

**FARMINGTON CITY
PLANNING COMMISSION MEETING
August 7, 2014**

STUDY SESSION

***Present:** Commissioners Heather Barnum, Kent Hinckley, Kris Kaufman, Mack McDonald and Rebecca Wayment, Alternate Commissioner Karolyn Lehn, Associate City Planner Eric Anderson and Recording Secretary Heidi Gordon. Chairman Brett Anderson and Alternate Commissioner Michael Nilson were excused.*

The Commissioners did not have any changes to the July 10, 2014 Planning Commission meet minutes.

Item #3. Jared Darger – Requesting Recommendation for Zone Change

Eric Anderson said the applicant is looking to expand the Meadow View Subdivision into Phase II. A few months back, the applicant was ready to submit his application for Phase II, but the LDS Church was looking to build a church on his property. The Church withdrew their request when Church policies changed. As a result, the City Council voted to grandfather the applicant's subdivision request prior to the moratorium that's currently in place. Eric Anderson also provided the Commissioners with the concept of Phase II, but clarified that the only thing being voted on for the evening was the zone change from A (Agriculture) to AE (Agriculture Estates), which is consistent with the surrounding area.

Item #4. Phil Holland – Requesting Recommendation for Zone Change

Eric Anderson said this item is similar to item #3. The requested zone change from A (Agriculture) to LR (Large Residential) is consistent with the surrounding area and with the General Plan. The applicant also provided a concept plan, but again, only the zone change is before the Commission for the evening.

Item #5. Farmington City – Requesting Recommendation to Amend Chapter 18 Regarding the Regulating Plan

Eric Anderson said this is an addition to the previous amendment that was approved in the July 10, 2014 Planning Commission meeting. The addition includes Spring Creek and Haight Creek. Staff also said they have not talked with the property owner as was listed as a condition in the previously approved motion. Although this change will not affect the property owner, staff recommended to still include contacting the property owner as part of the motion.

Item #6. Todd Gibbs – Requesting Recommendation to Amend Chapter 15 Regarding Allowed Uses in the BR Zone.

Eric Anderson said this is a request for a zone text change as the applicant wants to rent outdoor recreational vehicles, but the use is not included as a permitted or conditional use for the BR Zone. The applicant is looking to lease the HHI Engineering Building as there is a big yard that was previously used to store construction type vehicles. The applicant may have the option to rent a

piece of the old K-Mart building; however, he would have to make significant renovations to make it fit his needs; the HHI Engineer building would not need any improvements prior to him opening his business.

Item #7. Farmington City – Requesting Recommendation to Amend Chapters 10, 11 and 12 Regarding Conservation Subdivisions

Eric Anderson explained that after two separate work groups, the changes to the ordinance are close. The biggest different between the two work groups was the waiver. Some Commissioners felt the waiver may still serve a purpose. The Commissioners discussed whether keeping the waiver is beneficial. Many Commissioners felt if there is a waiver available, it will be all the developer will request so they feel the waiver should be removed from the ordinance. The Commissioners and staff also discussed the threshold for qualifying for Conservation Subdivisions. Many felt that 5 acres was adequate to require a 1 acre park; others felt 10 acres for a 1 acre park was sufficient.

REGULAR SESSION

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

#1. Minutes

Heather Barnum made a motion to approve the Minutes from the July 10, 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 August 5, 2014. There was a small piece of property in Kaysville owned by, and a part of the Tanner property. With the development of the Cottages at Farmington Hollow, both cities felt that small piece of property would be best served in Farmington so a boundary adjustment with Kaysville took place. Meadow View Phase II was grandfathered in prior to the moratorium as discussed in the Study Session; the application will now be considered under the old Conservation Subdivision ordinance. Mack McDonald asked for more information regarding the Bond that was discussed at the meeting. Eric Anderson stated the bond is for a gymnasium that will be built in conjunction with the new elementary school, but will be shared with the Parks department for basketball leagues. The resolution that was approved will now allow for an election to request the bond and RAP tax.

REZONE APPLICATIONS

#3. Jared Darger (Public Hearing) – Applicant is requesting a recommendation for a zone change on property located at 1725 W. 450 N. from A (Agriculture) to AE (Agriculture Estates for 8.89 acres. (Z-1-14)

Eric Anderson said the applicant previously developed Meadow View Phase I and is now ready to move on to Phase II. The application was grandfathered in under the previous Conservation Subdivision ordinance as was discussed during the Study Session. The property is currently zoned A, but the applicant is requesting to rezone the area to AE which is consistent with the surrounding areas.

Micah Peters, 732 E. Northcrest Dr., Salt Lake City, CEO of Clear Water Homes, provided more information on why the application was grandfathered in under the previous Conservation Subdivision ordinance. He explained the LDS Church was wanting to build a stake center on the property which delayed the application. Just before finalization, the Church decided not to build the stake center. They are proposing larger lots and high value homes.

Mack McDonald opened the public hearing at 7:16 p.m.

Garrett Biesinger, 1786 W. Spring Meadow Lane, lives adjacent to the property requesting to be rezoned. He stated he is opposed to the development. He reviewed Farmington City's General Plan which includes the desire to preserve the quality of life, open space and more; he does not feel this is congruent with the goals the City has set forth. Since he has lived in Spring Creek, he has seen many areas that were set aside as open space be rezoned and built on.

Mack McDonald closed the public hearing at 7:18 p.m.

Heather Barnum asked if the Commission is approving the rezone and not the concepts provided by the applicant. **David Petersen** said yes, a rezone does not need to be submitted with the Schematic Plan, although, historically the Commission asks to review the Schematic Plan with the rezone request. He also added the City Council chose to grandfather the applicant in under the previous Conservation Subdivision standards because the applicant was ready to submit the plans months ago; however, the request from the LDS Church halted the application.

Kris Kaufman address Mr. Biesinger's concern regarding the open space. He explained that much of the open land is privately owned and it is a property owner's right to develop as they choose. For the meeting tonight, the applicant is requesting a rezone of the property. The City will send out notices when the actual subdivision Schematic Plan is presented to the Commission. **Kris Kaufman** advised Mr. Biesinger to return to express concerns with the proposed subdivision at that time.

Heather Barnum asked if this subdivision is under an HOA. **David Petersen** said it could be if the applicant chooses to do so.

David Petersen explained a rezone can happen without the Schematic plan, but the Commission typically likes to review both congruently. Applicants often also like the rezone and schematic plan processes to move together because it results in two public hearings instead of four. He recommended tabling the item until the Schematic can be presented together; however, the current concept may provide an adequate case study for later in the meeting when reviewing the proposed changes to the Conservation Subdivision ordinance.

Motion:

Rebecca Wayment made a motion that the Planning Commission table the rezone until it returns with the Schematic Plan which will include the proposed layout of the subdivision and plans for the open space and that when it does return to the Planning Commission, the posting sign for the

public hearing will be placed in a visible, drivable area. **Heather Barnum** seconded the motion which was unanimously approved.

Item #4. Phil Holland (Public Hearing) – Applicant is requesting a recommendation for a zone change on property located at 86 W. 1600 S. from A (Agriculture) to LR (Large Residential) for approximately 5 acres. (Z-2-14)

Eric Anderson said this property is located just east of the Frontage Road, on 1600 South street. He explained the property is currently several parcels owned by the Parker family and is zoned A. Rezoning the property to LR is consistent with the surrounding areas and with the General Plan. The applicant is proposing lot sizes larger than 10,000 sq. ft.

Phil Holland, 579 E. Gentile St., Layton, said the neighboring Tuscan Village PUD and nearby subdivisions in Centerville are all 9,000 sq. ft. and smaller. He has had several requests for new homes on larger lots. He would like to fit a specific market niche with homes on lot sizes ranging from approximately 14,000 sq. ft. to 20,000 sq. ft. He feels this small subdivision will complete the neighborhood.

Mack McDonald opened the public hearing at 7:44 p.m.

David Koerner, 1620 S. 10 W. lives in Lot 1 in the Tuscan Village PUD and is also on the HOA Board for Tuscan Village. He stated the HOA does not have any concerns with what is being proposed and feels it will be an improvement to what is currently on the property. He asked about a neighboring parcel where large amounts of dirt were being moved around and if it is associated with this project. He also asked if there are any plans by the City for a sound wall extension for the area.

David Petersen said the parcel with the large amounts of dirt is not associated with this project, any movement in dirt must be by the property owner. As for the sound wall, **David Petersen** said that is a question for UDOT as it would likely not be funded by the City.

Mack McDonald closed the public hearing at 7:49 p.m.

Rebecca Wayment asked if this applicant is requesting a Conservation Subdivision. **David Petersen** clarified that the application is a rezone request as he cannot submit a subdivision application until after the pending legislation; however, the concept the applicant provided can be as an additional case study when reviewing the proposed changes to the Conservation Subdivision ordinance.

Rebecca Wayment added that she feels the provided concept is what they, as the Planning Commission, are looking for with new subdivisions for the City. She feels that Chapter 12 of the Zoning Ordinance regarding Conservation Subdivisions should direct developers to create similar subdivisions that have larger lots and lower density.

The Commissioners discussed potential motions. If approved, the applicant could change the concept. If the item was tabled, it would allow time for the Commission to come to a final decision on the amendment changes of the ordinance regarding Conservation Subdivisions. **David Petersen** stated historically no area east of I-15 has never not been rezoned LR by the Planning Commission so the request is consistent with the surrounding areas.

Some Commissioners were comfortable with the rezone as it is consistent with the surrounding areas and with the General Plan. Others were uncomfortable with approving the rezone without the Schematic Plan; however, until the Commission amends the zone text change regarding Chapter 12, the applicant cannot return with the Schematic Plans.

Motion:

Kent Hinckley made a motion that the Planning Commission recommend that the City Council rezone the property as requested. **Kris Kaufman** seconded the motion which was approved by **Karolyn Lehn**, **Kent Hinckley**, **Kris Kaufman** and **Mack McDonald**. **Heather Barnum** and **Rebecca Wayment** denied the motion. The motion passed.

Findings:

1. The proposed rezone is consistent with the General Plan.
2. The proposed rezone is consistent with the zoning for the surrounding area.
3. The proposed rezone will better enable other property owners to also rezone their property to LR in the future.

ZONE TEXT CHANGES

Item #5. Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend Chapter 18 of the Zoning Ordinance regarding the Regulating Plan. (ZT-7-14)

Eric Anderson said in the previously approved zone text change for Chapter 18 in the July 10, 2014 meeting, the open space corridors for the Haight Creek and Spring Creek were not included. The plans now incorporate the two open space corridors as well as a few road network designs to accommodate those corridors. It is the same regulating plan that was previously approved except with those minor changes.

Kent Hinckley asked for more information on how the Regulating Plan is used. **Eric Anderson** explained the Regulating Plan shows the road network for the property near Station Park, the Park Lane apartments and the surrounding OMU zone. Although developers are not bound by the Plan, it does provide guidelines for how the City would like the road network to be.

Mack McDonald opened the public hearing at 8:17 p.m.

Garrett Biesinger, 1786 W. Spring Meadow Lane, asked staff where the Regulating Plan can be found. **Eric Anderson** showed Mr. Biesinger where it is located under Chapter 18 on the City's website.

Mack McDonald closed the public hearing at 8:19 p.m.

David Petersen recommended the Commissioners use the same motion and findings that was approved on the July 10, 2014 meeting.

Motion:

Kris Kaufman made a motion that the Planning Commission recommend approval of the attached draft of Chapter 18 of the amended Regulating Plan from Chapter 18 with the condition that the property owner be notified of the proposal prior to it being heard by the City Council. **Rebecca Wayment** seconded the motion which was unanimously approved.

Findings for Approval:

1. This area must be rezoned to accommodate development, which also means updating the Regulating Plan.
2. The block sizes are consistent with the requirements as found in Chapter 18.
3. The layout of the major streets have been reviewed by the traffic engineer and comply with the City's Master Transportation Plan for the area.

Item #6. Todd Gibbs (Public Hearing) – Applicant is requesting a recommendation to amend Chapter 15 of the Zoning Ordinance regarding allowed uses in the BR Zone. (ZT-8-14)

David Petersen showed an aerial map of the building the applicant is looking to lease. The building was occupied by HHI Corporation, which was an engineering and construction company. The back of the building is a large yard where construction equipment was stored. Prior to 1994, the area was zoned C2, which allowed for contractors. After 1994, the area was rezoned to BR. Once the non-conforming business moves, the rights cease after 12 months. The applicant is proposing a recreational vehicle rental and equipment business as shown in the staff report. Staff provided the Commission with the permitted and conditional uses within the BR zone for review.

Kent Hinckley asked for further clarification on what is considered "low impact retail" as listed under permitted use (9). **David Petersen** said there is no definition for low impact retail, but other uses listed as low impact are traditional neighborhood business that you can walk to and could park along the street. **Kent Hinckley** feels the proposed business could arguably be defined as a lower impact retail than others listed like a bakery. **Kris Kaufman** said that although the rental business may have less foot traffic, there will be higher traffic volume as the rental equipment must be picked up and returned.

Kris Kaufman asked staff, in the event the Commission does choose to approve it, should the rental business be listed as a permitted or conditional use. **David Petersen** recommended the recreational vehicle and equipment rental be listed as a conditional use. **Kris Kaufman** added that if approved, it should be listed as recreational vehicle and recreational vehicle equipment rental.

Todd Gibbs, 595 W. 350 S. is a partner of Trax Powersports Rentals. There is currently a rental store in Morgan. He would like to open another store in Farmington and then franchise the business out nationwide. He said currently there is a decline in recreational vehicle purchases as they are too expensive to buy. He plans to store approximately 15 pieces of equipment at any given time. The HHI building has a large lot in the back where equipment can be stored and has a pull through to the lot which would allow for easy pick up and unload.

Karolyn Lehn asked the applicant if he has looked at any other options for his business in Farmington. **Todd Gibbs** said the mayor and staff recommended looking at the old K-Mart building; however, there would be a lot of changes that would need to be made in order to accommodate his business. The HHI building would be ready immediately.

Heather Barnum asked the applicant why he chose Farmington as a place for his location. **Todd Gibbs** said he is a resident of Farmington and would like to support the community by bringing

his business here. He also feels that Farmington is a gateway to many areas that allow for outdoor activities. Also, for boat rentals, all locations are located in UT County and nothing closer.

Rebecca Wayment asked if there is access to the back lot from Main Street or if the only access is from State Street. **Todd Gibbs** said there is a small alley way that would fit a car, but not a trailer for the equipment. Vehicles would have to travel through the Wells Fargo parking lot. **Kent Hinckley** asked if he has obtained access rights to that parking lot. **Todd Gibbs** said yes, the building owner has legal easements to access that parking lot.

Rebecca Wayment also asked if there is enough space to place a recreational vehicle in the front as advertising for the rental business. **Todd Gibbs** said yes, there is a large cement parking strip that can fit a recreational vehicle, and they would like to place one there as advertisement. **Eric Anderson** said the applicant may be permitted to do so.

Mack McDonald opened the public hearing at 8:43 p.m.

No comments were received.

Mack McDonald closed the public hearing at 8:43 p.m.

Mack McDonald asked staff for further information as to if the applicant is permitted to park equipment on the parking strip. **David Petersen** said that although UDOT owns the right of way, many business have and do display items on the parking strip. He added the parking strip is approximately 15' wide, with an additional 5' of side walk and another 5' to the building. If equipment was to be parked there, pedestrians would still have room to walk.

David Petersen also advised the Commission, if approval is considered, to add reasonable conditions for lighting the back yard where the equipment will be stored as there are homes in close proximity.

Kent Hinckley asked staff for clarification on what determines a permitted use verses a conditional use in the BR zone. **David Petersen** said conditional uses are basically permitted uses with conditions placed on them. An example of an appropriate condition would be a condition regarding the lighting as previously discussed. **Kris Kaufman** is concerned with making the recreational vehicle rental a permitted use as it would then apply to all others within the BR zone.

Kris Kaufman likes the business model, the convenience and that the applicant is a Farmington resident. He expressed concerns with the business being located on Main Street and is concerned a permitted business like this could have long-term implications.

Heather Barnum stated she does not feel this is an appropriate business to be located on Main Street and would not like equipment displayed along the front of the store. **Kent Hinckley** agreed he did not like the equipment displayed outside. **Rebecca Wayment** also agreed that displayed equipment would be distracting and not conducive to what she feels Main Street should be for Farmington.

The Commissioners discussed different motion options. **Kris Kaufman** suggested tabling the item if the Commission is unsure about the business being located on Main Street. **Rebecca Wayment** and **Heather Barnum** felt that tabling the item would not change their opinion or concerns. **Kent Hinckley** suggested adding it as a conditional use so conditions would restrict others with similar businesses within the BR zone. He also added that he does not feel this use is worse than many of

the others that are already permitted as there will not be any more traffic, people or cars than the approved uses.

Karolyn Lehn added that she does not feel it may be the best fit as the business would be located across from a school crossing. She feels many that are renting vehicles may not be as experienced with the recreational vehicles and may pose a threat.

Heather Barnum made a motion to recommend denial of the zone text change and **Karolyn Lehn** seconded it. The Commissioners discussed the motion. **Kris Kaufman** feels his decision would change if this really is the only location that fits the applicant's needs. **Mack McDonald** agreed; although he would like to see a bakery type shop along Main Street in Farmington, that is not being presented and he feels this is a business that could succeed in Farmington. **Heather Barnum** expressed concern that if the item was tabled to allow the applicant to rule out any other business locations, the applicant may not be motivated to try other options.

Kris Kaufman asked the applicant if he would prefer the item be tabled or denied. **Mack McDonald** also clarified that the Planning Commission is a recommending body to the City Council; City Council would have the final decision. **Todd Gibbs** would prefer the item be tabled than it be denied. **Rebecca Wayment** expressed concern if the item is tabled, the same concerns will be presented at the next Planning Commission meeting.

Upon voting on the item being recommended for denial, **Heather Barnum, Karolyn Lehn and Rebecca Wayment** approved the motion; **Kent Hinckley, Kris Kaufman and Mack McDonald** denied the motion. The motion did not pass due to the tie-vote.

Kris Kaufman made a motion that the Planning Commission table the item until the next Planning Commission meeting with direction to the applicant to vet out the K-Mart option and to try and make it work. **Rebecca Wayment** seconded the motion. Upon voting, **Kent Hinckley, Kris Kaufman and Mack McDonald** approved the motion; **Heather Barnum, Karolyn Lehn and Rebecca Wayment** denied it. The motion again failed due to the tie-vote.

Upon review of the bi-laws, **David Petersen** said if a motion fails due to two tie-votes, then the item will automatically continue to the next Planning Commission meeting.

Item #7. Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend Chapters 10, 11 and 12 of the Zoning Ordinance regarding Conservation Subdivisions. (ZT-3-14)

David Petersen reviewed what the Commissioners discussed in the two study sessions and the last Planning Commission meeting. It was determined that on the west side of Farmington, there would be a conservation overlay around the lake and the bay areas and that parcels that were 5 acres or larger would be considered a Conservation Subdivision and would require a one acre park. It was determined on the east side, parcels that were 10 acres would require a one acre park. He showed on the map what areas on the east side would be considered in the conservation overlay. He also added that although the first study session did not want the waiver, the second session wanted to keep the waiver in the event it may be needed in the future.

David Petersen stated one of the goals of Farmington is that all residents be within ½ mile to a park and that the park have access to at least 1,000 people. He showed various maps showing the city parks, private/quasi parks, school district and county parks, trails and conservation easements. In comparison to other cities, Farmington has access to significant amounts of open space.

Staff and the Commissioners discussed different lot size thresholds under different scenarios, including item #4 for the evenings' agenda. **Rebecca Wayment** felt item #4 was the first development in years to come before the Commission requesting lot sizes over 10,000 sq. ft. She would like to explore options to encourage other developers to create similar projects.

Mack McDonald opened the public hearing at 9:46 p.m.

Garrett Biesinger, 1786 Spring Creek, stated he is not in favor of higher density housing. He moved to Farmington with certain assumptions that the City would maintain areas of open space. He would like the City to continue maintaining as much open space as possible.

Mack McDonald closed the public hearing at 9:47 p.m.

David Petersen stated that lot sizes of 10,000 sq. ft. and smaller is the norm for much of Farmington. The market is demanding smaller lots. **Rebecca Wayment** feels it is a cycle; down the road there will be a demand again for larger lots, mature trees, etc. She does not want Farmington to have the look and feel of areas similar to Foxboro in North Salt Lake.

David Petersen asked if the Commission would like 5 acres or 10 acres for a requirement of a one acre park. **Kris Kaufman** likes the 10 acre requirement; however, his area is currently not within ½ mile to a park. He suggested adding the conservation overlay zone to areas that are underserved by a park. The Commission agreed it would be good to include the underserved areas in the conservation overlay.

Kris Kaufman feels that there may be times when a waiver is necessary for a developer as there may be times when a developer is trying to make a development work, but a TDR may be too costly for the project. **Kent Hinckley** is also concerned with removing the waiver completely as he feels the Commission may not see every situation when it may be needed. He is unsure how to word the ordinance so the waiver does not continue to be the norm for all developers' applications.

David Petersen stated the City attorney can help with language of the ordinance to ensure it does not become the norm. **Eric Anderson** explained the ordinance already reads, "based on specific special circumstances."

Staff and the Commissioners continued to discuss the waivers. All felt there needed to be a change. **David Petersen** suggested adding a two-step process to a waiver approval which would give Commissioners better guidelines in determining when to approve a waiver. **Heather Barnum** still felt that if a waiver was available, developers would find a way to request it. **Rebecca Wayment** added that in the event the Commission finds many developers have a need for a waiver, it can be added back to the ordinance.

David Petersen took a poll of which commissioners wanted the waiver to remain in the ordinance. **Kent Hinckley** wanted to keep the waiver, but **Heather Barnum**, **Kris Kaufman**, **Mack McDonald** and **Rebecca Wayment** wanted the waiver removed; **Karolyn Lehn** wanted to see what a two-step approval process would look like before determining removal of the waiver. **David Petersen** will move forward with the final draft of the ordinance with the waiver removed.

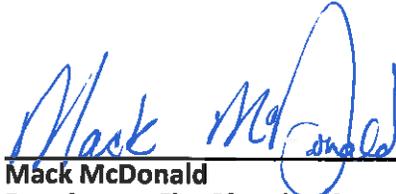
Motion:

Heather Barnum made a motion that the Planning Commission table the item until the August 21, 2014 Planning Commission meeting when the Commission is able to review the final draft of the ordinance. **Rebecca Wayment** seconded the motion which was unanimously approved.

ADJOURNMENT

Motion:

At 10:30 p.m., **Heather Barnum** made a motion to adjourn the meeting which was unanimously approved.



Mack McDonald
Farmington City Planning Commission