home.

2. The propose use will comply with the regulations and conditions in the Farmington City Zoning Ordinance.
3. The proposed use is compatible with the character of the site and surrounding neighborhood as the dance studio would be entirely within the home and would not impact the residential nature of the area. The use has been in operation for some time, and site compatibility has not been an issue; moreover, the use is well received by area residents.
4. Adequate services are available for the operation of the dance studio, and with the limited times the classes are offered, parking and access will not be significantly impacted.
5. The use is not detrimental to the health, safety, and general welfare of persons residing in the vicinity and will not cause unreasonable risks, will not interfere with the lawful use of surrounding properties, and will not create a need for essential services which cannot be reasonably met.

ZONE TEXT CHANGES

#7 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend the Zoning Ordinance and the Scenic Byway Overlay Zone regarding electronic message signs. (ZT-3-12 & ZT-7-12)

David Petersen pointed out the amendments to Section 15-4-103 Electronic Message Signs (p. 16):

1. The addition of paragraph (e) regarding video signs;
2. The acronym RGB LED in paragraph (g) was spelled out;
3. The City Council added paragraph (i) regarding hours of operation for electronic message signs.
4. Paragraph (f) was deleted.

He expressed concern regarding video signs. He also referred to Section 15-5-106 Electronic Message Sign Overlay Zone on p. 25 and said there were no changes. Electronic message signs will be prohibited in the Scenic Byway. **Christy Alexander** commented that she prefers a hold time of at least 7”.

Public Hearing opened at 9:15 p.m.

Jared Johnson, 1605 South Gramercy Road, Salt Lake City, YESCO--Outdoor Advertising VP, said they have two legal non-conforming signs in Farmington. New billboard signs in Farmington are prohibited, the federal right-of-way is 600 feet, and the state’s right-of-way is 350 feet. Farmington has another level of regulation—the Scenic Byway Overlay Zone—and YESCO is opposed to any additional regulations. They currently have no plans to change their two Farmington billboards to digital signs.

Jeff Young, YESCO, expressed gratitude to City staff for their time and efforts on this issue. He pointed out that a 3-second hold is not flashing—it is a very slow transition. YESCO will continue to educate the public regarding these issues because signs and electronic message signs are very valuable to businesses. In terms of customers, transactions and profits, 60% of companies who change their existing sign report profit increases of 10-12%.

Neil Whitaker, 41 West State Street, Allied Electric Signs, said most of the cities along the Wasatch Front have full motion video signs. The transition is very smooth, and the sign appears/disappears in a natural way. The transition is what creates or eliminates the flashing sensation. An effective sign includes a simple picture and a smooth transition, and controlling appear/disappear is extremely important.

Wes Van Dyke, 474 East 1310 South, Kaysville, YESCO, said he is in favor of the proposed ordinance and thinks it is a good compromise for those who live, work, and shop in your Farmington.

Public Hearing closed at 9:30 p.m.

Brett Anderson commented that the language in subsection “i” is awkward, and he proposed rewriting it. **Brigham Mellor** asked if the sign could be used to announce amber alerts and was told that it could be a permitted use. There was discussion regarding Lagoon’s request for a video sign on Main Street, and **David Petersen** recommended a possible trial period for their sign. **Mack McDonald** thanked the sign companies for their input.

Motion:

Brett Anderson made a motion to recommend that the City Council amend the Sign Ordinance and Chapter 41 of the Zoning Ordinance (Scenic Byway Overlay) as set forth in the draft subject to the removal of subsection “e” and the following amendment to subsection “i”: “Electronic message signs located on parcels or lots next to, across the street from, or containing residential uses or zoned residential must be turned off between the hours of 11:00 p.m. and 6:00 a.m. Electronic message signs outside of the above-described areas must be turned off between the hours of 11:00 p.m. and 6:00 a.m. unless it is determined that illumination is appropriate between these hours pursuant to the conditional use permit.” The motion was seconded by **Rick Draper** and approved by Commissioners **Anderson, Draper, Kaufman, Mellor,** and **Nilson** and Alternate Commissioners **Dutson** and **McDonald**.

Findings:

1. Although illumination from electronic message signs often negatively impacts surrounding properties, certain areas in the community are appropriate for such signs subject to the standards set forth in the Ordinance.
2. Levels of illumination can be measured, and the City is able to enforce inconsistent use of electronic message signs which violate the proposed changes to the Ordinance.
3. The Ordinance provides standards which minimize the sudden movements of electronic message signs, and brightness and duration, which distract motorists and are harmful to public safety.
4. The Ordinance enables the passerby to more easily read electronic message signs, reducing distractions, and thereby increasing safety—where possible—regarding such signs.
5. Animated signs, which are similar to electronic message signs in that movement and change of lighting are often used to attract attention, are prohibited. However, changes to the Ordinance seek to remove “animated” type characteristics associated with electronic message signs.

ADJOURNMENT

Motion:

Brigham Mellor made a motion to adjourn the meeting. It was approved by Commissioners **Anderson, Draper, Kaufman, Mellor,** and **Nilson** and Alternate Commissioners **Dutson** and **McDonald**, and the meeting was adjourned at 9:45 p.m.

Michael Nilson, Chairman
Farmington City Planning Commission