

FARMINGTON CITY
PLANNING COMMISSION MEETING
October 22, 2015

STUDY SESSION

Present: Chair Rebecca Wayment, Commissioners Brett Anderson, Heather Barnum, Alex Leeman and Dan Rogers, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Commissioners Bret Gallacher and Kent Hinckley were excused.

Item #3. Russell Wilson/Symphony Homes – Request for Preliminary Plat Approval for the Proposed Pheasant Hollow Subdivision

Eric Anderson said this is the preliminary plat for the Pheasant Hollow Subdivision. He said staff reviewed the previous minutes to determine if this item was to be a public hearing; however, the Planning Commission and City Council did not include a public hearing at preliminary plat as a condition to the schematic plan motion. He said staff also reviewed the ordinance to determine if a public hearing is required. Based on the ordinance, a public hearing is included if the preliminary plat has been “altered substantially.” The ordinance includes 6 criteria to determine if changes are considered “substantial.” **Eric Anderson** said staff feels the preliminary plat does not meet any of the criteria in the ordinance to justify a public hearing. The City Attorney, Todd Godfrey, also agreed that it did not meet the criteria.

The Commissioners and staff discussed residents’ concerns that were previously presented during past public hearings, including settling issues, moisture, soils testing and sidewalks. **Eric Anderson** said the applicant completed a geotech report for each lot in the subdivision. He also pointed out that most reports do not point out how feasible it is to build, but the report gives details on how to mitigate any potential problems. The Commissioners felt future homebuyers need to see those reports for each lot; they requested a note be placed on the plat regarding the reports that were completed so homebuyers can be educated and informed about the soil concerns.

Item #4. Tami Russell – Request for a PUD Overlay for Location 1217 North Main to Allow For a Small Commercial Use

David Petersen said this is a single family home that has been used most recently as a rental property. The applicant will be purchasing the home and wants the possibility of operating the salon without someone living on site. **David Petersen** showed the Commissioners the commercial and business areas surrounding the building on the vicinity map. He said in lieu of rezoning the property to commercial, he suggested applying a clause that is included in the PUD ordinance that states PUDs’ intent is to promote flexibility in site design for a mixture of housing types with supplementary uses such as commercial centers. He said if this clause is applied, the PUD overlay would require 10% open space; however, the requirement can be fulfilled if the home is not demolished or modified so it remains eligible for the National Historic Registry. He also explained that the PUD overlay can be attached to the property owner not the property unlike a rezone of the property.

Rebecca Wayment expressed concern that this could be setting a precedent for other properties that may want to run a business from their home, but not live there. **David Petersen** said the

benefit to the PUD overlay is it is 100% discretionary. **Alex Leeman** also suggested that if a condition is included that the applicant cannot alter the home, another condition be included that the trees cannot be removed.

REGULAR SESSION

***Present:** Chair Rebecca Wayment, Commissioners Brett Anderson, Heather Barnum, Alex Leeman and Dan Rogers, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Commissioners Bret Gallacher and Kent Hinckley were excused.*

Item #1. Minutes

Brett Anderson made a motion to approve the Minutes from the October 8, 2015 Planning Commission meeting. **Dan Rogers** seconded the motion which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from the October 20, 2015 City Council meeting. He said the big item that was on the agenda was removed. The only other planning related item on the agenda was the Residences at Station Parkway Subdivision Minor (Final) Plat; it was approved as part of the consent agenda.

SUBDIVISION APPLICATION

Item #3. Russell Wilson/Symphony Homes – Applicant is requesting preliminary plat approval for the proposed Pheasant Hollow Subdivision consisting of 15 lots on 4.55 acres located at approximately 700 South and 50 East in an R zone. (S-2-14)

Eric Anderson said this is the preliminary plat for the Pheasant Hollow Subdivision. He said the only amendment from the schematic plan is the flag lot where the sewer line stems out, but that change was previously approved as part of the plan. Also, there were previous concerns by the Commissioners regarding sidewalk as the cul-de-sac did not have side treatments along the full length of the road. The applicant requested and was granted flexibility on the design of the road by City Council.

Rebecca Wayment asked for clarification of the location of the pocket park. **Eric Anderson** said the pocket park is located in lots 12 and 15.

Eric Anderson also added that there were previous concerns with the soil. A condition to the motion for Schematic Plan approval required the applicant to complete a soils report through a test pit for each lot, which is above and beyond what is normally required. The City felt it prudent to require it based on the nature of the soil.

Rebecca Wayment said she feels all previous concerns that were presented in past meetings, including sidewalks, soils report and the flag lot, have all been addressed. **Brett Anderson** agreed, and said that he is glad that the geotech reports were required for each lot. He would like the plats to be noted regarding the geotech reports so future buyers are aware of the reports' availability so they can be informed when determining if they want to purchase the lot. **Dan Rogers** asked if the note will state

that a report was completed for each individual lot. **David Petersen** said the note can be that specific if the Commissioners would like it to be as the City will retain the records for it.

Heather Barnum asked that an additional level of detail be included for the plat note to ensure it will be more noticeable to future buyers. She said she does not want it to be a small note that could easily be overlooked when purchasing the lot, but something that will call more attention to it. **Eric Anderson** said that **Heather Barnum's** suggestion could be amended to be included in Condition 5 so that it will state the Final Plat will have a note stating there is a soils report available for each lot.

Motion:

Heather Barnum made a motion that the Planning Commission approve the proposed preliminary plat for the Pheasant Hollow Subdivision, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The City Manager determines what just compensation is for the 5 lot TDR transaction, and the City Council approves the TDR amount prior to final plat;
2. Prior to or concurrent with final plat, the applicant shall provide and demonstrate storm water detention and treatment;
3. Any outstanding issues raised by the DRC at preliminary plat that have not been addressed, must be addressed at final plat;
4. The HOA must maintain the wetlands and the applicant shall provide the City with CCRs detailing as much;
5. The final plat shall report that the applicant has a soils test for each individual lot completed by an independent geotech engineer, working for the City, and will be listed in a noticeable way that is satisfactory to the City staff understanding what the Commission's desire is regarding the note.

Dan Rogers seconded the motion which was unanimously approved.

Finding:

1. The proposed subdivision conforms to all of the development standards as set forth in Section 11-11-050.
2. The applicant has provided an updated wetland designation and that designation has been approved by the US Army Corp of Engineers.
3. The applicant has received City Council approval of the TDR transaction, the flag lot, and the modification of the street cross-section for the cul-de-sac.
4. The proposed plat creates a needed east-west connection from 200 East to the Frontage Road.
5. The fully improved pocket park that would be provided to the City would preserve wetlands, and provide the City and surrounding residents with open space and recreational opportunities.
6. The applicant has performed a geotech report above and beyond the normal requirements as a way to address and mitigate potential soil issues.

PUD OVERLAY APPLICATION

Item #4. Tami Russell (Public Hearing) – Applicant is requesting a PUD overlay for .25 acres of property located at 1217 North Main to allow for a small commercial use (a beauty salon) within a single family residence. (Z-6-15)

David Petersen showed the vicinity map and the current zoning of location 1217 North Main. It is currently zoned LR (Large Residential). The General Plan calls for the zoning of property to the west of the proposed location to be Office Business Park; however, a small corner of the Office Business Park reaches this property. It is unsure if the property was recommended to be included in the Office Business Park or not. **David Petersen** said this is a very busy corner and has been a rental home for some time. The applicant would like to use the single family home for a salon. A home occupation would allow for the use of a salon and one helper if the applicant lived in the home; however, the applicant would like to conduct the business without someone living in the home which is why she originally requested a rezone of the property. Staff felt she would have a difficult time meeting the requirements of a commercial type zone, including parking requirements.

David Petersen proposed an idea that was previously used for a parcel in the Farmington Greens subdivision on the west side. The parcel is 3 ½ acres located on Clark Lane and 1525 West. Although it was zoned for AE (Agriculture Estates), the developer pushed to apply a clause found in the ordinance for PUD's that allows for a development's site design to include things like "commercial centers." **David Petersen** said the wording "commercial centers" has not been removed from the ordinance for PUD. He proposed applying a PUD overlay to this property.

David Petersen said all PUDs are required to have a minimum of 10% open space to qualify, but part of the ordinance states that the 10% requirement could be fulfilled if a building on site is on or eligible for the National Historic Registry, and the building remains eligible to be on the Registry.

David Petersen said if the Commission chooses to approve the legislative act of a PUD overlay in the LR zone, stipulations such as the building cannot be modified in a way to make ineligible for the National Historic Registry, the PUD shall run with the property owner and will be removed if the property is sold and the trees on the property cannot be removed are all things that can be included as conditions to the motion. He pointed out that a PUD could be a win for the neighborhood as it would mean a great property will be maintained, the applicants have the option to live on site or just run it as a business and that the property will lose its PUD overlay in the event the property is sold.

Tami Russell, 846 Oakridge Dr., said she is purchasing the property tomorrow. Her hope is to run a lash and brow boutique from the home. She said the most traffic the boutique will generate is 4 cars every 2 hours. She has plans to widen the driveway so customers can enter the busy street going forward instead of backing into it. She feels the property will be better maintained as a business instead of a rental property, and that the property will be a great asset to Farmington City. She said business will be spread throughout the day with the typical appointment length of an hour and a half to two hours. **Tami Russell** said they hope to have at the most 4 employees there with 4 total appointments filled at a time.

Based on the number of employees and appointments the applicant presented, **Rebecca Wayment** asked if the driveway will be able to accommodate 8 vehicles. **Tami Russell** said their current driveway plans include 8-10 parking spots.

Alex Leeman asked if no one plans to live in the home, what renovations are planned for the inside and outside of the home. **Tami Russell** said they will keep the structure the same, including leaving the kitchen as is, but will be doing cosmetic updates. In the event the business does not take off, she said she would like to convert it back to a residence if needed.

Heather Barnum asked if the applicant understood that a PUD overlay would only apply to her as the property owner. **Tami Russell** said she did not understand that before the meeting tonight. She

expressed concern that in the event she has to sell it, she feels she would have a challenging time doing so as it is on a busy street. Currently, the home has been on the market for over 500 days.

Rebecca Wayment asked if their sign will be lighted. **Tami Russell** said no, the sign will not be lighted.

Rebecca Wayment opened the public hearing at 7:36 p.m.

Matt Poulsen, 1732 N. Main Street., said he has some concerns with the proposal. He feels that regardless of the time of day, this is always a busy intersection. He feels the lack of parking is a problem. He is unsure how the driveway could be expanded as there is a slope that drops off from the parking area which would require a retaining wall. He also expressed concern of the domino effect. He feels that allowing this property to be used for commercial purposes by a PUD overlay will generate others requesting the same thing for their property. He feels if the boutique were run as a home occupation, it would be a better fit for the neighborhood.

Les Roberts, 1199 N. Main St., said he lives in the adjacent property to the south. He purchased his home as a residential property 11 years ago. He has worked to dramatically improve his lot and the lot he owns adjacent to his home property. He wanted to raise his family here as it used to feel like Mayberry; however, he feels it has drastically eroded over the last decade due to encroachment of commercialization. He said he feels the clause being referenced in the ordinance regarding PUDs is being exploited for the applicant's purpose. He feels it is basically "spot-zoning" which is not allowed. He is frustrated that he will now sit outside his home and watch a steady stream of customers coming and going from a business. He feels it will also be an invasion of privacy and requested the applicant be required to include a 7' fence to help mitigate it. Additionally, he has concerns about parking. He said it is not uncommon for visitors for this property to park in his driveway as it challenging to access the home's parking on Shepard Lane. He asked the Commission to think about this decision 100 years down the line and not just a 10-20 year impact. **Dan Rogers** asked if there have been privacy concerns with the surrounding rental properties. **Les Roberts** invited the Commissioners to come and see what the impact will have on his property. **Heather Barnum** pointed out that he already has problems with visitors to the property parking in his driveway. **Les Roberts** said yes, there are currently people that park in his driveway; however, 4 customers every 2 hours is significantly more visitors than ever before which could cause additional problems.

Richard Conover, 469 Quail Run, said his main concern is the domino effect. He feels commercialization keeps coming further down the road.

Rebecca Wayment ended the public hearing at 7:49 p.m. for this meeting, but continued it to November 5, 2015.

Brett Anderson asked if there were any restrictions to the amount of concrete that can be used in the expansion of the driveway. **David Petersen** said yes; however, he does not know any of the current dimensions of the driveway or what is being proposed at this time. **Brett Anderson** said he would like more information on the driveway before a decision is made. He said it would also give the applicant the opportunity to show how the driveway meets the code before the item returns to the Commission for approval.

Rebecca Wayment said she is supportive of maintaining the house and thinks a boutique is a great fit; however, she feels the size of the business is concerning. She is also unsure how the driveway could be expanded to fit 8 cars, and she also feels that is a lot of concrete to see from the road.

Tami Russell explained plans for the expansion of the driveway. She also does not see how there could be privacy concerns with the southern property as she has to look down to see his property. She also said 8 people total (4 employees and 4 customers) is the best case scenario. The Commissioners discussed different driveway expansion could take place.

Alex Leeman said he feels the boutique is a good fit, but is uncomfortable with the parking at this time. He asked the applicant to come back with a more detailed site plan with a parking layout before the Commission accepts or rejects the proposal. **Rebecca Wayment** agreed; she would also like to see a site plan, as well as the concrete capacity and how she plans to accommodate the number of parking stalls she wants to include.

Brett Anderson said he would also like to discuss the General Master Plan in more detail to determine if the fathers of the City envisioned this property to be included as commercial or if they felt it would stay as residential. He also expressed concerns about the “commercial creep.” **David Petersen** said the one thing that appeals about the proposal is that this may help with “commercial creep” as it will preserve the home. The PUD will be attached to the property owner so the property could never be resold by the property owner as commercial. The home would have to maintain its integrity to stay eligible for the National Historic Registry. The trees would be maintained along Main Street and Shepard Lane. All of these are benefits the City sees to ensure “commercial creep” does not continue.

Alex Leeman would like to keep the public hearing open so residents that expressed concern during this meeting can return to see the updated site plan that will include the parking expansion. **Brett Anderson** reminded members of the public that emails can also be sent to the Planning Commission and will be entered into the record in the event someone is not able to attend the meeting.

Motion:

Dan Rogers made a motion that the Planning Commission continue the Russell PUD Overlay item and public hearing to November 5, 2015 to continue the discussion of the following:

1. Site plan for the concrete;
2. Check with the historic preservation consultant;
3. Privacy buffering.

Heather Barnum seconded the motion which was unanimously approved.

Item #5. Miscellaneous

David Petersen updated the Commissioners on an item discussed during the last Planning Commission meeting. With regards to the proposed conditional use garage, staff correctly measured the applicant’s home. The height of the home is 14’, but the garage must be subordinate to the height of the building. It also only comes before the Commission if the proposed accessory building will exceed 15’. **David Petersen** said the Commission will not be seeing the item again.

ADJOURNMENT

Motion:

At 8:12 p.m., **Heather Barnum** made a motion to adjourn the meeting which was unanimously approved.



Rebecca Wayment
Chair, Farmington City Planning Commission