



HISTORIC BEGINNINGS • 1847

Farmington City Planning Commission

January 23, 2020



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

BRETT ANDERSON
SHAWN BEUS
SCOTT ISAACSON
AMY SHUMWAY
REBECCA WAYMENT
CITY COUNCIL

SHANE PACE
CITY MANAGER

AGENDA PLANNING COMMISSION MEETING

January 23, 2020

Public Meeting at the Farmington City Hall, 160 S. Main Street, Farmington, Utah

Study Session: 6:30 p.m. – Conference Room 3 (2nd Floor)

Regular Session: 7:00 p.m. – City Council Chambers (2nd Floor)

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments, which cannot be made within these limits, should be submitted in writing to the Planning Department prior to noon the day before the meeting.)

- 7:05 1. Minutes
7:10 2. City Council Report

CONDITIONAL USE

- 7:20 3. Dallon and Shelby Boyd (Public Hearing) – Applicant is requesting a conditional use approval for a secondary dwelling unit located at 1407 N State Hwy 106 in the LR (Large Residential) zone. (C-20-19)

ZONE TEXT AMENDMENT

- 7:30 4. Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend the text of the zoning ordinance to allow the Planning Commission to approve the Final PUD Master Plan, versus the City Council. Specifically, that the city amend Section 11-27-100, and remove section 11-27-110. (Z-1-20)
- 7:40 5. Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend 11-7-040 of the zoning ordinance to establish a one-year expiration date for site plan approval. (Z-2-20)

OTHER BUSINESS

- 7:50 6. Miscellaneous, correspondence, etc.
a. Visionary Homes Development Agreement Update
b. Other

Please Note: Planning Commission applications may be tabled by the Commission if: 1. Additional information is needed in order to take action on the item; OR 2. If the Planning Commission feels, there are unresolved issues that may need additional attention before the Commission is ready to make a motion. No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commissioners. The Commission may carry over Agenda items, scheduled late in the evening and not heard to the next regularly scheduled meeting.

Meagan Booth
City Planner

Posted January 17, 2020

**FARMINGTON CITY
PLANNING COMMISSION**

January 9, 2020

STUDY SESSION

***Present:** Chairman Roger Child, Vice Chairman Alex Leeman, Rulon Homer, Russ Workman, Mike Plaizier, Greg Wall, Community Development Director Dave Petersen, City Planner Meagan Booth, Planning/GIS Specialist Shannon Hansell, and Recording Secretary Carly Rowe.*

Alex Leeman and **Mike Plaizier** were appointed to the Planning Commission by the Mayor and ratified by the City Council, on January 7, 2020.

Item #1 Planning Commission Election

Rulon Homer made the motion to elect **Roger Child** as the 2020 Planning Commission Chair. **Russ Workman** seconded the motion, which was unanimously approved.

Rulon Homer made the motion to elect **Alex Leeman** as Vice Chair. **Russ Workman** seconded the motion, which was unanimously approved.

Alex Leeman made the motion to elect **Greg Wall** as the Board of Adjustment (BOA) representative. **Russ Workman** seconded the motion, which was unanimously approved.

Item #4 Scott and Patti Adamson – Ace Athletics

The applicants are requesting to modify the site plan that was previously approved, due to cost. The original plan that they are requesting to go back to includes access off Shirley Rae Drive instead of Glover's Lane.

REGULAR SESSION

***Present:** Chairman Roger Child, Vice Chairman Alex Leeman, Rulon Homer, Russ Workman Mike Plaizier, Greg Wall, Community Development Director Dave Petersen, City Planner Meagan Booth, Planning/GIS Specialist Shannon Hansell and Recording Secretary Carly Rowe.*

Item #2 Minutes

Russ Workman made a motion to approve minutes from December 12, 2020 Planning Commission meeting. **Rulon Homer** seconded the motion, which was unanimously approved.

Item #3 City Council Report

The December 17, 2019 City Council meeting concluded the final meeting for Alex Leeman, Cory Ritz and Doug Anderson. The January 7, 2020 City Council study session included a summary of the Legislative session, meanwhile the regular meeting was used to introduce the new City Council members who took their Oath of Office, as well as recognition and appreciation of outgoing Planning Commission members.

CONDITIONAL USE

Item #4 Scott and Patti Adamson/ Ace Athletics - Applicant is requesting approval to modify the site plan/conditional use permit for Ace Athletics Academy located at 874 Shirley Rae Drive on 2.15 acres of property located in an A (Agricultural) zone. (C-6-19)

Scott Adamson is requesting to modify a site plan and conditional use permit approval for Ace Athletics Academy, a 20,400 square foot indoor tennis facility located on the property (2.15 acres) at 874 S Shirley Rae Drive in the A Zone. On August 22, 2019, the Planning Commission approved the Conditional Use Permit. See attached documents and approvals for previous motions. If approved a revised conditional use permit will replace the previously approved permit. The modification of the conditional use is requested because the road access has changed. A public hearing was previously held on August 8, 2019. Per 11-8-060, modifications can be granted when it can be determined that such changes or modifications are necessary to accommodate special circumstances related to the location, siting or implementations of the approved development. The applicant will present the request further during the meeting.

Scott Adamson (940 Windsor Lane, Bountiful) explained that the project was quoted to cost an extra \$400,000 to change the site plan. They are requesting to go to “Plan A”, which is the original site plan that was presented on August 8, 2019. **Chad Boshell**, City Engineer, **Dave Petersen**, Community Development Director and neighbors have all been notified of the request to modify and the reasoning; and have agreed that moving to the original plan would be acceptable. The applicant is also going to be putting up a “right turn only” sign at the exit of the parking lot to ensure no traffic will go into the neighborhood.

MOTION

Greg Wall made a motion that the Planning Commission modify the conditional use permit and site plan approval for Ace Athletics, subject to all applicable Farmington City development standards and ordinances and with the following conditions.

1. All of the original conditions shall remain in effect applicable with the exception of having access off Glover’s Lane (condition #2 from August 22, 2019 meeting).
2. Install a street sign that reads “right turn only” at the exit of the parking lot onto Shirley Rae Drive.
3. Parking lot configuration and landscaping plans in the 30-foot front yard area to be updated and approved by staff.

Rulon Homer seconded the motion, which was unanimously approved.

OTHER BUSINESS

Item #5 Miscellaneous, correspondence, etc.

- a. **Dallas Nicoll / Visionary Homes (Public Hearing) - Applicant is requesting a recommendation to amend the North Station Phase I Project Master Plan and development agreement related thereto by modifying the building elevations regarding the proposed townhomes. The project is located on approximately 9 acres between Haight’s Creek, Shepard Lane, the D&RG Trail and I-15 in an OMU (Office Mixed Use) zone. (PMP-4-17)**

On September 18, 2018, the City Council approved the schematic subdivision plan, development agreement and project master plan for the North Station townhome subdivision. The North Station townhome subdivision is located on approximately nine acres between Haight's Creek, Shepard Lane, the D&RG Trail and I-15 in an OMU (Office Mixed Use) zone. At the September 18, 2018 public hearing, citizens expressed concern over building height, among other things.

Ken Stuart of Stay Farmington, LLC, who submitted the original PMP and Development Agreement, previously owned the project. The original PMP included the schematic plan for the North Station subdivision townhomes, and was approved by the City Council. Since then, Visionary Homes acquired the project and, after discussion, requested that building elevations be changed. The amendment considered today includes these updated building elevations.

Dallas Nicholl (296 S 890 E. Smithfield) of Visionary Homes clarified the height of the townhomes at 36.75 feet and that the garage is accessed from the back of the home. The exterior will include LP hard board, masonry stone, and stucco. **Greg Wall** asked how many homes would have balconies, **Mr. Nicholl** answered that all three-story homes would have them. Two-story homes will not have a balcony due to the architecture of the buildings.

Roger Child opened the public hearing at 7:49 PM.

Kyle Stowell (1764 Burke Ln) inquired about the road plans in relation to where the buildings will be located. Mr. Stowell gave a brief history regarding the lot and said that current residents have the same concerns. He also spoke in regard of a transition from the homes to the business park, which would include a buffer and tiered approach to the building heights. The city wanted to create a citizens committee in 2011 to look at the Zone Text and ensure the above concepts were included. Another concern was the office buildings that are already being built in the area are "too tall" for the single-family residence that is nearby. He ends with the plea that these are not compatible for the single-family residential neighborhood and feels it has too large of an impact. His opinion is to have the two-story next to the rail-trail and expressed additional concerns about the five-plex that he stated would look like an apartment complex, and wonders how we as the City can enforce height limits.

Alex Leeman stated that this is the "definition" of transition, not more single-family homes but rather something dense like this project that has a buffer between buildings and single-family residential and meets the goal for this area.

Heidi Herron (926 N 1875 W) stated the townhomes look more like apartment complexes and that this is not a true transition from single-family homes to the future business park. Ms. Herron said that the previous owner had met with the surrounding residents to decide on a compromise for the land based on the developer's wishes and the resident's wishes. The compromise she said that was presented was moving from large single-family residences to bigger units towards the freeway. She also stated that against the trail, originally was the two-story units that look similar to homes.

Roger Child closed the public hearing at 8:18 PM.

Russ Workman wanted to clarify for the public and commissioners that this item is already approved per City Council for the existing townhomes. **Alex Leeman** clarified that the elevation change is the item tonight, the heights are not changing and none of the schematic plans are changing either.

Lastly, **Greg Wall** asked if they are individually owned townhomes and not rented condominiums, **Mr. Nicholl** confirmed.

MOTION

Greg Wall made a motion that the Planning Commission recommend approval for the amended development agreement and project master plan, including new building elevations, subject to all applicable Farmington City development standards and ordinances.

Alex Leeman seconded the motion, which was unanimously approved.

Findings for approval:

1. The development agreement allows the applicant to deviate from the underlying standards of Chapter 18 that do not apply to this particular application.
2. The proposed North Station Project Master Plan was completed through a design charrette involving unanimous stakeholder consensus; Phase I is consistent with this global plan.
3. The proposed North Station Development Agreement and Project Master Plan is consistent with the stated intent and purpose of the Farmington City General Plan and Zoning Ordinance for this district.
4. The new building elevations submitted by Visionary Homes are similar in height to the approved original elevations.

b. UTA Presentation on BRT (Bus Rapid Transit)

- This item will be presented on a later agenda. UTA wants to promote BRT from Salt Lake City through Farmington.

ADJOURNMENT

Rulon Homer made a motion to adjourn at 8:33 PM. **Alex Leeman** seconded the motion, which was unanimously approved.

Roger Child, Planning Commission Chair

WORK SESSION: A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. The work session will be a presentation by UDOT. The public is welcome to attend.

FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, January 21, 2020, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

Meetings of the City Council of Farmington City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

The agenda for the meeting shall be as follows:

CALL TO ORDER:

7:00 Roll Call (Opening Comments/Invocation) Pledge of Allegiance

NEW BUSINESS:

7:05 Resolution Approving an Interlocal Cooperation Agreement with RDA regarding Tax Increment within the Station Park RDA Project Area

Minute motion adjourning to the Redevelopment Agency meeting.

(See RDA Agenda)

7:20 Fee in Lieu of Conservation Land Dedication Agreement – Flatrock Ranch Subdivision (600 South 1525 West)

SUMMARY ACTION:

(Items listed are considered routine in nature and will be voted on in mass unless pulled for separate discussion)

7:30 Minute Motion Approving Summary Action List

1. Approval of Minutes from December 17, 2019
2. Chestnut Farms Phase 4 Improvements Agreement
3. Resolution Appointing City Council Members to Various Committees
4. City Purchasing Card Program

GOVERNING BODY REPORTS:

7:35 City Manager Report

1. Fire Monthly Activity Report for November
2. Building Activity Report for December

7:40 Mayor Talbot & City Council Reports

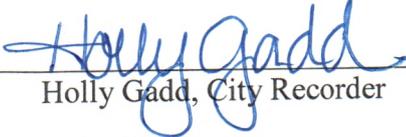
ADJOURN

CLOSED SESSION

Minute motion adjourning to closed session, if necessary, for reasons permitted by law.

DATED this 16th day of January, 2020.

FARMINGTON CITY CORPORATION

By:  _____
Holly Gadd, City Recorder

***PLEASE NOTE:** Times listed for each agenda item are estimates only and should not be construed to be binding on the City Council.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting, should notify Holly Gadd, City Recorder, 451-2383 x 205, at least 24 hours prior to the meeting.

Posted 01/16/2020



Planning Commission Staff Report January 23, 2020

Item 8: Conditional Use Permit for a Secondary Dwelling Unit

Public Hearing: Yes
Application No.: C-20-19
Property Address: 1407 N State Hwy 106 (Main St) Farmington, UT 84025
General Plan Designation: LDR (Low-Density Residential)
Zoning Designation: LR (Large Residential)
Area: 0.279
Number of Lots: 1
Property Owner: Dallon and Shelby Boyd

Request: *Conditional Use approval for a Secondary Dwelling Unit*

Background Information

The applicants, Dallon and Shelby Boyd are requesting conditional use approval for a Secondary Dwelling Unit (SDU) at 1407 N State Hwy 106 (Main St) in the LR (Large Residential zone). The applicant is proposing a basement apartment for rental. This request requires a conditional use permit approval from the Planning Commission.

This application was submitted on December 3, 2019, in response to a code enforcement notice of violation sent on November 27, 2019. The application followed this notice promptly and is accompanied by a narrative listing how the SDU fulfills standards in Sections 11-02-020 and 11-28-200. See attached narrative.

Suggested Motion

Move that the Planning Commission approve the conditional use subject to all applicable Farmington City ordinances and development standards and the building shall meet all requirements of the building code prior to occupancy.

Findings for Approval

1. The proposed use is compatible with the character of the site, adjacent properties and surrounding neighborhoods.
2. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
3. The proposed use is not detrimental to the health, safety, and general welfare of persons residing in the vicinity.
4. Approval of the conditional use will fulfill requirements of Notice of Violation

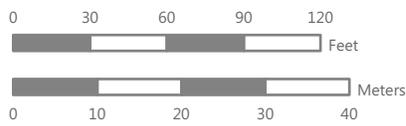
Supplemental Information

1. Vicinity Map
2. Photos of site
3. Narrative provided by applicant
4. Section 11-8-050: Conditional Use Standards
5. Section 11-28-200



VICINITY MAP

1407 N Main Street



Disclaimer: This map was produced by Farmington City GIS and is for reference only. The information contained on this map is believed to be accurate and suitable for limited uses. Farmington City makes no warranty as to the accuracy of the information contained for any other purposes.



1407 N Main St



Dallon and Shelby Boyd
1407 North Main Street, Farmington, UT 84025 Dallonbovd@hotmail.com, 435-429-2693

December 3, 2019

Greetings Farmington Neighbors,

I am applying to have my basement apartment permitted as a secondary dwelling unit (SOU) as defined in Section 11-02-020. It is my hope that this letter will show how this SOU will be a benefit to us as the owners and the community. To address some of the standards for a secondary dwelling unit as defined in Section 11-28-200, I have prepared this letter. This is to accompany a conditional use permit for a secondary dwelling unit at 1407 North Main Street, Farmington, Utah, 84025.

Secondary Dwelling Unit Standards

- Location: The SOU is a basement apartment and is an architectural and integral part of the single-family dwelling. There is a separate entrance located on the backside of the property. A path goes around the property to the second entrance. This basement unit is secondary and subordinate to the single-family dwelling.
- Number: There is only one secondary unit as there is only one basement. The entire basement except for a storage room and a utility room are part of this secondary dwelling unit.
- Parking: There is sufficient parking as there is a two-car garage for the single-family dwelling and a concrete slab adjacent to the driveway that is sufficient to support at least two vehicles more than the required one vehicle.
- Design and Character: The basement unit is clearly incidental and secondary to the single-family dwelling. It is nearly impossible for the neighbors or passersby to know that there is a basement apartment. The basement has been completed since 2001.
- Size: As per the Davis County Assessor website, the basement has 1842 sq. ft. while the upstairs single-family dwelling unit has 1896 sq. ft. As stated above part of the 1842 sq. ft. will not be available to the SOU. The SOU is subordinate in size to the single-family dwelling unit.
- Construction Codes: The basement has been finished as a basement apartment since 2001 and met all building code at that time.
- Occupants: The occupants of the secondary dwelling shall be one family as defined in Section 11-02-020.
- Ownership: My wife and I as the owners will occupy either the single-family dwelling unit or the sou.
- Absentee Owner: In the event of one of the identified unforeseen circumstances, the SOU will no longer be rented before 4 years or the property will be sold.

We intend to rent out whichever of the units that we are not occupying.

Benefits to the Community

- As Deseret News noted on Sept 22, 2019, there is a housing crisis in Utah and building is not keeping up and will not be able to.
- There is lack of housing options state-wide, especially in the east Farmington area.
- Increasing population density is the only way to help alleviate the house crisis.
- Secondary dwelling units can help with this by create something sometimes referred to "invisible density" as the population grows without having to create additional housing.
- It is an efficient use of space and does not have a large traffic impact.
- SOU provide better use of existing infrastructure.

I look forward to working with you on this small-but important step towards increasing the housing options in our area. If there are any other questions about the property please let me know.

Sincerely,

Dallon Boyd

Owner

Legal Description: ALL OF LOT 24, OLD SHEPARD CREEK SUBDIVISION. CONTAINS 0.279 ACRES

Parcel Number: 081830

11-28-200: SECONDARY DWELLING UNITS:

Secondary dwelling units may be allowed as a permitted or conditional use in various zones as designated in this title.

A. Purpose: The purposes of this section and any rules, regulations, standards and specifications adopted pursuant hereto are:

1. Minimal Impacts: To accommodate such housing in residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion and compatible scale and appearance of residential buildings.
2. Decline In Quality: To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, Building Code violations and associated decline in quality of residential neighborhoods.
3. Terms And Conditions: To set forth standardized terms and conditions for secondary dwellings and procedures for review and approval of the same.

B. Conditional Use Permit: Secondary dwellings may be permitted as a conditional or a permitted use as designated by the underlying zone found in this title. In those zones where a secondary dwelling unit requires conditional use permit approval, applications for a secondary dwelling shall be submitted and reviewed as a conditional use permit in accordance with [chapter 8](#) of this title.

C. Standards: The following standards and conditions shall apply to all secondary dwellings, in addition to any terms and conditions of approval as imposed by the Planning Commission during the conditional use permit process:

1. Location: A secondary dwelling shall only be allowed as part of a single-family dwelling and shall be secondary and subordinate to such single-family dwelling.
2. Number: A maximum of one secondary dwelling shall be allowed per single-family home. Secondary dwellings shall contain no more than one dwelling unit.
3. Parking: At least one off street parking stall shall be provided for the secondary dwelling. Such parking stall shall be in addition to all off street parking requirements for the primary single-family dwelling on the lot and shall conform with the City parking standards specified in this title.
4. Design And Character: The secondary dwelling shall be clearly incidental and secondary to the single-family dwelling, there should be no significant alteration to the exterior of the single-family dwelling to accommodate the secondary dwelling and such secondary dwelling shall not adversely affect the residential character of the surrounding neighborhood. A secondary dwelling shall be designed in such a way that neighbors or passersby would not, under normal circumstances, be aware of its existence.
5. Size: The secondary dwelling shall be equal to or subordinate in floor area to the remaining floor area occupied by the single-family dwelling.
6. Construction Codes: The secondary dwelling shall comply with all Construction, Housing and Building Codes in effect at the time the secondary dwelling is constructed and shall comply with all procedures and requirements of the City building regulations.
7. Occupants: The secondary dwelling shall be occupied exclusively by one family.
8. Ownership: Either the single-family dwelling or secondary dwelling shall be owner occupied.
9. Absentee Owner: Temporary absentee property ownership may be allowed due to unforeseen circumstances, such as military assignments, employment commitments, family obligations and quasi-public service. Notwithstanding the foregoing, the maximum time period allowed for absentee property ownership shall not exceed four (4) years. In the event such absentee property ownership occurs, the property owner may rent both the secondary dwelling and the primary dwelling.

D. Site Development: Upon approval of a conditional use permit for a secondary dwelling, an application for site development shall be submitted in accordance with the provisions of [chapter 7](#) of this title. (Ord. 2018-18, 5-15-2018)

11-8-050: CONDITIONAL USE STANDARDS

Conditional use applications shall be reviewed in accordance with, and shall conform to, all of the following standards:

A. Necessity: The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general wellbeing of the community;

B. Compliance: The proposed use shall comply with the regulations and conditions in this title for such use;

C. Comprehensive Plan: The proposed use shall conform to the goals, policies and governing principles of the comprehensive plan for Farmington City;

D. Compatibility: The proposed use shall be compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing and proposed development;

E. Adequate Improvements: Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available or may be provided; and

F. Use Not Detrimental: Such use shall not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A proposed use shall be considered detrimental:

1. If it will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
2. If it will unreasonably interfere with the lawful use of surrounding property; or
3. If it will create a need for essential municipal services which cannot be reasonably met. (Ord. 1991-27, 7-17-1991)



Planning Commission Staff Report January 23, 2020

Item 4 : Zone Text Amendment— Final PUD Master Plan Approved by the Planning Commission

Public Hearing:	Yes
Application No.:	ZT-1-20
Property Address:	NA
General Plan Designation:	NA
Zoning Designation:	NA
Area:	NA
Number of Lots:	NA
Applicant:	Farmington City

Request: A recommendation for a Text Amendment to the Zoning Ordinance.

Background Information:

The request is to amend the text of the zoning ordinance to allow the Planning Commission to approve the Final PUD Master Plan, versus the City Council as part of the Planned Unit Development Process. Specifically, it is proposed that the city amend Section 11-27-100, and remove section 11-27-110 as set forth in the suggested motion.

Suggested Motion

Move that the Planning Commission recommend approval of the proposed amendments to Section 11-27-100 and 11-27-110 of the Zoning Ordinances subject to all applicable Farmington City ordinances and standards and recodifying the remaining sections in Chapter 27 accordingly (see below):

11-27-100: FINAL PUD MASTER PLAN REVIEW BY PLANNING COMMISSION:

~~Action By Planning Commission:~~The Planning Commission shall review the submitted final PUD Master Plan and may ~~recommend the City Council~~ approve or disapprove it. The Planning Commission may ~~recommend the City Council~~ approve the final PUD Master Plan if they find that the proposed planned unit development meets all of the requirements of this chapter, that it is in substantial compliance with the approved preliminary PUD Master Plan and that it meets the objectives and purposes of this chapter. The Planning Commission may ~~recommend~~ apply conditions with the ~~recommendation of~~

approval of the final PUD Master Plan that will ensure that the proposed PUD meets with the objectives of this chapter, subject to, but not limited to, the following:

- A. Building Permit: No building permit for any portion of the proposed planned unit development shall be issued until the final PUD Master Plan has been approved and all necessary subdivision ordinance requirements have been met. Building permits may be issued in accordance with the approved final PUD Master Plan even though the yard requirements, building heights, minimum lot sizes, etc., differ from the requirements of the underlying zone in which the development is proposed.
- B. Permanent Protection: Permanent protection of planned unit development open space, performance bonds, guarantee of improvements, covenants and restrictions. All provisions pertaining to the requirements cited in sections 11-27-130, 11-27-140 and 11-27-150 of this chapter shall be met as required in the approved conditions of the planned unit development prior to ~~City Council~~ **City Council Planning Commission** final approval. (Ord. 2018-05, 1-18-2018) in which the development is proposed.
- C. Phased Development: Development plans for an approved preliminary PUD Master Plan may be submitted in phases provided each phase can exist as a separate unit capable of independently meeting all the requirements and objectives of this chapter. If the planned unit development is developed in phases, the required open space and approved recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given development phase, unless it is determined that a greater amount of open space and recreation facilities must be provided in order to assure that these spaces and facilities can function properly.
- D. Fees: All final plans shall be accompanied by the appropriate fee, as specified from time to time by the City Council. (Ord. 2018-05, 1-18-2018)

~~11 27 110: FINAL PUD MASTER PLAN REVIEW BY THE CITY COUNCIL:~~

~~The City Council shall review the final PUD Master Plan after review by the Planning Commission. If the City Council finds that the proposed planned unit development meets the objectives and purposes of this chapter, it may approve the final PUD Master Plan subject to, but not limited to, the following:~~

- ~~A. Building Permit: No building permit for any portion of the proposed planned unit development shall be issued until the final PUD Master Plan has been approved and all necessary subdivision ordinance requirements have been met. Building permits may be issued in accordance with the approved final PUD Master Plan even though the yard requirements, building heights, minimum lot sizes, etc., differ from the requirements of the underlying zone in which the development is proposed.~~
- ~~B. Permanent Protection: Permanent protection of planned unit development open space, performance bonds, guarantee of improvements, covenants and restrictions. All provisions pertaining to the requirements cited in sections 11 27 130, 11 27 140 and 11 27 150 of this chapter shall be met as required in the approved conditions of the planned unit development prior to City Council final approval. (Ord. 2018 05, 1 18 2018)~~

Finding:

Consideration of the Preliminary PUD Master Plan is a legislative act and it is that portion of the process where the City Council enacts an overlay zone after receiving a recommendation from the Planning Commission. On the other hand, Final PUD Master Plan approval is an administrative act to ensure the Preliminary PUD Master Plan is implemented appropriately, and as such should solely be reviewed by the Planning Commission with the City Council as the appeal authority--- this is also consistent with subdivision process, which often occurs concurrently with the PUD Process.



Planning Commission Staff Report January 23, 2020

Item 5 : Zone Text Amendment— Site Plan Expiration

Public Hearing:	Yes
Application No.:	ZT-2-20
Property Address:	NA
General Plan Designation:	NA
Zoning Designation:	NA
Area:	NA
Number of Lots:	NA
Applicant:	Farmington City

Request: *Recommendation for a Text Amendment to the Zoning Ordinance.*

Background Information:

The request is to amend 11-7-040 of the zoning ordinance to establish a one-year expiration date for site plan approval as set forth in the suggested motion.

Suggested Motion

Move that the Planning Commission recommend the City Council approve the proposed amendment to 11-7-040 (Site Development Plan Review Process) of the Zoning Ordinance as set forth in the staff report, subject to all applicable Farmington City ordinances and standards, as follows:

11-7-040: SITE DEVELOPMENT PLAN REVIEW PROCESS:

- A. Submission: The applicant shall prepare and make a submission to the City consistent with the standards contained in this chapter, the general plan and other ordinances and resolutions. The applicant shall not engage in any site development or building construction until the necessary approvals, as outlined herein, have been obtained.

- B. Referral To Entities: Proposed site plans shall be delivered by the applicant to such City departments, special districts, governmental boards, bureaus, utility companies and other agencies, which will need to provide facilities and services to the site, for their information and comment. The Planning

Department is responsible for coordinating the comments received from all public and private entities, and shall decide which agencies to refer proposed site plans to.

- C. Site Plan Review: The Planning Department shall review the site plan for conformance with the standards outlined herein; for conformance with the comprehensive plan and this title; for environmental impacts, which may be associated with the design; and shall process the site plan and reports as provided in this chapter.

- D. City Engineer, Public Works Director: The City Engineer and Public Works Department shall review the site plan and make recommendations concerning: flood control requirements; engineering requirements for street widths, grades and alignments; sewer and water requirements; whether the proposed public improvements conform to the requirements of this chapter and other applicable ordinances; and shall be responsible for the approval and inspection of all public improvements.

- E. City Planner: The City Planner shall review all applications for single-family and two-family dwellings, and residential permitted uses in all zones. If desired, an applicant may request a review by the Planning Commission of a permitted use. This provision is intended to resolve conflicts or differences of opinion between the applicant and City staff concerning the requirements or interpretation of this chapter.

- F. Planning Commission: The Planning Commission shall review all conditional uses. The Planning Commission shall also review all multiple-family residential, commercial, commercial recreation, office, agricultural use or industrial permitted uses, which are subject to the requirements of this chapter, unless such review is waived by the commission and is delegated to the Planning Department. A notice shall be sent to all adjacent property owners within five hundred feet (500') of the subject property for all site plan reviews considered by the Planning Commission. After adequate review, an application may be approved, approved with conditions, continued for further study or disapproved for the use and/or site plan. (Ord. 2018-18, 5-15-2018)

- G. Notification To Applicant: The applicant shall be notified within a reasonable time after receipt of the application of the City's decision. The City may either issue a building permit, advise the applicant of the approval of the application, or advise the applicant of additional information required by the City in order to act upon the application. (Ord. 1991-27, 7-17-1991)

- H. Expiration and extension of site plan approval: The final approval of a site plan shall expire within (12) months of the date of approval, unless a building permit and/or excavation permit is issued for the project. A single one-year extension may be granted by the approval body, which approved the original site plan and in accordance with applicable city ordinances including 11-7-090 and 11-8-060.

11-7-090: AMENDMENT OR MODIFICATIONS:

A. Request: Modifications to an approved site plan approval may be granted when it can be determined that such changes or modifications are necessary or desirable to accommodate special circumstances related to the location, siting or implementation of the approved development. The request for amendment shall be made in writing and documented on the site plan of the project. Where, after favorable review by the city engineer, building inspector and planning staff, the staff finds such modifications are so insignificant and minor as not to measurably change the approved site plan approval or the intent of conditions that may have been imposed, the city planner shall review and approve the modifications. Modifications so approved by the city planner shall be reported at the next planning commission meeting. Amendments which are determined to constitute a significant change to the site plan, or where there is not unanimous staff approval, shall be heard by the planning commission.

B. Record: Once revisions are approved, they shall be clearly marked and dated on the approved site plan and kept on file in the office of the planning department. (Ord. 1991-27, 7-17-1991)

Findings:

1. No expiration period exists for site plan approval even though the Farmington City Code provides the same for most administrative actions such as subdivision approval, conditional use approval. etc. The proposed zone text change will establish an expiration time limit consistent with similar actions elsewhere in the zoning and subdivision ordinances.
2. It is not good practice to allow entitlements to last indefinitely without an applicant obtaining a permit because external conditions and internal ordinances may change over time.