

**FARMINGTON CITY
PLANNING COMMISSION MEETING
June 19, 2014**

STUDY SESSION

Present: Commissioners Heather Barnum, Kris Kaufman and Rebecca Wayment, Alternate Commissioner Karolyn Lehn, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Chairman Brett Anderson, Commissioner Mack McDonald, Alternate Commissioner Michael Nilson and Community Development Director David Petersen were excused.

Item #3. Pete Smith/Advanced Solution Group – Request for a recommendation and approval to amend Preliminary PUD Master Plan and Preliminary Plat for Nicholl’s Nook.

Eric Anderson provided a brief history on the Nicholl’s Nook subdivision. The Subdivision previously received Final Plat approval prior to the developer running out of money in 2009. Henry Walker Homes purchased it, but did not move forward on the development. Advanced Solutions Group is now wanting to develop the property, but since they have obtained a parcel of land to the west that connects the property to 200 W, the Planning Commission has to reapprove the development. Eric Anderson added the developer is trying to obtain more property to the west that would allow for an additional phase of the development. Also, with the current parcel the developer has obtained, and with the possibility of a few more, the old homes may need to be demolished. In that event, the developer may need to obtain a Certificate of Historic Appropriateness, but that would be determined at a later time.

Item #4. Nathan and Kamela Miller – Request for conditional use approval for a proposed detached garage which includes an accessory dwelling unit.

Eric Anderson said the applicant wants to build a mother-in-law type suite above the proposed detached garage. Although staff is recommending approval, he explained why the conditions are so important to the approval. Based on the plans the applicant provided, staff was unsure if the accessory building was subordinate to the home, as required by the Zoning Ordinance, since the home is approximately one and a half stories tall. By adding the condition that the accessory building must be subordinate to the home, it will ensure the applicant must comply with the ordinance. The Commissioners reviewed the ordinance to determine if the Planning Commission has discretion to allow for a taller accessory building. Upon reviewing and discussing amongst themselves and with staff, it was determined that the ordinance could be read either way; however, the Commissioners still felt the conditions added to the approval were appropriate for the circumstance.

Item #5. Olympus Fireworks – Request for a temporary use approval for a firework sales tent.

Eric Anderson said the applicant came before the Planning Commission last year and was approved for a firework sales tent on the County Fairgrounds. This year the applicant is applying for the same operations, but at a different location.

Item #6. Farmington City – Request for a recommendation to amend the Zoning Ordinance by modifying Chapter 12 regarding Conservation Subdivisions.

Eric Anderson said David Petersen will be discussing the Conservation Subdivision proposed amendments in the Planning Commission meeting.

Item #7. Craig Holmes – Request for a special exception for a U-Haul dealership as an adaptive reuse

Eric Anderson suggested moving this item before item #6. He continued that the City Council approved the amendment to adaptive reuses to allow for special exceptions. The applicant is now requesting a special exception, which is discretionary to the Planning Commission.

REGULAR SESSION

Present: Commissioners Heather Barnum, Kris Kaufman and Rebecca Wayment, Alternate Commissioner Karolyn Lehn, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Chairman Brett Anderson, Commissioner Mack McDonald and Alternate Commissioner Michael Nilson were excused.

#1. Minutes

Heather Barnum made a motion to approve the Minutes from the June 5, 2014 Planning Commission meeting. Karolyn Lehn seconded the motion which was unanimously approved.

#2. City Council Report

Eric Anderson gave a report from the City Council meeting on June 17, 2014. He said the City Council discussed vacating the 55' R.O.W. as part of the Schematic Plan for the Bell Estates Conservation Subdivision. The Council approved it; the applicant is now moving toward Final Plat. The Final Plat for Phase I of the Station Avenues Subdivision was tabled to the following City Council meeting in order to finalize the Development Agreement.

SUBDIVISION APPLICATION

#3. Pete Smith/Advanced Solution Group (Public Hearing) – Applicant is requesting a recommendation and approval to amend the Preliminary PUD Master Plan and Preliminary Plat for Nicholl's Nook Subdivision and to rename it The Meadows at City Park Subdivision (9 lots) on 1.29 acres located at approximately 50 S. 100 W. in an R-4 Zone. (S-10-13)

Eric Anderson said this item was originally approved in June of 2009. Unfortunately, the applicant at the time, was not able to move forward on the project. Later, Henry Walker Homes proposed the same plan, but also did not move forward with the development. The applicant, Advanced Solution Group, is now ready to move forward with it. The applicant must re-obtain Preliminary Plat and Preliminary PUD Master Plan approval as the applicant has acquired an

additional parcel which resulted in small changes to the previously approved plans from 2009. The approval motion from 2009 has also been included in the staff report as a reference for the Commissioners.

Pete Smith, 47 E. Crestwood Rd. Ste. 1, Kaysville, said the small change that occurred to the previously approved plan is a simpler and more efficient utility routing. The applicant said the purpose for rerouting the utilities will allow for cleaner installation, avoiding an existing power line, and providing additional open space that is required.

Brett Anderson opened the public hearing at 7:14 p.m.

Hank Werner, 127 W. State St., said his backyard borders the proposed development. He stated he has followed this development since the beginning in 2007 and that although staff mentioned there were few changes, he feels each proposed development has been very different. He explained his biggest concern is the development's proposed 5' setbacks from the back of property line to the homes. He is frustrated that the City requires the 30' setback, yet a developer can have a 5' setback approved. As a result of the 5' setback, he explained, a third of his yard will always be located in the shadow of the proposed homes. He feels that if a 30' setback was important enough to become a requirement in the ordinance, it should remain the requirement.

Eric Anderson clarified that all properties are zoned as R-4 which does have the 30' setback requirements; however, a PUD can have any setback that is approved as part of the plans. **Mr. Werner** asked if there was a reason for the 30' setback in the first place, why is the developer not required to abide by the same setback. **Eric Anderson** said, based on the ordinance, a PUD is intended to give the developer flexibility, but to also remember that it is discretionary based on approval of the City Council. **Pete Smith** also added the Preliminary Plat and the Preliminary PUD Master Plan has already been approved by the Commission multiple times, including the same setbacks and number of units as he is currently requesting.

Kris Kaufman closed the public hearing at 7:23 p.m.

Rebecca Wayment asked if the setbacks from the previous approval in 2009 were the same as what is before the Commission tonight. **Eric Anderson** said yes, the setbacks are identical and the Commission approved the 5' setbacks in 2009.

Kris Kaufman asked staff if there is any expiration on prior approvals by the Commission. He is unsure if the prior approval gives any weight to the Commission's decision for the evening or if the Planning Commission should be reviewing the item as it were a new item. **Eric Anderson** said the only reason the applicant is returning is because of the parcel extension which is allowing for a better utility layout. **Rebecca Wayment** asked if there could be a time stamp placed on the approval since the approval has now been through many developers' hands. **Eric Anderson** said it could be added as a condition.

Kris Kaufman feels that this PUD does not meet the PUD standards as outlined in the ordinance; however, he is unsure if any of those standards apply if the prior approval is still in place. The Commissioners agreed. **Kris Kaufman** said he would like the item to be tabled to allow for the City attorney to review the item and determine how much the prior approval stands. **Eric Anderson** added that would give **David Petersen** a chance to discuss the item with the Commissions as he knows the full history of the development and would also give the City engineer time to review any outstanding concerns. **Heather Barnum** added that she would like all 4 approvals (Preliminary Plat,

Preliminary PUD Master Plan, Final Plat and Final PUD Master Plan) to be on the agenda at the next meeting so the applicant does not lose any time on the development. The Commissioners agreed.

Motion:

Heather Barnum made a motion that the Planning Commission table the item to allow time for the City attorney, engineer and planner to further review the item and that staff will expedite the process for the applicant so all 4 approvals are on the same agenda item when it is ready to come before the Commission again. **Rebecca Wayment** seconded the motion which was unanimously approved.

CONDITIONAL USE/SITE PLAN APPLICATIONS

Item #4. Nathan and Kamela Miller (Public Hearing) – Applicant is requesting conditional use approval for a proposed detached garage to include an accessory dwelling unit and a workshop for a home located at 167 E. 100 N. in an OTR (Original Townsite Residential) Zone. (C-14-14)

Eric Anderson explained the accessory building is basically a detached 2-car garage with an accessory dwelling unit above the garage. Staff's main concern is they are unable to determine, based on the plans provided by the applicant, if the accessory building will be subordinate to the home as required by the ordinance. To address this issue and any others, the conditions listed in the staff report will ensure the accessory building will conform to the requirements of the ordinance.

The applicant was not able to be present.

Kris Kaufman opened the public hearing at 7:42 p.m.

No comments were received.

Brett Anderson closed the public hearing at 7:42 p.m.

The Commissioners feel it best to keep the accessory building subordinate to the home and would like to include the conditions as shown in the staff report. **Heather Barnum** asked if there is a chance the project may not be completed if the accessory building must be subordinate to the home. **Eric Anderson** said it may, but the applicant can still make it work if he would like to. He added the applicant is requesting a conditional use as it's required for an accessory building. He's not asking to go above the height of the home; staff was just unsure of the proposed height of the accessory building based on the applicant's provided plans.

Motion:

Karolyn Lehn made a motion that the Planning Commission approve the conditional use subject to all applicable codes, development standards and ordinances and with the following conditions:

1. The height of the accessory dwelling is subordinate to the height of the main building;
2. The accessory dwelling must be at least 15' away from any dwelling on an adjacent lot;
3. The accessory dwelling must be at least 1' from all side and rear property lines;
4. The accessory dwelling footprint must occupy less than 25% of the rear yard area;

5. The accessory dwelling must meet any other requirements as set-forth in Chapter 17.

Kent Hinckley seconded the motion which was unanimously approved.

Findings for Approval:

1. The height of the proposed accessory dwelling is subordinate to the main building;
2. The proposed accessory dwelling is at least 15' away from any dwelling on an adjacent lot;
3. The proposed accessory dwelling is at least 1' from all side and rear property lines;
4. The proposed accessory dwelling footprint occupies less than 25% of the rear yard area;
5. The proposed accessory dwelling does meet all of the requirements as set-forth in Section 11-12-090(v), such as setback standards.

Item #5. Olympus Fireworks (Public Hearing) – Applicant is requesting temporary use approval for an outdoor firework sales tent at 1284 N. 1075 W. (TU-1-14)

Eric Anderson said last year the applicant had a tent at the Davis County Fairgrounds. This year the applicant is asking for a temporary use permit for the stand to be located in the old Kmart building parking lot. Staff is recommending approval with the same conditions as last year.

Monica Sellers, 2858 N. 725 W., Layton, said they have had a difficult time locating a new location as the Davis County Fairgrounds is zoned Agricultural and will not allow for commercial uses. The old Kmart building is zoned Commercial so there will not be any further issues.

Kris Kaufman opened the public hearing at 7:50 p.m.

No comments were received.

Kris Kaufman closed the public hearing at 7:50 p.m.

Heather Barnum asked if 12 a.m. closing time of the tent was too late for the area. **Karolyn Lehn** also asked for clarification on the end date of the stand. **Monica Sellers** said that all applicants from Olympus Fireworks request hours of operation from 8 a.m. to 12 a.m. as some cities are busiest in the later hours. She also said that Utah law allows for fireworks stands to remain open three days after the holiday, which would be July 27th, although most operators do not choose to stay open that long after the holiday.

Motion:

Kent Hinckley made a motion that the Planning Commission approve the temporary use subject to all applicable ordinances and development standards and with the following conditions:

1. The Fire Marshall must approve the temporary use prior to any business license being issued;
2. Permanent signs on the site of the firework display tent are prohibited. The size and location of signs must be in compliance with provisions and the zoning ordinance in which the use is located. All signs must be remove when the activity ends;
3. No loud speakers or amplifying sound devices shall be used in conjunction with the temporary use;

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 8:00 a.m. to 12:00 a.m. Sunday through Saturday until July 27, 2014;
6. The use granted is solely for purposes of temporary outdoor fireworks sales, and no other commercial activities of any kind shall be associated with this use permit;
7. Any alterations made to the site to accommodate the use shall be removed and the space shall be converted back to its original conditions upon termination of the temporary sales tent;
8. Parking areas for the temporary use will be appropriate hard surfaces.

Karolyn Lehn seconded the motion which was unanimously approved.

Findings for Approval:

1. Other similar uses have been approved at this location in previous years.
2. 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.
3. Signage inconsistent with the sign ordinance is not compatible with goals, policies and principles of the Comprehensive General Plan, and associated compliance of all signs surrounding the temporary use will ensure that the goals of the General Plan are met.
4. The proposed use is compatible with other uses in the area.

Motion:

Heather Barnum made a motion that the Planning Commission move agenda item #7 (Craig Holmes – special exception as an adaptive reuse) to be discussed before agenda item #6 (Farmington City – amending Chapter 12 Conservation Subdivisions in the Zoning Ordinance.) Rebecca Wayment seconded the motion which was unanimously approved.

OTHER BUSINESS/SPECIAL EXCEPTION

Item #6. Miscellaneous: Craig Holmes (Public Hearing) – Applicant is requesting a special exception for a U-Haul dealership as an adaptive reuse for property located at 97 N. Main in the BR (Business Residential) Zone. (M-1-14)

Eric Anderson said the applicant is proposing a U-Haul dealership (truck rental). He reviewed the ordinance, which defines “adaptive reuse” and the purpose of it. On June 3, 2014, City Council approved an expansion of the City’s definition of “adaptive reuse” to encompass commercial uses for the BR zone only. The change allows an owner of a historic building in the BR zone to apply for commercial uses as a special exception as outlined in the ordinance. The applicant is now requesting the dealership be allowed as an adaptive reuse under the new definition.

Kris Kaufman asked if the special exception is approved and the applicant violates one of the listed conditions (i.e. more than one of the allowed trucks is stored in the front of the building), is the exception then pulled. David Petersen said yes, a business license may be revoked if a condition is violated. He added the City does have a code enforcement officer; however, violations are often enforced on a complaint basis.

Craig Holmes, 262 E. 2200 S., Kaysville, explained there will only be one truck or trailer stored in front of the building. The largest trailer is 6' x 12'. They also have four trucks that are 14' or smaller, all of which are smaller than a Suburban. Anything else would be stored behind his shop.

Kris Kaufman asked the applicant if he would be putting any signage up for his business. **Craig Holmes** said yes, he has a 2' x 3' sign. Often, he rents the truck or trailer that will be stored in front of the building; the sign will help others know where he is located.

Kris Kaufman asked for more information on customers returning rentals as it was a big concern for the Commission previously. **Craig Holmes** said he communicates directly with customers to provide exact instructions on returning rentals. For larger rental trucks, he can meet with customers at any time during the return so he is able to immediately move the vehicle to the back of his shop. It is also common for U-Haul dealers to fine customers for failing to meet parking requirements so he is comfortable doing so if customers park along State Street and 100 North. Also, neighbors have been very supportive and are in favor of the dealership.

Kris Kaufman opened the public hearing at 8:08 p.m.

No comments were received.

Kris Kaufman closed the public hearing at 8:08 p.m.

The Commissioners expressed concern that although customers may be instructed not to do so, customers may still park along State Street. **Karolyn Lehn** asked if no parking signs could be posted along the road. **Eric Anderson** said it can be added as a condition to the motion. **Craig Holmes** said he can also add a "no parking along the road or be fined" sign next to the drop box for the truck rental keys. He also said he is not opposed to additional signage along the street if the City chooses to do so. **David Petersen** suggested adding a condition that the Commission review the parking circumstance in six months and then assess if additional signage is needed.

Kris Kaufman said that he is concerned about large rental trucks being parked along State Street; however, he does not have any other concerns approving the item. He has always been supportive of the application as the applicant is a good property and business owner in the community. **Kent Hinckley** is also supportive of the approval now that the amendment to the ordinance has been made by the City Council.

Motion:

Rebecca Wayment made a motion that the Planning Commission approve special exception subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. Approval is subject to the building being restored as per NRHP guidelines, as determined by staff;
2. Only one trailer or small truck is allowed to be stored in the front yard for advertising purposes, the remaining equipment must be stored in the rear yard;
3. The rear yard must be screened from both Main Street and from 100 North through the use of an historically compatible fence;
4. Any on-site property signs must be approved by staff as determined by Title 15 of the Farmington City Ordinance.

5. A “no parking along the street or subject to fine” sign be placed on the property at the owner’s drop box when the U-Hauls are being returned;
6. The Commission reserves the right to revisit the parking issue to see if permanent no parking city signs need to be placed in the area, or some other appropriate action, to mitigate parking problems which may arise with the U-Haul business.

Karolyn Lehn seconded the motion which was unanimously approved.

Findings for Approval:

1. The Special Exception will enhance the area and not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
2. The Special Exception creates a tool where a contributing historic building can be restored;
3. The area of the site will not be increase, nor is the minimum lot size in the BR Zone exceeded, as determined by the new ordinance (ZT-2-14);
4. All other standards of the BR Zone are being complied with as determined by Chapter 15 of the Zoning Ordinance.

ZONE TEXT CHANGES

Item #7. Farmington City (Discussion Item Only) – Applicant is requesting a recommendation to amend the Zoning Ordinance by modifying Chapter 12 regarding Conservation Subdivisions. (ZT-3-14)

David Petersen walked the Commission through the proposed changes to Chapter 11 and to Chapter 12. One of the major changes to Chapter 12 would be providing a Conservation Subdivision Overlay Zone for specific areas within Farmington that still have property the City wants to preserve. This includes areas along the lake, the bird refuge and areas near the natural forest interface. For other areas within Farmington, the ordinance would then be rewritten to include an “Open Space Endowment” to allow for developers to obtain lots in exchange for land contributions by fee or easement. Such exchanges would be at the full discretion of the City.

Rebecca Wayment asked how the Commission would protect itself if a developer is proposing 8,000 sq. ft. and the Commission does not want it solely based on the proposed property size of 8,000 sq. ft. **David Petersen** said in the state of Utah, very little can be challenged when the ordinance is discretionary. By making the Open Space Endowment a total legislative act, it then becomes discretionary based on the Planning Commission and City Councils’ decision.

Kris Kaufman asked how the proposed changes to the ordinance promote conservation of Farmington land. **David Petersen** said the developer would be contributing money to an Open Space Endowment Fund that is used toward City parks, trails and more. He added prior to 1999, east Farmington lots were 8,000-10,000 sq. ft.; however, after 1999, properties were down zoned within the City to lot sizes of 16,000-20,000 sq. ft. To allow property owners lot sizes prior to 1999, the City required open space or a waiver. The proposed changes, or the Open Space Endowment, would allow for 8,000-10,000 sq. ft. lots in exchange for money that would then be used for additional open space within the City. **Kris Kaufman** likes the simplicity of the proposed changes, but would like to see standards that would assist the Commission and Council in deciding to approve or deny a request for smaller lots in exchange for money. He suggested adding a “weighing test” when determining if a request should be approved or not, i.e. the anticipated direct benefit that might be paid would outweigh any detriment to adjacent properties.

Rebecca Wayment is concerned that although the City may save money with an open space endowment, it is giving away so much more by allowing developers to continue to build homes on such small lots. **Heather Barnum** added that she feels currently the City allows for all waivers to be approved which gives away the City's open space only to put it together in one location. She likes the larger lots with more area for the homes. **David Petersen** said to remember that larger lots tend to use up open space much faster when, in the end, the developments look similar with smaller or larger lots anyways. He also added that the market is shifting and there is a much larger demand for smaller lots.

David Petersen asked if the Commissioners would be more comfortable raising the thresholds of lot sizes to 10,000-12,000 sq. ft. and adding standards to the ordinance. The Commissioners were comfortable with those changes.

Kent Hinckley asked what determines a developer's donation to the open space endowment fund. **David Petersen** said the City will determine if there is anything to protect or preserve. If there is nothing then there will be a cash formula in place, but that is yet to be determined. Currently, the City Manager negotiates each parcel when waivers are requested. **Heather Barnum** would like the cash formula to be a tough choice for the developer. She feels the proposed amendment leaves the developer an easy choice to take the higher density, smaller lots. **Rebecca Wayment** agreed, but also added that the proposed amendment should still be more enticing than a PUD. **Kris Kaufman** also said it's important to remember that by forcing all developers to take larger lots, the City may be missing opportunities for needed money. He feels it should still be a harder decision, but would still like some incentive for developers to contribute to the open space endowment fund for the smaller lots.

David Petersen reviewed the proposed changes in Chapter 12, which is now specifically for the Conservation Subdivision Overlay Zone.

Rebecca Wayment asked how residents would now apply for a lot split since they were previously under Conservation Subdivisions. **David Petersen** said residents would have two options under the proposed amendments. Residents could subdivide to 20,000 sq. ft. or to 10,000 sq. ft. if they donate to open space.

Heather Barnum asked if the Commission is uncomfortable with the lot size minimum, why not change the lot sizes in the amendment. **David Petersen** said he would like to provide the Commission with the history on where the lot size minimums came from so the Commissioners can better understand why they are in place. This history may be discussed at a later date.

Kent Hinckley pointed out that the Conservation Subdivision Overlay looks to only affect the A, AA and small pieces of AE zones. He asked if the overlay could be restricted to specific zones so lot sizes may not be as big of an issue. **David Petersen** said yes, a zone restriction for the overlay may work.

With regards to the current moratorium that is in place while amendments are made to the ordinance regarding Conservation Subdivisions, **David Petersen** said the City has something called "pending legislation." When a City begins the legislative process to update its zoning ordinances, the City can still accept applications until the update is finished. This may be the best alternative in lieu of the City Council considering another moratorium.

Re-review of item #3. Pete Smith/Advanced Solution Group (Public Hearing) – Applicant is requesting a recommendation and approval to amend the Preliminary PUD Master Plan and Preliminary Plat for Nichols Nook Subdivision and to rename it The Meadows at City Park Subdivision (9 lots) on 1.29 acres located at approximately 50 S. 100 W. in an R-4 Zone. (S-10-13)

David Petersen provided a little more history on the property and the previous approval. The property, and the surrounding block, is zoned as R-4, which allows for 4-plexes. Owners of those single-family homes in the surrounding area of the proposed development are very aware of the zone and what is allowed. When the original developer, Mr. Griffin, proposed attached single-family homes in lieu of 4-plexes, the neighbors were pleased. The developer wanted to be locked into a Development Agreement, which the City was comfortable with, so he would not be able to lose his approvals. Mr. Griffin was able to obtain approvals all the way through Final Plat before he ran out of money. Final Plat approval has since expired, but Preliminary Plat and Preliminary PUD Master Plan approvals have not because of the development agreement. By having the development agreement in place, it protects the residents from another developer proposing 4-plexes. David Petersen showed the Commission what Mr. Griffin had proposed for the utility layout; however, the current developer, Pete Smith, is proposing a better solution, but that involved acquiring an additional parcel and including it in the development. This would also allow a better setup if the developer is able to acquire additional surrounding property to create a Phase 2 of the development. As a result, Mr. Smith had to go back to Preliminary Plat approval. If he doesn't get the approval, David Petersen said he feels the developer may go back to the previously approved Preliminary Plat as per the development agreement.

Heather Barnum asked if the Planning Commission could deny the item that's before them if they are not comfortable with the 5' setbacks or if the approval is grandfathered in. David Petersen clarified that the Commission could deny it, but then the developer could still fall back on the previously approved Preliminary Plat approval which is memorialized by the development agreement. He added that approving this Preliminary Plat will allow for a better utility layout which would then allow for a better interior development.

Rebecca Wayment asked what would stop the developer from building 4-plexes in Phase 2 of the development. David Petersen said the developer would be allowed to do that; however, since the recently acquired parcel will now be included in the Preliminary Plat approval that is attached to the development agreement, the City may be able to determine whether or not that agreement can be amended.

Kris Kaufman said the motion has already been tabled; he asked if it could be re-visited for the evening. David Petersen suggested a "motion to reconsider" as listed in the City's by-laws. This would allow the Commission to call back any action taken in the same meeting to allow for further consideration.

The Commissioners were uncomfortable reconsidering the motion as Mr. Werner, who was opposed to the agenda item, had already left the meeting, but based on the presented information would feel comfortable reconsidering it later. David Petersen clarified that it is best if the developer receives Preliminary Plat approval prior to Final Plat approval so it may not work to have all 4 approvals in one meeting as previously approved in the motion.

Heather Barnum expressed concern that more residents may be opposed to the project if they knew a Phase 2 would be added. David Petersen stated that everything starts over with a new phase, including setbacks.

David Petersen suggested if the Commission would like to reconsider the motion, staff is willing to meet with Mr. Werner individually to explain the full circumstance. Reconsidering the motion would not change the outcome for Mr. Werner as the developer has an approval in place regardless, but approving the motion for the evening just allows for the rerouting of the development's utilities.

Rebecca Wayment and **Heather Barnum** are comfortable reconsidering the item; **Kent Hinckley** is comfortable as long as staff meets with Mr. Werner to explain why it was reconsidered.

Motion:

Heather Barnum made a motion that the Planning Commission reconsider agenda item #3 with the condition that staff meets with resident Hank Werner one on one to explain why the Commission reconsidered the motion. **Kent Hinckley** seconded the motion which was unanimously approved.

David Petersen said now that the motion has been reconsidered, a new motion can be crafted. **Heather Barnum** stated in the staff report it listed the name for the development will be changing; she asked if that needs to be included in the motion. **David Petersen** said the name can be changed during Final Plat.

Rebecca Wayment was concerned that this project has been through so many owners; she asked if a time stamp for the development could be included as a condition as a way to ensure the project will finally move forward instead of a previous approval continually changing hands with something the Commission does not see as the best fit for the property. **David Petersen** advised against it; the current development agreement prevents other configurations except what is allowed by the agreement and that is what the City Council wanted.

Heather Barnum clarified that the only thing the Planning Commission can do is approve the amendments to the Preliminary Plat and recommend approval of the Preliminary PUD Master Plan and that is why the motion was reconsidered. **David Petersen** stated yes and that approval of just the amendment should be included as part of the motion.

Motion:

Rebecca Wayment made a motion that the Planning Commission amend the enclosed Preliminary Plat and recommend that the City Council approve the amendment to the Preliminary PUD Master Plan for the Nichols Nook PUD thereby amending such plans approved previously by the City, subject to the same conditions and findings as previously adopted by the Commission on June 25, 2009 as memorialized by the Development Agreement and staff will meet with resident Hank Werner one on one regarding the decision that was made on the motion. **Karolyn Lehn** seconded the motion which was unanimously approved.

Motion from 6.25.2009 Planning Commission Meeting:

Move that the Planning Commission recommend to the City Council Final PUD Master Plan approval and Final Plat approval for the Nichol's Nook Planned Unit Development located at 50 S. 100 W. with the following conditions:

1. The applicant shall comply with all requirements of the Planning Department, Engineering and all utilities regarding the Final PUD Master Plan requirements;

2. Approval of final improvement drawings for the on-site and off-site improvements including grading and drainage plan, SWPPP and approval by the City Engineer, Public Works, Fire Department, Planning Department, Storm Water Official, Central Davis Sewer District and Benchland Water District;
3. The applicant must obtain and record off-site easements in a manner acceptable to the City as shown on the plans prior to or in conjunction with the recordation of the Final Plat;
4. The applicant must enter into or amend the Development Agreement accordingly for the project to be approved and recorded concurrent with the Final Plat;
5. The applicant shall not demolish the existing house on the site until such time as the proposed development begins construction;
6. The applicant must post a bond in the amount agreed upon by the City and the applicant for all off-site improvements and any on-site improvements deemed necessary by the City prior to construction.

Findings for Approval:

1. The Final PUD Master Plan does not vary substantially from the Preliminary PUD Master Plan and is in substantial compliance with the Preliminary PUD Master Plan.
2. The Final PUD Master Plan has met all of the requirements of the PUD chapter (Chapter 27).
3. The Final PUD Master Plan meets the objectives and purposes of the PUD chapter (Chapter 27).

MISCELLANEOUS

The Commissioners and staff discussed dates for the next Planning Commission meeting. The meeting will be held on July 10, 2014 at 7 p.m.

ADJOURNMENT

Motion:

At 9:55 p.m., Karolyn Lehn made a motion to adjourn the meeting which was unanimously approved.


Kris Kaufman
Farmington City Planning Commission