

FARMINGTON CITY
PLANNING COMMISSION MEETING
March 5, 2015

STUDY SESSION

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

Item #3. Scott Balling – Requesting Preliminary Plat Approval for Kestrel Bay Townhomes

Eric Anderson said this item is the Preliminary Plat for Kestrel Bay Townhomes located off of 620 South and the Frontage Road. The applicant received Final Plat approval on December 5, 2013, but was delayed by approval from FEMA regarding the flood plains. About a month ago, the applicant explained to staff some of the changes he would be making to the plans. Some of the changes include two-car garages, wrap around balconies on the end units and amending the plans from two buildings to one long townhome complex. Eric Anderson said staff felt the changes were significant enough that it needed to return for Preliminary Plat approval. Staff feels the proposed changes may not fit the look and feel of the surrounding neighborhood. Kent Hinckley reviewed the standards of a Planned Unit Development (PUD) as found in the ordinance; he does not feel this project meets those standards. All the Commissioners expressed concerns with the proposed Preliminary Plat and did not like that it was changed from a two building complex to a 10-unit, one building complex.

David Petersen briefly explained the history of this project. It is zoned R-8 which allows for 15 units per acre and would also allow for apartment complexes. The previous Commission and the surrounding neighbors preferred this project as it would be owner occupied townhomes. In regards to the previous PUD concern, David Petersen also explained that through a PUD, the applicant is able to deviate from the setback standards of the underlying zone.

Item #4. Russell Wilson/Symphony Homes – Requesting Recommendation for Schematic Plan Approval for Pheasant Hollow Subdivision

Eric Anderson said the applicant received Schematic Plan approval last May; however, they are now requesting 15 lots (10 per the yield plan plus an additional 5 TDR lots) with 2 lots that the applicant would turn into a park. He explained the applicant would not just be donating the land, but would be paying for the development and improvement of the park. Kent Hinckley asked if the City wanted another “pocket park.” David Petersen said that although the City Parks Department does not typically like “pocket parks,” the Mayor is in favor of this one. With the TDR, the land would not be transferred to another part of the City, like the regional park, but would remain in the neighborhood.

REGULAR SESSION

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

#1. Minutes

Heather Barnum made a motion to approve the Minutes from the February 19, 2015 Planning Commission meeting. Kent Hinckley seconded the motion which was unanimously approved.

#2. City Council Report

Eric Anderson gave a report from the City Council meeting on March 3, 2015. He said Brentwood Estates Final Plat, Oakwood Estates Phase VII Final Plan and Tuscan Grove Final Plat were all approved. Jeff Hawkes also presented concept drawings to the Council for an office park north of Station Park near Shepard Lane.

SUBDIVISION APPLICATIONS

#3. Scott Balling (Public Hearing) – Applicant is requesting Preliminary Plat approval for the Kestrel Bay Townhomes (PUD) Subdivision (10 units) on .78 acres located at 145 West 620 South in an R-8 zone. (S-7-15 & S-11-12)

Eric Anderson said the applicant previously obtained Final PUD Master Plan and Final Plat approval on December 5, 2013. The applicant has changed the previously approved plans from two townhome structures into one 10-unit building. The applicant is also proposing to remove the drainage easement that was previously located between the two proposed buildings. There are also some changes with the driveway configurations and balconies on the outside units. Eric Anderson said staff provided two alternative motions for approval or tabling of the item, as shown in the staff report.

Val Halford asked if there were concerns regarding the removal of the drainage easement and where the drainage will then go if the easement is removed. Eric Anderson explained the City Engineer and Public Works asked the applicant to camera the drainage line as it appeared to be a vacated land drain. The applicant hired someone to video the line; based on the recording, the line does not appear to be serving anyone and is okay to be removed. As for his current drainage plans, Eric Anderson said to ask the applicant.

Scott Balling, 1995 N. 100 E., Centerville, provided the Commission with handouts that included the proposed “upgrades” to the townhomes, a document outlining the drainage easement and the right-of-way and an updated Preliminary Site Plan with included elevations. He explained more information regarding the drainage easement, as outlined in his handout. He explained there is no need for it anymore and has the recorded release of the drainage easement. He explained some of the upgrades that are included in the proposed units, including a two car garage on every unit, the middle units will be increased to 1500-1900 sq.ft. with an increase in unit width from 18’ to 24’ and end units with a covered, wrap-around porch. He also said, based on previous discussions in past Planning Commission meetings, there were concerns regarding driveways backing onto 620 South. Driveway configurations have changed to allow cars to be forward facing as they approach 620 South. They have also raised the price of the units and will be selling all of them (there had been previous

discussions about renting the units). With regards to **Val Halfords'** concerns with drainage of the project, there is a drain line stubbed in the southern corner of the property and a catch basin near unit 2.

Val Halford asked what the sell price of the units will be. **Scott Balling** said they are working to sell the units under \$250,000. **Heather Barnum** asked if they will sell all the units at once. **Scott Balling** said yes they will, but will first complete one unit as a model home. **Val Halford** asked the applicant who is his target market. **Scott Balling** said the original plan was for the units to be "starter homes," but have since realized families of all stages of life are now interested as there is only one flight of stairs, a larger layout and the main living area on the same elevation as the garage.

Brett Anderson asked for further clarification on the long roofline as the plans looked like they have 3 levels of setbacks. **Scott Balling** said they plan to off-set each "building", comprised of two units, by 6'. They plan to use hardiback materials on the exterior of the units which will give a variety of surfaces and colors. They would also like to upgrade the garage doors to have windows and will also include landscaping in areas around the front doors and other areas around the units.

Brett Anderson asked for more information about plans for the backyards. **Scott Balling** said they will include a visually solid barrier fence to keep surrounding residents' yards private, a concrete masonry wall along the Frontage Road for further privacy and a 12' by 12' covered patio.

Rebecca Wayment opened the public hearing at 7:26 p.m.

Mike Nielsen, 101 W. 620 S., said he owns the property east of the proposed development. He likes the upgrades that have been included, like the two car garage. He also likes that the units will be sold and not rented.

Rebecca Wayment closed the public hearing at 7:28 p.m.

Bret Gallacher feels much more comfortable with the provided elevations after seeing the updated plans and hearing the description of the project. He feels the 6' setbacks will help break up the long roof line. **Kent Hinckley** agreed; he feels staggering the roof line with the setbacks is a much better solution than one solid roof line. **Brett Anderson** also agreed; he also likes the two entries into the development to allow cars a forward access to 620 South. **Heather Barnum** agreed with the comments regarding the 6' setbacks and added the different finishes will also help break up the roof line and make it appear as more duplexes than one building.

Motion:

Brett Anderson made a motion that the Planning Commission approve the Kestrel Bay Townhomes PUD Preliminary Plat subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. No building permits shall be issued until the LOMR effective date of June 26, 2015 has passed, which will remove the property from the floodway;
2. The City Engineer and City Council shall review and approve the easement vacation prior to or concurrent with Final Plat consideration;
3. A note shall be placed on the Final Plat indicating all culinary water lines and sewer lines will be private lines within the project property prior to recordation;
4. A note shall be placed in the Final Plat indicating all recycling and garbage cans will be stored in the garage prior to recordation;

5. Review and approval of final improvement drawings by Public Works, City Engineer, Benchland Water, Central Davis Sewer District, Fire Department and the Community Development Department of the City.

Alex Leeman seconded the motion which was unanimously approved.

Finding:

1. The proposed Preliminary Plat submittal is consistent with all necessary requirements for a Preliminary Plat as found in Chapter 6 of the City's Subdivision Ordinance.
2. Although the project has deviated slightly from the approved Final Plat and Final PUD Master Plan, it is consistent with the Preliminary PUD Master Plan for the area.

Note: The Preliminary Plat approved was in reference to the drawings dated February 10, 2015 that were provided to the Planning Commission by the applicant during the meeting.

Item #4. Russell Wilson/Symphony Homes (Public Hearing) – Applicant is requesting a recommendation for Schematic Plan 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 the applicant previously received Schematic Plan approval from City Council for a 12 lot conservation subdivision with a 10% open space provision on May 6, 2014. Since that time, the applicant has amended the Schematic Plan so the revision is now before the Commission. Based on the yield plan staff completed, the applicant is allotted 10 lots under a conventional subdivision; however, the applicant is proposing 15 lots. To obtain 15 lots, the applicant must request a TDR for 5 lots; however, the applicant plans preserve the delineated wetlands and leave 2 lots for a park. Eric Anderson said all lots meet the alternative lot size requirements based on the ordinance, except the flag lot, but that can be resolved. The proposed cul-de-sac does not have sidewalks or a park strip. He also said many of the residents previously expressed concern that the soil is not suitable for development. The applicant has obtained a geotech report which is more than what is required based on the ordinance. Based on that report, with mitigation, the land will likely be suitable for development. Staff is recommending approval. Eric Anderson also said if approved Finding #4 needs to have the words "potential soils issues" added to the end of the sentence.

Brett Anderson asked where the nearest park was to the proposed development. David Petersen showed the nearest park on the aerial view which is near the cemetery. He said that some of the land from the park has been used to increase the size of the cemetery so there is always a potential that the park may disappear long term. Brett Anderson said he feels this park would be beneficial to the neighbors. Bret Gallacher expressed concern with how small the park is as it is well under an acre once the wetlands are set aside.

Kent Hinckley asked what the ordinance requires for sidewalks and park strips. Eric Anderson said for a local road a 7 ½' park strip and 4' sidewalk is required; however, City Council has the authority to approve a street cross-section modification at the Schematic Plan phase.

Russell Wilson, 526 N. 400 W., is a representative from Symphony Homes. He said they have done extensive soils testing, plus additional testing and have tested each individual lot. He said the results showed it was better to have smaller lots as there would be less impact on the soil. Since the lots are smaller, they felt it was better not to have park strips or sidewalk as to allow for a larger building foot print. With regards to the park, they plan to improve it with a play facility, benches,

landscaping, and a grassy area. **Alex Leeman** suggested not having outdoor lighting as it will help prevent the park from being used past reasonable hours. **Russell Wilson** also said the lot sizes are comparable to the surrounding area, but was not sure of the square footage of these homes.

Kent Hinckley asked if the reason for no sidewalk was to make the homes bigger. **Russell Wilson** said yes, these homes will be slightly smaller than their usual product. With the average lot size being approximately 8,000 sq.ft., having a 7 ½' plus 4' for parking strip and sidewalk, the setbacks for the home are affected.

Alex Leeman suggested modifying the street cross-section to include the sidewalk without the park strip. **Eric Anderson** said Public Works does not want a sidewalk without the park strip as snow removal becomes a problem; however, the 7 ½' park strip size requirement may be modified.

The Commissioners and the applicant discussed different alternatives for having the sidewalk which included a sidewalk on half of the street or in front of a few lots. The Commissioners were concerned that with it being a cul-de-sac and a park, a sidewalk is important for safety measures.

Rebecca Wayment opened the public hearing at 7:54 p.m.

Jeff Holman, 22 Virginia Cir., lives just west of the proposed flag lot. He said that not having a sidewalk in the development is a concern. He also wanted to clarify that the Army Corps of Engineers requires wetlands to be undeveloped, unimproved and fenced. The area near the park is wetlands and these requirements would apply to it, making the park very small. He is concerned that the applicant is asking for 15 lots with 2 proposed lots for a park, but could later come back to build on it. Based on ordinance, **Jeff Holman** said flag lots are not permitted for economic purposes; however, he feels an economic gain is the only reason to include a flag lot in this development as they are trying to get as many lots in as possible.

Jim Feichko, 36 E. 620 S., lives near this proposed development. He purchased his home 3 years ago. Since that time, his home has had settling problems. He explained all the different areas of his home that have had damage caused by the settling. He explained the installation of helical piers around his home to help prevent the settling. He expressed major concern for the future home buyers of the proposed project as he feels the soil is not suitable for development.

Dan Lanson, 599 Glynhill Ct, lives directly north of the proposed development. He also expressed concern regarding the removal of the sidewalk. He said that he purchased his home from Symphony Homes 7 years ago and since that time, his home has sunk 4 1/2". He feels Symphony Homes knew about the problem prior to his purchase and will only provide small "fixes" to the problem, like shaving doors. He is very concerned about the oversight of the project since the development where his home is located, Continental Estates has homes, sidewalks and streets that are sinking.

Dallas Bradbury, 692 S. 100 E., shares the same concerns as already mentioned. He added that he is concerned with the traffic coming down 700 S. and how it may impact those traveling to the park. He also explained that many helical pier companies that are used, or may even be used by the applicant for the project, offer a 25 year or lifetime warranty. In the small print, the helical pier guarantee is void if the water changes or if there are high winds. He is concerned these warranties may be void as the water will change and there are high winds in Farmington. He expressed concern that it has been a dry year so the soils testing may not have been accurate. He is also concerned that drying these wetlands up for this project may also cause additional drying (and shrinking) of the property in the surrounding areas causing more damage to the homes surrounding the development.

Ken Hamilton, 24 W. 620 S., lives to the west of the development and has for 28 years. He explained some of the problems Symphony Homes had with their previous development, Continental Estates. He said he has pictures of caterpillars being stuck in over 20" of mud. He also remembers when the foundation of a home near his house was being dug. The next day the concrete could not be poured until 4' of water was pumped from the hole. He feels that due to our dry winter, the wetlands may be drier now, but will soon fill up again with water. He does not feel Symphony Homes will be there to back residents up when the problems start to arise in the future for this development.

Kim Farr, 82 E. Continental Dr., shared with the Commission the plans for Pheasant Hollow Subdivision that was presented in 2008. The plans showed 10 big homes on larger lots. The current proposal is for 15 homes on smaller lots. Also from the 2008 plans, the wetlands encompassed more of the property than the 2015 plans. She expressed concern on why the previous plans included more wetlands.

Rebecca Wayment closed the public hearing at 8:15 p.m. for this meeting, but continued it to March 19, 2015 Planning Commission meeting.

Russell Wilson explained they will use helical piers on the home; they will include one on every corner of the home, but will also follow the recommendation set by the helical pier companies of one pier every 8' which would result in over 20+ helical piers per home. With regards to the 2008 plans Mrs. Farr presented, he is not sure about the designated wetlands on it as the Army Corps of Engineers provided the current drawings of the delineated wetlands for the development.

Brett Anderson asked if the helical pier companies warrant their work. **Russell Wilson** said yes; he also added that in addition to helical piers, each lot will also include a gravel bedding, a land drain and a foundation drain. **Brett Anderson** asked staff who address drainage and water issues and land settlement standards. **David Petersen** said it varies; the City may hire a soils engineer, but that engineer would provide the City with the soils report to review. During approval of the last Schematic Plan for this development, the motion included a condition that an independent geotech scientist review the applicant's geotech reports, and that a soil report be prepared for each lot individually.

Brett Anderson explained to the public that the Planning Commission is constrained by the ordinance when making decisions on approving developments. It is the Planning Commission's job to see that the developers meet the requirements as outlined in the ordinance.

Kent Hinckley asked staff what if the developer has done all that is asked with soil studies, professional consultants, and requirements based on the ordinance. What more can the Planning Commission do? **David Petersen** stated that if a developer provides all information, completed all required studies, meets all standards and the City denies the subdivision, the City is then liable for "inverse condemnation." This type of liability is excluded from municipalities' insurance and could cost the City millions of dollars.

Rebecca Wayment asked the actual size of the park without the wetlands included. **David Petersen** said approximately 1/3 of an acre. **Alex Leeman** asked if there is a requirement that the wetlands be fenced. **Heather Barnum** said yes, but it can be a chain link fence. **Russell Wilson** said they are okay with installing the fence per the requirement.

The Commissioners discussed the flag lot. Some felt that it was being included for economic gain as they feel the developer is trying to fit a larger number of lots in the development. **Heather**

Barnum suggested re-designing the development with fewer lots so there is not a need for the flag lot.

Alex Leeman asked if the drainage plans for the development could be reviewed during Preliminary Plat. He would also like to have an engineer to come and discuss the results of the geotech study with the Commission. **David Petersen** said the item could be tabled and a copy of the geotech report can be requested.

Brett Anderson said he appreciated the concerns that were presented regarding the water and the builder. **David Petersen** reminded the residents and the Commissioners that although the concerns are received and appreciated, the Planning Commission does not have authority over a contractual relationship between the builder and the home buyer. He said he hopes members of the public seek out all the information they can prior to buying a home.

Kent Hinckley stated his concerns with the development. He does not like flag lots and feels they should only be allowed under certain conditions. He is also concerned that sidewalks were not included. He feels the City is not receiving much out of the proposed park due to its size, but is fine if the City wants it.

Heather Barnum asked why the applicant is building the park. **David Petersen** said that although the park may be small, it still provides a gathering area for the kids and others. Parks of this size have been well received in other areas of the City.

Bret Gallacher said he feels bad for those that have disagreements with Symphony Homes; however, Symphony Homes has done all that has been asked of them by the Commission except for the sidewalks. He has a big concern with approving the development without sidewalks. **David Petersen** suggested tabling the item with the request to see sidewalks and explore the possibility of removing the flag lot.

Rebecca Wayment also agreed that she feels for those that expressed concern, but in the end, if the developer does all they can, it is their right to move forward with the development. She also feels sidewalks are a necessity, especially because she feels the trails system is important to the interconnectivity of the City. She stated she does not like the flag lot and would like to see a layout that does not include it.

Heather Barnum would also like to table the item to allow the developer time to address the sidewalks and the flag lot.

It was discussed if the item should be tabled or continued. **Rebecca Wayment** wanted the public the opportunity to review the revisions and voice their opinion so the item will be continued.

Motion:

Heather Barnum made a motion that the Planning Commission continue the public hearing and the item to March 19, 2015 to give the applicant time to address the sidewalk and flag lot concerns. **Bret Gallacher** seconded the motion which was unanimously approved.

ZONE TEXT CHANGE

Item #5. Farmington City (Public Hearing) – Applicant is requesting a recommendation for a Text Amendment of Chapter 17 of the Zoning Ordinance regarding amendments to garage width standards in the OTR Zone. (ZT-3-15)

David Petersen said, based on the last Planning Commission meeting's discussion, he reviewed the item with the Historic Preservation Commission. The Preservation Commission did not like compromising the current 33% front facing garage standard. The Preservation Commission offered a compromise that for every percentage increase to the standard, the garage would be recessed a foot and a half. Under that proposed standard, to obtain a 40% front facing garage standard, the garage would be recessed 10 ½'. **David Petersen** said if the garage is recessed 50% or more the length of the home, it can be as large as a resident may want; however, the narrow lots do not have a way to accommodate this. **David Petersen** said the choices before the Commission would be to leave the standard as is at 33% (narrow lots just could not accommodate a two car garage), amend the standard up to 40% or recess the garage to obtain a higher percentage standard.

David Petersen said he also reviewed the Americans with Disabilities Act (ADA) standards, but the standards seemed to apply for more covered parking and loading areas than for garages.

Heather Barnum asked if the garage could be turned to the side instead of having it flush with the front of the house. **David Petersen** said the Historic Preservation Commission did not have a problem with that; however, it would not be possible with the 70' wide lot.

Bret Gallacher asked staff what their recommendation would be based on the options provided. **David Petersen** said he would prefer recessing the garage 1' for every 1% standard increase.

Rebecca Wayment re-opened the public hearing at 9:10 p.m.

Julie Ballantyne, 22 W. Joy Dr., explained they have tried many different options; however, most are not realistic. They have floor plans that would work with a 7% increase to the standard, but they can also accommodate a setback garage in exchange for a percentage increase.

Rebecca Wayment closed the public hearing for this meeting at 9:11 p.m.

Heather Barnum said she liked the idea of going with some of the Historic Preservation Commission's recommendation as they have the task of preserving the look and feel of Farmington's downtown. She feels the 1' for 1% is a good compromise as it still preserves what the Preservation Commission is trying to accomplish.

Rebecca Wayment, Brett Anderson and Kent Hinckley agree that 1' for 1% is an appropriate compromise.

Motion:

Kent Hinckley made a motion that the Planning Commission recommend that the City Council change attached garage percentage standards for narrower lots less than 85 feet in width from 33 up to 40% so long as for every percentage point increase in garage width as a percentage of the whole over 33%, the owner causes the garage to be set back (or recessed) 1 foot from the front plane of the home, and change both side setbacks to 10 feet. **Val Halford** seconded the motion which was unanimously approved.

Findings:

1. Farmington's original town site is characterized by an extremely diverse array of housing styles representative of each decade dating back to the 1850's. This adds to the fine architectural grain and unique sense of place indicative of this area.
2. Historically, and even today, very few attached front facing garages (which often dominate the front façade of a residential dwelling) exist in central Farmington as compared to other more recently developed areas of the community.
3. These and other urban design attributes create an inviting place for walking/pedestrian activities in the downtown core, including all the social, environmental, and public health benefits which accompany such activities.
4. In support of the foregoing, a previous Planning Commission recommended that attached garages eve/flush with the main part of the home (not encroaching into the front yard) shall not exceed 33% of the entire front plane of the dwelling (which includes the garage).
5. A large number of lots in the original town site are less than 85' wide, and the Zoning Ordinance allows for lots down to 70' in width.
6. A two-car garage is a typical size found in residential neighborhoods.
7. Lots less than 85 feet in width cannot accommodate an attached two-car garage even with the front plane of the home and meet the 33% standard.
8. Increasing the garage standard up to 40% as a percentage of the entire front for dwellings on narrower lots (under certain conditions set forth herein) will better accommodate two-car garages, but at the same time aide in preserving the ambiance of downtown. It represents an acceptable compromise for two competing issues: 1) the owner's desire for garage space, and 2) maintaining and preserving the characters of the built environment of the downtown area.

OTHER BUSINESS

Eric Anderson explained to the Commission that a possible application may be coming to the City for the HHI Building located on Main Street for a tow truck driving school. It would only require two tow trucks to be stored in the back of the property at night. The Commissioners discussed this option and how its use would be reviewed based on the permitted and conditional uses found in the ordinance for the BR zone. The Commissioners were comfortable looking more into the possible application.

ADJOURNMENT

Motion:

At 9:32 p.m., **Heather Barnum** made a motion to adjourn the meeting which was unanimously approved.



Rebecca Wayment
Chair, Farmington City Planning Commission