

**FARMINGTON CITY
PLANNING COMMISSION MEETING
October 18, 2018**

STUDY SESSION

Present: Chair Kent Hinckley, Commissioners Connie Deianni, Roger Child, Shawn Beus, Community Development Director Dave Petersen and Recording Secretary Tacy Stine. Commissioners Rulon Homer, Russ Workman and Amy Shumway were excused.

SUBDIVISION

Item #3. Jerry Preston / Elite Craft Homes – Applicant is requesting minor plat approval for the Sydney Corner Subdivision consisting of 4 lots on .86 acres of property located on the southeast corner of 650 West and Glover Lane in an AE (Agriculture Estates) zone. (S-9-18)

Dave Petersen said the Sydney Corner Subdivision is for final plat approval. It's a minor plat (meaning the preliminary plat and a final plat rolled into one). He said staff gave a summary of the conditions that were approved. The applicant has completed items 1-6. He said the applicant still has to pay the TDR amount, complete the privacy fence, and the final improvement drawings are almost complete.

Item #4. Jerry Preston / Elite Craft Homes (Public Hearing) – Applicant is requesting a recommendation for schematic plan approval for a subdivision consisting of 8 lots on approximately 5.78 acres of property located at about 950 West 500 South in an AE (Agriculture Estates) zone. (S-23-18)

Dave Petersen said this is on a vacant property north of 500 South and west of the D&RGW tracks, next to Farmington Creek. He said it's over 5 acres, including the home that's already there. The developer is only doing eight lots, which is fairly low density. It's a conservation subdivision, which means up to 30% of the land has to be set aside for open space. Dave Petersen said within the conservation subdivision standards the developer can ask for a waiver of open space, which is what the applicant is doing. He is proposing a trail along Farmington Creek, which the City has looked at for years. Dave Petersen said it is a key connection in the City's trail system.

Item #5. Amenti Inc.-ETAL (Public Hearing) – Owner is requesting approval to subdivide property (34.63 acres) by metes and bounds to create two parcels (a lot split) – the land is located at the southeast corner of Burke Lane (675 North) and 1525 West Street in an OMU (Office Mixed Use) zone. (S-24-18)

Brigham Mellor said Farmington City is the applicant on behalf of Amenti for the lots split by metes and bounds. The City found a willing seller for some land so they could relocate a park. It's more than 11 acres of land. There are some wetlands that will need to be mitigated. He said there will be some infrastructure the City will put in, but the State is paying for. The State has agreed for the City to be the purchaser, but they can't buy it unless it's subdivided. The City agreed with the seller to submit the metes and bound subdivision so they wouldn't have to do it. The seller is giving up 17.7 acres that is already zoned OMU.

REZONE

Item #6. Amenti Inc.-ETAL (Public Hearing) – Owner is requesting a recommendation to rezone property (19.24 acres) located at the northeast corner of Burke Lane (675 North) and 1525 West Street from A (Agriculture) to OMU (Office Mixed Use). (Z-9-18)

Brigham Mellor said the seller still owns 19 acres on the north side of Burke Lane. They want to rezone it to OMU which is congruent with the small area master plan and is consistent with the City's overall General Plan. He said it would be changed to OMU, but the real power is when they come back with their plan to propose whatever type of development is requested. Dave Petersen said the City hasn't given away the farm by rezoning it because right now they are limited to office and non-residential uses. They can't fill it up with homes or apartments because the zone doesn't allow it.

CONDITIONAL USE PERMIT

Item #7. Joshua and Erin Reddis (Public Hearing) – Applicant is requesting conditional use approval to establish a secondary dwelling at 154 West 1100 North in an LR-F (Large Residential Foothill) zone. (C-9-18)

REGULAR SESSION

Present: Chair Kent Hinkley, Commissioners Connie Deianni, Roger Child, Shawn Beus, Community Development Director Dave Petersen and Recording Secretary Tacy Stine. Commissioners Rulon Homer, Russ Workman and Amy Shumway were excused.

Item #1. Minutes

Roger Child made a motion to approve the Minutes from the October 4, 2018 Planning Commission meeting. Connie Deianni seconded the motion, which was unanimously approved.

Item #2. City Council Report

Dave Petersen gave a report from the October 16, 2018 City Council meeting, which included updates on the Meadow View subdivision and Brookside Hollow.

SUBDIVISION

Item #3. Jerry Preston / Elite Craft Homes – Applicant is requesting minor plat approval for the Sydney Corner Subdivision consisting of 4 lots on .86 acres of property located on the southeast corner of 650 West and Glover Lane in an AE (Agriculture Estates) zone. (S-9-18)

Dave Petersen said the applicant received schematic plan approval from the City Council after receiving a recommendation from the Planning Commission. The only condition the City Council added was putting a fence along the east property line, otherwise the conditions are complete. He said the applicant has to pay the TDR, put up the privacy fence and there are still some minor issues regarding improvement drawings.

Jerry Preston, 170 N. Main Street, Farmington, said he didn't have any comments and opened it up for questions from the Planning Commission. Connie Deianni asked what kind of fence they were planning on putting up. Jerry Preston said they are looking to use a 6 foot trex fence rather than vinyl for something nicer.

Motion:

Shawn Beus made a motion that the Planning Commission approve the final plat for the Sydney Corner Subdivision subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The applicant must pay the amount, agreed upon by the City Council, for the TDR lot(s) to the City prior to or concurrent with the recordation of the final plat.
2. The applicant must construct a privacy fence along the east edge of the development (covering all four lots) prior to occupancy of the first home or prior to the commencement of the warranty period for the public improvements required for the subdivision—whichever occurs first.
3. The City's Development Review Committee (DRC) must approve final improvement drawings for the development, and the applicant shall complete any other DRC outstanding comments/requirements related to this, the development, and the final plat.

Roger Child seconded the motion, which was unanimously approved.

Findings for Approval:

1. Lot dimensions comply with the standards set forth in the Zoning and Subdivision ordinances because the City made a finding of blight.
2. All lots front an existing fully improved public r.o.w. (650 West and Glover Lane).
3. The City will receive comparable compensation for lost open space in the form of a TDR transaction through cash payment, which enables the creation of the smaller lot size, and allows the City to use that open space in a better location elsewhere.

Item #4. Jerry Preston / Elite Craft Homes (Public Hearing) – Applicant is requesting a recommendation for schematic plan approval for a subdivision consisting of 8 lots on approximately 5.78 acres of property located at about 950 West 500 South in an AE (Agriculture Estates) zone. (S-23-18)

Dave Petersen gave the location as north of 500 South and east of the D&RGW tracks. He said it's over five acres so the developer has the ability to do a conservation subdivision. It meets the requirements. He said the applicant has asked for a waiver because he's providing a trail along Farmington Creek. He has to get a flood control permit from Davis County because lots 5 and 6 are in a FEMA flood plain.

Roger Child asked if the setback requirements for existing homes are adequate for those lots. Dave Petersen said yes it is. The front setback is easily met and the side corner is as well.

Kent Hinckley asked how lot sizes compare to the surrounding development. **Dave Petersen** said that there are two half-acre lots and one that is over an acre, so it's consistent with what's there.

Jerry Preston, 170 N. Main Street, Farmington, said one lot is 15,000 square feet, which is a little over a third of an acre. He said they originally wanted to go with a TDR, but **Dave Petersen** came up with the idea of the conservation subdivision. He said the majority of people want to see a TDR. He likes the idea of the trails, but feels they are creating trails just to be there. He said three lots would be majorly impacted by the creation of the trail and one lot would be surrounded by trails on three sides, which would make it hard to sell. He said the landowners are opposed to it. **Kent Hinckley** brought up that it throws a curve ball at them because what the applicant is talking about is not a conservation subdivision as proposed. He said what the Planning Commission has been asked to consider is not what the applicant wants to do.

Dave Petersen said the applicant showed a yield plan of five one-acre lots, but is proposing a yield plan with eight lots, the three additional that are half acre or greater. In order to get it he has to provide 1 ½ acres, or between 25-30% of the property, as open space. He can either provide that open space in a conservation subdivision, or he could get a waiver. As part of the waiver, he would give up the trail. He said instead of an open space for cash exchange, the developer wants to bring in three extra lots as a TDR, to get eight lots. He said the City Council doesn't have to give the waiver, but they do want a trail there. **Kent Hinckley** said the issue seems to be about foregoing a piece of trail. He asked if it really is a trail to nowhere. **Dave Petersen** said he doesn't think the City Council will settle for a trail to nowhere. If they want a trail, it will be connected.

Connie Deianni said what's before the Planning Commission isn't what the applicant is asking for, but **Dave Petersen** said either way the schematic plan is going to look like what they have right now, whether the Planning Commission wants to recommend it with the trail or without.

Kent Hinckley opened the public hearing at 7:39 p.m.

(No comments were received at this time.)

Kent Hinckley closed the public hearing at 7:39 p.m.

Shawn Beus said he feels strongly about following the city's trail plan. He can't see how he wouldn't recommend the trail. He recommends the schematic plan include a trail. **Connie Deianni** said she agrees. **Roger Child** said the trail systems are key to connectivity, but if the trail goes nowhere it doesn't benefit anyone. He thinks it's important to identify that there is a trail planned, so anyone buying would know that's the future plan. He thinks there should be a provision that if connection isn't made, they provide the right to abandon that back to the property owner if it is a trail to nowhere.

Dave Petersen said the Planning Commission could recommend the trail as illustrated on the schematic plan. However, in the event that the trail does not connect to 500 South or the UTA trail, there needs to be an agreement worked out with the City that the trail would revert back to the property owner or that the City can sell it back to the property owners.

Jerry Preston made a suggestion to put in a trail easement. **Roger Child** said an easement is an easy way to do things, but the disadvantage is if it does get put in, the property owner will pay property taxes on it.

Shawn Beus said lots that have immediate trail access are favorable. **Kent Hinckley** agreed and said he's seen no evidence that a trail is detrimental. **Dave Petersen** said the trail is on the schematic plan and reminded the Planning Commission that it's a recommendation.

Motion:

Connie Deianni made a motion that the Planning Commission recommend that the City Council approve the schematic plan for the Creekside Manor Subdivision subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The applicant must obtain a waiver of the conservation land requirement from the City Council as per Section 11-13-065 of the Zoning Ordinance or obtain the number of TDRs necessary to implement the plan presented to the City.
2. The developer shall meet and satisfy the requirements of the City's DRC (Development Review Committee) including, but not limited to, that the applicant must determine if the "downstream storm drain has capacity to discharge un-detained"—if not, detention shall be required.
3. Parts of Lots 5 and 6 encroach into the FEMA flood plain; the applicant must obtain CLOMR (Conditional Letter of Map Revision) and then a LOMR (Letter of Map Revision) from FEMA before the City can issue any building permits regarding these lots.
4. The developer shall obtain a Flood Control Permit from the Davis County Public Works department.
5. Additional dedication of street right-of-way is required pursuant to the City Master Transportation Plan.

Shawn Beus seconded the motion, which was unanimously approved.

Findings for Approval:

1. The Waiver is warranted because it will result in a very critical connection of the Farmington Creek Trail consistent with the City's Trails Master Plan. The trail is perhaps the City's most significant east/west trail. It crosses (or goes under) major infrastructure impediments such as SR 106, I-15 and the Legacy Parkway, and it links four north to south trails of regional significance including the Bonneville Shoreline trail, the Legacy Parkway Trail, the D&RGW Trail, the future WDC trail, and at the same time the Farmington Creek Trail provides access to some of most major destinations in the community, including, among others, National Forest Service lands, Farmington pond, Lagoon, Station Park, the City's Regional Park, the Davis County Fairgrounds, and the bird refuge. There really is no other trail quite like the Farmington Creek trail.

Moreover, the waiver meets standards set forth for such, including but not limited to:

- The subdivision shall be located within a half mile of an existing public park located within the Farmington City limits. This distance shall be determined by the actual walking distance from the subdivision to the park. In the case the subdivision is less than 150 feet walking distance from the City regional park.
- A waiver shall not result in lots or building setbacks smaller than the minimum lot size.
- All subdivision standards regarding dead end street length, ingress and egress, and block dimensions shall be met.

- o No waiver shall result in the creation of additional lots or a flag lot.

With only 8 lots in the subdivision, the economies of scale do not exist to create 1.5 + acres of usable open as a private or a public use.

2. The schematic plan, and recommended motion for approval, is consistent with the City's General Plan, and the City Master Transportation Plan (and element of the General Plan).
3. The DRC recommends approval of the application.
4. A portion of the subdivision is located within the FEMA floodplain, and by law, the City must follow FEMA standards.
5. The development abuts Farmington Creek and as required by inter-local agreement, the City must require that the developer obtain a flood control permit. Furthermore, such permits increase safety and mitigate loss of property, especially during times of flooding, for the City's property owners and residents.

Item #5. Amenti Inc.-ETAL (Public Hearing) – Owner is requesting approval to subdivide property (34.63 acres) by metes and bounds to create two parcels (a lot split) – the land is located at the southeast corner of Burke Lane (675 North) and 1525 West Street in an OMU (Office Mixed Use) zone. (S-24-18)

Brigham Mellor said Farmington City is the applicant on behalf of Amenti. The applicant is a result of the park that is being displaced by the West Davis Corridor on 1100 West and Glovers. He said the alternative site was selected by the City. He said the Mayor and Dave Millheim approached the Kelley family and asked them about voluntarily selling the property, then worked through the details with UDOT. He said the property is 17.7 acres. Some of the property is wetlands so it will never be developed. The land will also serve as a retention basin. He said before the City can buy the property it has to be subdivided.

Kent Hinckley opened the public hearing at 8:02 p.m.

(No comments were received at this time.)

Kent Hinckley closed the public hearing at 8:03 p.m.

Shawn Beus made a motion that the Planning Commission recommend that the City Council approve the metes and bounds lot split for the AMENTI Subdivision subject to all applicable Farmington City development standards and ordinances and the following condition:

1. The applicant provides a stamped survey legal description of the new parcel

Roger Child seconded the motion, which was unanimously approved.

Findings for Approval

1. The lot split is consistent with the city master transportation plan
2. The lot split matches the subdivision proposed in the 2016 North Station Small Area Master Plan

Item #6. Amenti Inc.-ETAL (Public Hearing) – Owner is requesting a recommendation to rezone property (19.24 acres) located at the northeast corner of Burke Lane (675 North) and 1525 West Street from A (Agriculture) to OMU (Office Mixed Use). (Z-9-18)

Brigham Mellor said the Kelley family was concerned that they're giving up land they already have entitled and getting agricultural prices for it. If their land to the north was zoned OMU it could help. He said there was an agreement with the Haws Company to put in road improvements on Burke Lane. Dave Petersen said they don't want only houses. They want mixed use. Brigham Mellor said that's the primary objective, to make it a job center.

Kent Hinckley opened the public hearing at 8:10 p.m.

(No comments were made at this time.)

Kent Hinckley closed the public hearing at 8:10 p.m.

Connie Deianni made a motion that the Planning Commission recommend that the City Council approve the rezone of property (19.24 acres) located at the northeast corner of Burke Lane subject to all applicable Farmington City development standards and ordinances.

Findings for Approval

1. The rezone is consistent with the general plan
2. The rezone is consistent with the 2016 North Station Small Area Master Plan
3. There are road improvements being done along Burke lane in the coming year that make the rezone pertinent at this time

Roger Child seconded the motion, which was unanimously approved.

Item #7. Joshua and Erin Reddis (Public Hearing) – Applicant is requesting conditional use approval to establish a secondary dwelling at 154 West 1100 North in an LR-F (Large Residential Foothill) zone. (C-9-18)

Dave Petersen said the applicant is asking for a conditional use permit for a secondary dwelling. He said every zone on the east side except for the R zone allowed secondary dwellings as a conditional use or permitted outright. The City created secondary dwelling use where the owner has to live onsite. It also has to meet building codes, and the applicant said there was already a kitchen in the basement. He said the building inspector will verify that everything is up to code.

Josh Reddis, 154 West 100 North, Farmington, said the only ones living in the house are he and his wife and their two dogs. They are hoping for the conditional use permit so they can rent out the basement and earn a little extra income.

Connie Deianni asked if he'd spoken to the neighbors. Josh Reddis said he had talked to the neighbor to the north, but hasn't talked to anyone else yet. Shawn Beus asked if the neighbors got the notification. Josh Reddis said he knows the neighbors did get it

Kent Hinckley opened the public hearing at 8:26 p.m.

(No comments were received at this time.)

Kent Hinckley closed the public hearing at 8:27 p.m.

Connie Deianni made a motion that the Planning Commission approve the conditional use subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The property shall meet all requirements of the building code prior to occupancy.
2. The applicant must meet the standards for secondary dwellings set forth in Section 11-28-200 of the Zoning Ordinance (see attached).

Shawn Beus seconded the motion, which was unanimously approved.

Findings for Approval

6. The proposed use complies, or will comply, with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
7. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
8. The proposed use is not detrimental to the health, safety, and general welfare of persons residing in the vicinity.
9. The motion for approval is consistent with State law for conditional uses.

ADJOURNMENT

Motion:

At 8:31 p.m., **Connie Deianni** made a motion to adjourn the meeting, which was unanimously approved.



Kent Hinckley
Chair, Farmington City Planning Commission