

**FARMINGTON CITY
PLANNING COMMISSION MEETING
July 7, 2016**

STUDY SESSION

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

Discussion and Motion on Acting Chair

David Petersen said Chair Rebecca Wayment sends her apologies for not being able to attend. He said since the chair and vice-chair are unable to attend, the City Attorney advised the commission to take a vote on who will serve as the acting chair for this meeting. **Dan Rogers** said he felt the most veteran of the commissioners would be appropriate. Of those in attendance at the time, **Kent Hinckley** was the most veteran commission member.

Motion:

Dan Rogers made a motion that Kent Hinckley serve as acting chair of the Planning Commission for the remainder of the July 7, 2016 meeting. **Bret Gallacher** seconded the motion which was unanimously approved.

Discussion Regarding the Next Planning Commission Meeting

David Petersen said the next scheduled Planning Commission meeting only has one non-urgent agenda item. He proposed postponing the item until the following scheduled Planning Commission meeting on August 4, 2016. The commissioners agreed.

Review of the Previous Meeting's Minutes

Kent Hinckley asked if there were any changes that need to be discussed or concerns with the June 23, 2016 Planning Commission's minutes. The commissioners did not have any concerns.

Item #3. Glen Lent / Oakwood Homes – Applicant is requesting final plat approval for the Avenues at the Station Phase III Subdivision

Eric Anderson said this item is the Final Plat for the Avenues at the Station Phase III. He said the applicant received schematic plan approval for the full Master Plan in 2013. **Eric Anderson** said the project is in the RMU (Residential Mixed Use) zone, so Chapter 18 of the Ordinance regarding form based codes applies. He said Chapter 18 also requires a few varying approval items, including the Development Plan Review. He said this project has been thoroughly vetted through preliminary plat.

Eric Anderson said it was originally proposed this project would be completed in 3 phases. The last phase may convey storm water across the D&RG trail to a permanent detention basin that is owned by the City in the Farmington Greens subdivision. **Eric Anderson** said some of the residents in the

Farmington Greens subdivision are opposed to the detention basin. **David Petersen** said the Army Corps of Engineers has not yet approved the delineation of the wetlands. **Eric Anderson** explained if the Army Corps of Engineers does approve the delineation of wetlands, it may provide a permanent solution for a large portion of the region's storm water. Also, UTA has already approved the City's request to convey water under the trail.

Eric Anderson said in the meantime, Phase III includes Parcel M which is open space that will be created for a temporary detention basin. In the event the detention basin in the Farmington Greens subdivision will not be built, the temporary detention basin on Parcel M will become permanent. In the event the regional detention basin is approved, an additional phase, Phase IV, will be included which will relocate the detention basin and the property where the temporary basin was located will once again be buildable for the 9 units proposed during the Project Master Plan.

Eric Anderson said the only remaining issue was regarding the block face found in Phase III. Chapter 18 of the Ordinance regarding form based codes requires a 28' ROW; the applicant has provided a pedestrian access of 30' to help break up the block face and size.

Item #4. Nick Mingo / Ivory Homes – Applicant is requesting preliminary plat approval for the Silver Hollow Conservation Subdivision

Eric Anderson said in the previous meeting when this item was presented to the commission there was a lot of discussion regarding the trail easement and whether or not public access could be granted. He said Alex Leeman raised the concern that a public access easement may not be able to be recorded over an existing easement.

David Petersen explained a brief history on the area. He said when Ivory Homes purchased the property, the sliver of land where the proposed trail is was included in the property. Ivory Homes did not need the sliver of land so they decided to convey the property 50/50 to the two property owners that use it as their driveway; however, Ivory Homes realized the previously proposed plan for the property presented a trail access to 1500 W. on the sliver of land in exchange for their open space requirement. Ivory Homes decided to record the trail easement in favor of the City prior to conveying the property to the property owners. **David Petersen** said staff discussed this with the City Attorney; the City Attorney said this process is ok.

David Petersen said staff wanted to confirm if 2 easements had been recorded on the property so staff pulled the title report for the sliver of land. It did not have an easement recorded. Staff feels there may have been a "gentlemen's agreement" in place that allowed the 2 property owners, Jeff Jeppson and the Rumseys, to use the land as their driveway. **David Petersen** said the recorded easement that was done by Ivory Homes still stands; he also pointed out that easement is owned by the City Council, and City Council appears to not want to vacate the easement.

David Petersen stated for the motion the Planning Commission can decide to count the trail easement toward the open space, or can think of the trail easement as a bonus and still require the applicant meet the 15% open space requirement.

Bret Gallacher asked if Ivory Homes came back with a secondary plan showing 15% open space within the development as requested when the item was previously discussed and tabled. **David Petersen** showed the alternative plan as shown in the staff report and explained the open space provided by the applicant. He explained the history on conservancy lots and how what the applicant is proposing has a similar feel to those kinds of lots. The commissioners and staff discussed additional concerns, including safety, regarding the use of someone's "driveway" as a trail. Despite the concerns,

staff pointed out the trail easement has already been recorded, and it does not appear that City Council will vacate it. **David Petersen** said if the commission is not comfortable with the trail meeting the open space requirement, the commission could propose that the applicant obtain a waiver. Waivers may be negotiated as cash payment for the open space requirement allowing the City to move the open space to another location. Apprehensions were still made by the commissioners that the concern was not with the trail applying to the open space, but that a trail will be located on someone's "driveway."

REGULAR SESSION

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

Item #1. Minutes

Bret Gallacher made a motion to approve the Minutes from the June 23, 2016 Planning Commission meeting. **Dan Rogers** seconded the motion which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from the July 5, 2016 City Council meeting. He said resident Jeff Clark requested a boundary adjustment for approximately 3,300 sq.ft. as a portion of his property laid in the Kaysville City boundaries. The City Council approved the request.

SUBDIVISION APPLICATIONS

Item #3. Glen Lent / Oakwood Homes – Applicant is requesting final plat approval for the Avenues at the Station Phase III Subdivision consisting of 21 lots on 2.58 acres of property located at approximately 1100 West Clark Lane in an RMU (Residential Mixed Use) Zone. (S-34-15)

Eric Anderson said this item is a continuation the Avenues at the Station project. As previously discussed during the Study Session, Parcel M was originally proposed to be 9 units as shown on the Master Plan. Because the applicant and City are unable to convey storm water across the D&RG tracks to a future regional detention basin located in the Farmington Greens subdivision at this time, the applicant will have to create a temporary detention basin on Parcel M. This detention basin may become permanent if the City does not receive a "green light" from the Army Corps of Engineers. If the regional detention basin in the Farmington Greens subdivision is approved, the temporary detention basin will be removed and a Phase IV will be added to allow the applicant to build the originally proposed 9 units. The only other issue was concern with the block face and size. Based on the Chapter 18 in the Ordinance for form based codes, the applicant is to provide a 28' ROW. The applicant addressed the issue with a pedestrian trail/sidewalk with a ROW of 30' which also decreases the size of the block.

Glen Lent, 206 E Winchester St., Murray, said they are working diligently with staff and Chad Boshell, the City Engineer, to obtain approval for the permanent regional detention basin across the D&RG trail. He said he feels this has been a successful project.

Kent Hinckley asked if the storm water will be piped along the road if the permanent detention basin in the Farmington Greens subdivision is built. **Glen Lent** said the storm water pipe was already installed during Phase I; the pipe will take the water under the D&RG trail.

Motion:

Dan Rogers made a motion that the Planning Commission approve the final plat for the proposed Phase III of the Avenues at the Station subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. Subject to all public improvement drawings, grading and drainage plans, being reviewed and approved by members of the DRC;
2. Prior to making application for Phase IV, the applicant must provide a permanent detention basin for the entire project west of the UTA right-of-way (the D&RG trail), and said detention basin must be approved by the US Army Corp of Engineers;
3. The applicant must meet all requirements by UTA to convey storm-water through their right-of-way west to a permanent site on City property.

Connie Deianni seconded the motion which was unanimously approved.

Findings for Approval:

1. The property is identified as mixed-use on the General Plan, and the proposed final plat is consistent with that designation.
2. The DRC has reviewed the plan and the last significant unresolved issues which may impact the overall layout of the plan are set forth as conditions of approval.
3. The proposed final plat is consistent with the regulating and other street, block size, and building form standards in the ordinance.
4. Specific to the final plat only, and the recommended conditions of approval, the plan complies with all Zoning and Subdivision Ordinance requirements, and other appropriate regulations.
5. The PMP was approved concurrently to Preliminary Plat on 11-14-2013, and the final plat is consistent with the PMP.
6. The placement of public improvements in relation to gas lines which traverse the property have been approved by the City Engineer, public works, Central Davis Sewer and shall be acceptable to the respective gas companies, which acceptance has been received by the City in writing.
7. The applicant has entered into a development agreement as part of Phase I regarding the temporary detention basin, and the applicant has provided calculations showing that this temporary detention basin will hold enough storm-water for Phases I, II and III. They have also begun work, in coordination with the City Engineer to obtain Corp approval for the permanent detention basin west of the D&RG trail.
8. Although the phasing plan has changed as a result of the temporary detention basin remaining, the overall layout is consistent with the approved PMP and preliminary plat.

Item #4. Nick Mingo / Ivory Homes – Applicant is requesting preliminary plat approval for the Silver Hollow Conservation Subdivision consisting of 11 lots on 5 acres of property located at approximately 1600 West Jeppson Way (1550 North) in an LR (Large Residential) Zone. (S-7-16)

Eric Anderson said this item was previously tabled on June 9, 2016 with regards to a trail easement being recorded over the public access easement. After pulling the title, it appears a public access easement may have not been recorded on the property. Staff is still waiting to hear back from the City Attorney, but it appears that the trail easement may remain. **Eric Anderson** explained that Ivory

Homes purchased the property which included the sliver of land that serves as a driveway to 2 property owners, the Jeppsons and Rumseys. Ivory Homes recorded a trail easement on the property prior to deeding the property for the sliver of land to the Jeppsons and Rumseys. **Eric Anderson** said the Planning Commission was previously comfortable with the lot layout and lot sizes, but had concerns with the trail easement. Staff is recommending this item for approval.

Chase Freebairn, 978 E. Wood Oak Lane, Salt Lake City, said he feels the commission has a good understanding of the background on this property; he said Ivory Homes feels they unknowingly inherited this problem. He said Ivory Homes has no use for the sliver of land so they planned to deed the property to the Jeppsons and Rumseys; however, it was understood that the City wanted the trail and the trail was previously approved in the past schematic plans. He said he understands the conflict with the trail, including the access, traffic and pedestrian concerns. He said they have been forthright with the property owners in letting them know what was happening. **Chase Freebairn** said the property owners are opposed to the trail, Ivory Homes is indifferent, and the City is in favor of it. He asked for the Commission's guidance on how to move forward with it, and thanked the Commission's efforts to fully understand this problem.

Heather Barnum asked if it is the applicant's intention to build a trail on the trail easement if the trail easement is held up. **Chase Freebairn** said Ivory Homes plans to improve their portion on their property, but there is no agreement to build the trail beyond that point. **David Petersen** said the applicant is correct; he showed where Ivory Homes will be improving on an aerial map of the property.

Heather Barnum said that since the City Council may not want to vacate the trail easement, the Commission needs to consider if the trail easement should count as the 15% open space or if the Commission should require the applicant to seek a waiver for the open space requirement. With regards to the alternative plan showing an alternate 15% of open space in the subdivision that was included in the staff report, **Heather Barnum** said she thought constrained land does not count toward an open space requirement. **David Petersen** confirmed that she is correct, constrained land does not count toward the requirement. **Heather Barnum** said, referencing the alternative plan, it looks that much of the open space being proposed is actual wetlands so it would not count. She said she is in favor of the applicant seeking a waiver so open space can be preserved elsewhere within the City.

Bret Gallacher asked who would dictate the terms of a waiver. **David Petersen** said City Council dictates the terms of a waiver. He said the Planning Commission can recommend the trail easement be maintained, but that it should not count toward the 15% open space requirement and request the applicant seek a waiver. **Heather Barnum** said she feels the applicant should get something for the easement, but she is not comfortable with the entire 15% open space requirement.

David Petersen explained the formula used by the City Manager to base a negotiation price for the waiver. Once a price is agreed upon between the City Manager and the applicant, it will be presented to the City Council for approval.

Bret Gallacher asked if the City Council will determine what percentage the trail will count toward the 15% requirement. **David Petersen** said if the Planning Commission determines the trail is not enough to meet the requirement, the Commission could recommend a partial waiver and the City Council will determine the exact percentage the trail will count toward the requirement. **Kent Hinckley** stated that he does not feel the trail easement should be a large part of the percentage, but that it should be a lesser part of the requirement. **David Petersen** said it can be added to the motion that the Commission feels the trail should be a minority part of the requirement because the City only owns the easement and not the fee of the trail.

Motion:

Heather Barnum made a motion that the Planning Commission approve the preliminary plat submitted with the application for the Silver Hollow Conservation Subdivision as shown, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall provide the 15% through a public access (trail) easement with the public access easement not exceeding 1/3 of the 15% open space requirement and the applicant shall request a waiver for the remaining percentage requirement as determined by the City Manager and City Council, and that the public access easement shall be shown on the final plat;
2. The applicant shall satisfy the requirements of Central Davis Sewer, including the dedication of easements, design of manholes, and relocation of the sewer trunk-line prior to consideration of Final Plat;
3. The property owner shall extend and dedicate the right-of-way to the northerly boundary of the project/plat in the event the George Clark property is developed;
4. Public improvement drawings, including but not limited to, a grading and drainage plan, shall be reviewed and approved by the Farmington City Works, City Engineer, Storm Water Official, Fire Department, Central Davis Sewer District and Benchland Water.

Dan Rogers seconded the motion which was unanimously approved.

Findings for Approval:

1. The LDR (Low Density Residential) designation of the General Plan allows up to 4 dwelling units/acre. The proposed subdivision is at approximately 3 dwelling units per acre and is consistent with the General Plan threshold.
2. The project is consistent with the Conservation Subdivision standards for an LR zone.
3. The applicant has worked through the issues raised by the DRC with the original Silverleaf Subdivision.
4. An open space requirement is being met through a trail easement that connects the Silverwood Subdivisions and southern Kaysville with 1500 West; currently, those residents have to walk out of the way to the Frontage Road to get to 1500 West, which is an important connection to points north and east.
5. The reason for the waiver is that the proposal for Ivory homes is on constrained land and does not meet the ordinance.
6. The public access easement may not exceed 1/3 of the 15% open space requirement.
7. The reason the public access trail easement may not exceed 1/3 of the 15% requirement is because the city does not own the land under the public access (trail) easement.

ZONE TEXT CHANGE

Item #5. Farmington City (Public Hearing) – Applicant is requesting miscellaneous Text Amendments to Chapters 3, 17, 28, and 35 of the Zoning Ordinance, and Chapter 7 of the Subdivision Ordinance regarding a) Amending Section 11-3-045, requiring a public hearing for special exceptions; b) Adding language to Section 11-17-070(4)(d) specifying that no fee will be required to appear before the Planning Commission for a height increase of an accessory building in the OTR zone, as it is in other residential zones; c) Broadening Sections 11-13-030, 11-15-030, and 11-26-040, to include “temporary uses” as a conditional use in the Multi-Family, Light Manufacturing & Business, and Business Residential zones; d) Removing language from Section 12-7-030(10)(a) of the Subdivision Ordinance

that restricts the allowance of flag lots in a platted subdivision; e) Amending Section 11-35-103(1) adding language clarifying the allowable number of external employees of home occupations.

Eric Anderson said explained each part of Item #5 as listed below:

- a) He said there is currently no requirement to hold a public hearing for special exceptions, as found in Title 11 Chapter 3 Section 045. Staff feels a public hearing may be beneficial as often times abutting neighbors may be impacted by the special exception, but are not currently notified.
- b) Currently, a request for a height increase to a detached accessory building must go through a conditional use permit so it is reviewed by the Planning Commission; however, all residential zones except the OTR zone include wording that no fee is assessed for this kind of application. This proposed amendment will address this oversight.
- c) Currently, the governing ordinance does not make specific allowance for different types of temporary uses based on whether the underlying zone is residential or commercial. The proposed amendment will allow for temporary uses through a conditional use permit in multi-family, business, and light manufacturing and business zones. An example of this would be a fireworks stand. This amendment would allow a temporary fireworks stand in the LM&B zone.
- d) This was brought to staff's attention as a resident in a recorded subdivision would like to subdivide their property; however, doing so is currently prohibited by the Ordinance. Upon further review, it appears that when the Ordinance was cobbled together using other cities' language and ordinances to fit Farmington's needs, the sentence, "flag lots are prohibited if the proposed flat lot will...re-subdivide an existing lot or lots in a recorded subdivision." When stricter regulations for flag lots were adopted, it was never the intent to prohibit even the consideration of a flag lot in a recorded subdivision, but was adopted to create stricter guidelines for new development within the City. The proposed change would allow a resident the opportunity to present the proposal for a recorded property subdivision with a flag lot to the Planning Commission and City Council to consider; however, it is still a discretionary item that can be approved or denied by the Commission and Council.
- e) This item is adding language to clarify the allowable number of external employees of a home occupation. Currently, the Ordinance only allows for one un-related employee at any one time for a home occupation. The proposed change will allow for more flexibility so a home occupation can have one employee in the home at any one time, which means the possibility of part-time employees.

Kent Hinckley opened the public hearing at 7:49 p.m.

Walter Bornemeier, 351 Shephard Ridge Rd., said he is the resident that approached the City regarding the language prohibiting flag lots in recorded subdivisions. He said he is in favor of the proposed amendment for item d which is removing the flat lot restriction.

Kent Hinckley closed the public hearing at 7:51 p.m.

David Petersen said Mr. Bornemeier lives on a large property in Shepard Creek Estates. Staff was surprised to find the sentence prohibiting flag lots and it was overlooked when the stricter regulations were adopted. Staff feels property owners that have large platted lots that cannot be developed in any other way should at least be given the opportunity to apply and see if the Planning Commission and City Council will approve it.

Heather Barnum asked if the Planning Commission and City Council still have the ability to say no to the proposed flag lot if the proposed amendment is approved. **David Petersen** said yes, the

proposed amendment is just allowing residents the ability to ask. He said the City is very sensitive toward flag lots so the Planning Commission and City Council will still review every flag lot request.

With regards to Item a, **Heather Barnum** asked if the City is okay with the additional costs of noticing more public hearings. **David Petersen** said the City has a consolidated fee schedule, which allows the City the ability to charge applicants for the cost of mailings.

Motion:

Bret Gallacher made a motion that the Planning Commission recommend that the City Council approve the proposed amendments to the Zoning and Subdivision Ordinances as set forth in the July 7, 2016 staff report. **Connie Deianni** seconded the motion which was unanimously approved.

Findings:

1. Requiring Special Exceptions to be public hearings gives the Planning Commission a chance to hear from affected neighbors, receive input on considerations that may influence their decision, and negotiate the means to mitigate negative impacts that will benefit the City, applicant, and adjacent property owners.
2. Adding language that prohibits charging a fee will bring the OTR zone into consistency with the other residential zones in the City.
3. Broadening the scope of where Temporary Uses are allowed actually gives the City greater control through Section 11-28-120 of the Zoning Ordinance, and allows for the proper delegation of residential and commercial Temporary Uses to those zones where they are intended to be.
4. Removing the prohibition of flag lots in recorded subdivisions will allow for greater in-fill opportunities and flexibility in the future, especially as it relates to the utilization of oddly shaped lots, such as narrow and deep lots, or lots with severe topography.
5. Broadening the requirement of one unrelated employee total to one unrelated employee at any one time gives Home Occupation proprietors greater flexibility with their businesses.

ADJOURNMENT

Motion:

At 7:55 p.m., **Heather Barnum** made a motion to adjourn the meeting which was unanimously approved.



Kent Hinckley
Acting Chair, Farmington City Planning Commission