

**FARMINGTON CITY
PLANNING COMMISSION MEETING
DECEMBER 13, 2018**

STUDY SESSION: Chair Kent Hinckley, Commissioners Roger Child, Connie Deianni, Amy Shumway, Rulon Homer, Shawn Beus, Community Development Director Dave Petersen, Associate Planner Meagan Booth and Recording Secretary Brittney Whitecar. Commissioner Russ Workman was excused.

Item #3. Joe Kennard and Randy Rigby / Forza Terra LLC – Applicant is requesting final plat approval for Mountain View Subdivision, Phase 1, consisting of 18 lots on 11.93 acres of property located at approximately 650 W. 250 S. in an R (Residential) zone. (S-12-17)

Dave Petersen explained the process of plats from schematic to final and said staff is currently on the second review of the final plat with this application. Kent Hinckley mentioned that that staff comments for this application say applicant must provide access for emergency vehicles through the Legacy Trail shown on the plat. Dave Petersen said a note must be included with the trail dedication on the plat for pedestrian access/emergency access through an easement, which was requested by the Fire Department. The developer does not need to include a fence surrounding the easement.

Item #4. Chase Freebairn / Ivory Homes – Applicant is requesting final plat approval for the Stonebrook Farms Subdivision consisting of 21 lots on 9.93 acres of property located at approximately 200 East and Lund Lane in an LR (Large Residential) zone. (S-2-18)

Kent Hinckley asked for the definition of pot-holing, which is part of condition #5. Dave Petersen said that Public Works wants the sewer and other utilities pot-holed to verify their depth. Pot-holing is when a back hoe digs until they locate the water line or other utility. This is required to ensure that the depth and separation between water and sewer lines are appropriate.

Item #5. Bott Pantone Architects (Public Hearing) – Applicant is requesting a recommendation for Schematic Plan approval for the 1525 West Street Church Subdivision comprising 11.26 acres consisting of one building lot and two parcels located at approximately 370 North 1525 West in an A (Agriculture) zone. (S-16-18)

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Item #9. Bott Pantone Architects (Public Hearing) – Applicant is requesting conditional use and site plan approval for a proposed church building for the Church of Jesus Christ of Latter-day Saints located at about 370 North 1525 West on approximately 4.408 acres in an A (Agriculture) zone. (C-6-18)

Dave Petersen proposed that this item be combined with item #9 since they pertain to the same property. The property is 11.26 acres in which the applicant would like to split and build a church in the center of. The property is located in the wetland area of Shepard Creek.

Planning Commission Minutes – December 12, 2018

Dave Petersen explained the Rio-Grand / Legacy Trail connection adjacent to this property. The City owns the trail connection easement adjacent to the church lot as of November, 2018. This may be beneficial in the way that the trail would provide a direct path for people in the area who want to walk to church.

Dave Petersen showed the current property and detailed how the applicant would like to subdivide the current 11.26 acres with the church lot, known as the building lot, in the center. The remaining North and South pieces of property separated by the church would be connected by a 10 foot wide section of land to the East to allow the owner's horses' access to both sections. He said it would be easiest for the church to own the 10' wide connection via an easement as to avoid future ownership confusion as the separate sections develop.

Dave Petersen said according to the conditions, the applicant must construct a sidewalk along the 1525 West right-of-way. There is currently curb and gutter but it stops short because of a steep embankment.

Dave Petersen spoke about the site plan, including parking and landscaping. Conditions do not include a constructing a fence, but because the church generally builds fences, the City would like it to see an opaque instead of chain-link fence, with an opening in it to provide people walking to church easy access from the trail to avoid having to walk around the lot to 1525 West.

Connie Deianni brought up the condition on item #9 regarding Farmington Rock, which states that the church must include Farmington Rock on the church. Kent Hinckley asked why Farmington Rock would have been included in these conditions when we have not required it on churches or businesses for a couple of years. Roger Child asked if Farmington Rock is actually in the City code. Dave Petersen said that it is in the code to incorporate it somehow and all the older churches have it, but the rock has become harder to find and more expensive in recent decades so many recent buildings have only used a small amount of Farmington Rock on their facades or in their landscaping. Kent Hinckley expressed that he does not believe it fair to require Farmington Rock now when the City has not enforced its use for several years. Roger Child said he believes the lack of Farmington Rock use was due to the style preferences of past City staff members. He and Connie Deianni agreed that now would be a good time to introduce enforcing the rock once again seeing as it is written in City Code.

Item #6. Justin Atwater / Wright Development Group – Applicant is requesting preliminary plat approval for the Kirkham Subdivision consisting of 4 lots on 2.4 acres of property located at 975 N. Compton Road in an LR (Large Residential) zone. (S-22-18)

Dave Petersen said the developer has had to bring a lot of dirt fill in to prop up the cul-de-sac so the drainage flows to Compton Road. They just found out they need more fill. Due to drainage issues the applicant is debating re-designing the project from four plats down to two plats. He suggested that this item be tabled until the developer decide what route they will take.

Item #7. Brent and Susan Fackrell (Public Hearing) – Owner is requesting a recommendation to rezone one acre of property from A (Agriculture) to LR (Large Residential), and approval of a two lot metes and bounds subdivision (lot Split), at 474 West Quail Run Rd. (Z-11-18)

Dave Petersen said that at one time this property was two parcels, and the current owners would like to split it once again. This parcel is still zoned (A) agricultural, but probably should have been changed to

Planning Commission Minutes – December 12, 2018

LR (Large Residential) years ago when the surrounding areas transitioned from Agricultural to Residential. As a remnant piece of Agricultural zone, he did not see any reason not to comply with the applicants request to re-zone.

Item #8. Brian Call / Alwina Enterprises, LLC (Public Hearing) – Applicant is requesting conditional use/site plan approval for the proposed Oakridge Dental office building located at approximately 1868 N. 1075 W. in an NMU (Neighborhood Mixed Use) zone. (SP-3-18)

Dave Petersen said this was once surplus property owned by UDOT. A Dentist would like to put his dental office on it. Roger Child said that this is a hard spot to develop because of the grade of the road and limited sight distance. Amy Shumway expressed concerns about building here because of the blind curve from the North and she asked if a traffic study had been done at this location. Dave Petersen said it may be a good idea to table this item until we do a traffic study. Kent Hinckley agreed.

Item #10. David Livingston (Public Hearing) – In an effort to preserve the history of the site, the applicant is requesting a special exception to construct an additional but separate for sale dwelling unit instead of expanding and converting an existing historic single-family dwelling structure into a two-family dwelling (or duplex), which is an allowed use. The current building is located at 36 N. Main St., on .22 acres in a BR (Business Residential) zone. (M-5-18)

Dave Petersen explained that the applicant wanted to get more use out of his property, but adding on to the existing home would not be ideal because of its history and location on Main Street. The applicant then asked for a special exception to design a secondary building in the back yard, which is ready for review. There has been some debate about access to the secondary building from the South. The owner says he has access through the adjacent parking lot owned by the Davis County School District, but when the City contacted the School District, they said that wasn't the case. Dave Petersen said he would need to re-check and find out for sure about the access. Kent Hinckley said this item may need to be tabled until we find out if the secondary unit on the property has access through the school district building parking lot because without it, access to the back building would be very difficult.

REGULAR SESSION

Item #1. Minutes

Roger Child made a motion to approve the minutes for the November 15th, 2018 Planning Commission Meeting. Connie Deianni seconded the motion, which was unanimously approved.

Item #2. City Council Report

Dave Petersen reviewed the December 4th City Council meeting minutes. He said that the public hearing for the Creekside Manor subdivision was discussed. The trails committee and many citizens were in attendance. The issue in question was whether or not to have a trail along Farmington Creek in this subdivision. The Planning Commission was in support of the trail but there were some City Council members that were not in favor. The item was eventually tabled after an extensive public hearing.

Planning Commission Minutes – December 12, 2018

Amy Shumway asked if the City would be able to provide the developer the density they want without the trail, to which Dave Petersen said they would not without a TDR (Transfer of Development Rights). Amy Shumway asked about the regulations regarding the developer purchasing a TDR to bypass the trail. Dave said that a TDR purchase is at the discretion of the City Council but that TDR's must be financially feasible for the developer, and must benefit the City.

Item #3. Joe Kennard and Randy Rigby / Forza Terra LLC – Applicant is requesting final plat approval for Mountain View Subdivision, Phase 1, consisting of 18 lots on 11.93 acres of property located at approximately 650 W. 250 S. in an R (Residential) zone. (S-12-17)

Dave Petersen said the Planning Commission recommends the approval of this item.

Randy Rigby 245 S. Cobble Creek Road, Farmington, UT said that in their meeting with the city engineer it became apparent that the water and sewer pipes were too close together on the plans so a re-draft was done and the developer is connecting the water at a different location. At this point the developer feels that the process is on track with no further comments.

Motion:

Amy Shumway made a motion to approve the final plat subject to the following conditions and all applicable Farmington City ordinances and development standards.

Conditions:

1. The applicant shall dedicate an easement over and across parcel A but the parcel will be maintained by the HOA. Applicant should address staff comments from the December 4th DRC meeting to allow access for emergency vehicles.
2. The applicant shall add a note to the plat that Parcel B shall act as a storm water detention basin and dedicate an easement over and across the parcel.
3. The developer should complete all outstanding DRC Comments including all comments from the City Engineer, Public Works and Central Davis Sewer District, prior to commencement of construction and/or recordation of the final plat.

Findings for Approval:

1. The proposed plans meet the requirements of the subdivision and zoning ordinances of an R-PUD zone.
2. The applicant has addressed the City's Dead End Street Limitation.
3. The respected easement will meet the storm water, utility and emergency access needs of the community and ensure pedestrian access to and from the project to the Legacy Trail and concurrently provide for long term maintenance of the both easement areas.

Connie Deianni seconded the motion which was unanimously approved.

Item #4. Chase Freebairn / Ivory Homes – Applicant is requesting final plat approval for the Stonebrook Farms Subdivision consisting of 21 lots on 9.93 acres of property located at approximately 200 East and Lund Lane in an LR (Large Residential) zone. (S-2-18)

Dave Petersen brought up condition #1, which includes an inter-local agreement with Centerville City since the city limit line runs down the center of Lund Lane. There is a tentative agreement in place as to which city will maintain what parts of this subdivision. The agreement should be memorialized in January of 2019.

Chase Freebairn 978 East Wood Oak Lane, Salt Lake City, UT said the Army Corps requirements have been worked through. They are preparing for a pre-construction meeting. Connie Deianni said that the conditions say the developer must submit a landscape plan for approval by the city. Chase Freebairn said the plans have been submitted to the City. Roger Child asked what the city entrance sign would look like and Chase Freebairn said they designed a sign that the city will review before it is built. He showed a draft of the sign. Chase reviewed the sections of the plat that the HOA will maintain with the commission.

Motion:

Roger Child moved that the Planning Commission approve the final plat, subject to all applicable Farmington City Ordinances, development standards, and the following conditions:

1. Farmington City shall enter into an inter-local agreement with Centerville City related to, among other things, improvements to Lund Lane (note: this road straddles the city limit lines of each city), etc. prior to recordation of the final plat. The agreement must be recorded against the property.
2. The applicant received a wetland delineation dated October 5th, 2018 from US Army Corps of Engineers (USACE). The applicant must comply with all requirements of the NWP terms and conditions.
3. The City shall review the Covenants, Conditions & Restrictions (CC&Rs) for the HOA which must include among other things a long term wetland preservation plan and include the Lund Lane park strip will be improved and maintained by the HOA.
4. The applicant must submit a landscaping plan for review and approval by the city.
5. The developer shall address all outstanding comments from the DRC which include but are not limited to, instructions related to, and resolving potholing for potential utility conflicts and any remaining drainage, grading or storm-water issues with city staff.

Shawn Beus seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed final plat meets the requirements of the subdivision and zoning ordinances for a conservation subdivision in the LR zone and is consistent with the schematic plan and preliminary plat.
2. The applicant also obtained approval for a 3-lot TDR (Transfer of Development Rights) from the City Council at their April 17, 2018 meeting.

Planning Commission Minutes – December 12, 2018

Item #5. Bott Pantone Architects (Public Hearing) – Applicant is requesting a recommendation for Schematic Plan approval for the 1525 West Street Church Subdivision comprising 11.26 acres consisting of one building lot and two parcels located at approximately 370 North 1525 West in an A (Agriculture) zone. (S-16-18)

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Item #9. Bott Pantone Architects (Public Hearing) – Applicant is requesting conditional use and site plan approval for a proposed church building for the Church of Jesus Christ of Latter-day Saints located at about 370 North 1525 West on approximately 4.408 acres in an A (Agriculture) zone. (C-6-18)

Shawn Beus made the motion to combine items #5 and #9 because they pertain to the same parcel. Rulon Homer seconded the motion, which was unanimously approved.

Dave Petersen showed the vicinity map and said the parcel sits between the Rio Grand trail and 1525 West. He said the applicant is dividing the triangle shaped parcel and intends to build an LDS church in the center, which the City is calling Lot #1. The remaining sections of land will be connected by a 10' strip of land lining the East side of the property and will be referred to as parcels A and B. Dave Petersen explained that he would like the 10' horse access strip to be combined with the church lot by easement so that later, when the two divided sections of the property are separately sold or developed, the ownership and maintenance of the strip don't come into question or become forgotten.

He read the condition stating that the applicant must construct a sidewalk within the 1525 West right-of-way spanning the entire plat (the church lot and parcels A and B). Public works requested this because sidewalks are generally part of any subdivision and this is being treated as a subdivision since one parcel is being divided into three and one lot is developing.

Dave Petersen said that this plat is in the schematic review process right now and will skip preliminary, going directly to final plat next because there is no street right-of-way dedication and it involves less than nine lots. There is a conceptual landscape plan in place for the church. A trail easement exists on the South side of their property. The City anticipates that the trail will be improved when parcels A and B develop. When the trail improves and the church fences their property, the city would like to see a non-opaque or solid fence lining the trail and not a chain-link, which has been added as a recommendation to this subdivision. The City would like an opening in the fence to create an access point to the church from the Northeast.

Wetlands on the site must be mitigated by the army corps of engineers which is in the process, possibly completed. Lights not shining on adjacent properties and an irrigation plan utilizing secondary water are in the conditions of this subdivision. Dave Petersen reiterated the matter of Farmington Rock, stating that it must be included somehow.

Brian Bott 620 24th Street, Ogden, UT addressed the 10' connecting area matter, saying that the property owners intend to keep one single parcel in order to maintain a green belt status.

Dave Petersen said that the City is okay having the parcel remain as one in fee title, but all entities must remember that the strip is there at the time that parcel A or B develops. Kent Hinckley asked for

Planning Commission Minutes – December 12, 2018

clarification regarding the green belt status and asked why they would lose it if the remaining land divided, to which **Brian Bott** stated that a parcel has to exceed 5 acres in size to have green belt status. Neither parcel A or B has 5 acres alone.

Brian Bott said the curb and gutter exists already and expressed hesitation regarding the City's request for them to construct sidewalks extending beyond their actual building lot. He said the Church isn't necessarily opposed to it, but the grade at the Shepard Creek culvert is significant so there needs to be some infill put in, which he said the developer may request help from the City to fill it in before they do the sidewalk.

He said the Church mitigated the ability to develop in the existing wetland by exchanging for wetlands they own in Box Elder County and ½ acre was the maximum mitigated. The site currently has .49 so the church is just under their limit. He said developing a sidewalk over that wetland may not be allowed due to this wetland restriction but the church would not be opposed to looking into that.

Kent Hinckley asked **Brian**'s thoughts about the City's recommendation to have an opening in the future fence. **Brian Bott** said that the church desires a fence and will probably put in a vinyl coated fence; however, the church has had liability issues with openings in fences.

Kent Hinckley asked about the church's intention to incorporate Farmington Rock to which **Brian Bott** replied that if it is a requirement, the Church will meet it, probably in the landscaping.

Kent Hinckley opened the public hearing at 7:53 PM for items #5 & #9

Laura McKeown, 1656 W. Alpenglow Cir, Farmington, UT, asked if a crosswalk would be added on 1525 West at the site for people walking to the church. She asked if the location and needs of the future park in the area are being considered. **Dave Petersen** said that public works and police department would be responsible for determining if a crosswalk were necessary but he did not think that the street crossing conflict points are near enough to this subdivision to consider at this time. He said that when the North parcel and the park are developed in the future, **Laura**'s comment would most likely be considered.

Kent Hinckley closed the public hearing at 7:59 PM

Amy Shumway asked if it is customary for the commission to table, or approve subdivisions with conditions that need review such as the current sidewalk/culvert issue. **Dave Petersen** said that typically developers are required to put the culvert in and he intends to treat this just like any subdivision application by requiring that the owner/applicant construct the sidewalk.

Brian Bott asked **Dave** to clarify whether the Cooks who own the land, or the Church who is developing the land would be required to put in the sidewalk. He stated that though the Cook's own the entire lot they have no desire to be included in the church development, but on the other end, the church is only developing one section of the Cook's property so why would they be required to sidewalk the entire space. He asked which entity would be required to bear the cost of the sidewalk spanning all sections of the property.

Roger Child asked if the filling in the culvert is a deal breaker for the church and what financial or time issues the culvert would present. **Brian Bott** said it is not a matter of cost, but the sheer complexity introduced by the wetlands existing there. The Army Corps of Engineers would need to be consulted

Planning Commission Minutes – December 12, 2018

which would take time and mitigation. **Dave Petersen** said sometimes the corps treats right-of-way land differently than other land so it may not be as complex of an issue as the previous wetland mitigation. He said the City may be able to accomplish the mitigation faster than a private owner since a sidewalk is necessary, which is worth exploring.

Brian Bott reverted back to the fence issue and said he thinks that a sidewalk on 1525 west takes care of the church access points and doesn't feel like a break in the back fence is necessary. **Roger Child** agreed that he does not feel it necessary to require a break in the fence.

Shawn Beus brought up Farmington rock, saying that though the City has been inconsistent in their requirements in recent years, it is something the planning commission would like to see incorporated. He pointed out that since it is in the code, he thinks it is proper to require it. **Amy Shumway** added that the city is divided in half into East and West, and incorporating Farmington Rock in the buildings on both sides creates unity.

Kent Hinckley requested that we approve/deny items #5 and #9 separately.

Motion:

Roger Child made a motion that the Planning Commission recommend that the City Council approve Item #5, the Schematic Plan subject to development standards and ordinances and development standards and the following conditions, and that they continue to work with the City to apply for wetland mitigation with the Army Corps of engineers for the sidewalk.

Conditions:

1. The developer shall extend the east boundary of Lot 1 to abut the UTA D.&R.G.W. Trail r.o.w., and shall identify on the final plat the remaining parcel on the north side of Lot 1 as "Parcel A", and the parcel on the south side as "Parcel B". The sub-divider shall place a note on the plat, stating in part: "In order to provide for the future development of Parcel A and/or Parcel B as building lots, the City must amend the plat to allow for the same—pursuant to the City's subdivision approval process".

The applicant may provide an access easement next to the UTA trail r.o.w. connecting Parcels A and B to enable access from one parcel to the other; however, the property owner of the building lot shall abandon the easement when and if Parcel A or Parcel B is developed, whichever Parcel is developed first.
2. The minimum lot size of any lot or parcel shall be one acre, unless the property is rezoned by the City.
3. The applicant must construct a sidewalk within the 1525 West r.o.w. starting at the sidewalk next to the Farmington Ranches East subdivision thence north and then as far north as the steep embankment of the UTA D.&R.G.W. Trail r.o.w. will allow—as directed and approved by the City Engineer. The property owner, or future property owner, shall construct sidewalk on any remaining areas where sidewalk is not installed (towards of the north end of Parcel A) when, and if, this parcel is development in the future. Likewise, the applicant shall construct curb and gutter on 1525 West as far north as directed by the City Engineer.

Planning Commission Minutes – December 12, 2018

4. Improvements related to the final plat for the subdivision shall be reviewed and approved by the City's Development Review Committee (DRC).

Findings for Approval:

1. The narrow strip of land in fee title proposed by the applicant connecting the north parcel to the south parcel may constitute remnant property inconsistent with the City's Subdivision Ordinance; moreover, it may pose an issue for the respective future owners in the subdivision as further development occurs and the access is no longer needed. An easement in the place thereof will be easier to abandon rather than an exchange of title.
2. Lot dimensions comply with the Zoning and Subdivision ordinances related to the A zone, including standards regarding alternative lot sizes.
3. All lots and parcels will front on an existing and fully improved public r.o.w. (1525 West Street).

Shawn Beus seconded the motion, which was unanimously approved.

Shawn Beus made a motion that the Planning Commission Approve Item #9, the site plan and conditional use for the construction of the church on 1525 west, subject to all applicable findings and conditions, including modifying #4 to remove the recommendation to provide a break in the fence as set forth below:

Conditions:

1. Improvement drawings regarding The 1525 West Street Church Subdivision must be stamped approved by the City Engineer, the subdivision shall be recorded, and the applicant must construct the required improvements related to the subdivision, or post a bond with the City to ensure the same.
2. The applicant completes all requirements of the City's Development Review Committee (DRC), and the Planning Commission, for site plan approval and for all on-site and off-site improvement requirements as well. The Planning Commission hereby delegates final site plat approval to City staff.
3. All landscaping shall be installed as shown on the approved sight plan;
4. A trail easement exists on the south side of the south lot line of the property. A fence is not necessary on the south property line to ensure full pedestrian access to the church from the trail whereby all visitors are welcome. In the event a fence is provided, it shall be a non-opaque fence.
5. All wetlands on the property shall be mitigated as per US Army Corps requirement prior to construction.
6. All lights shall be cut-off lights and shall not shine into adjacent residential properties;
7. The irrigation system for watering the landscape shall use secondary water and obtain approval from Weber Basin Water District or Benchland Water;
8. Applicant will need approval from Davis County to discharge storm-water into the County facility and/or must detain on site;
9. "Farmington Rock" must be an element on the building or in the landscape.

10. The applicant shall comply with all conditions of approval of the 1525 West Street Church Subdivision.

Findings for Approval:

1. The use requested is listed as a conditional use within the C zone.
2. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community.
3. The proposed use shall comply with all regulations and conditions in the Farmington City Zoning Ordinances for this particular use.
4. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
5. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing developments.
6. The location provides or will provide 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.
7. The proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the vicinity does not cause:
 - a. Unreasonable risks to the safety of persons or property because of vehicular traffic or parking;
 - b. Unreasonable interference with the lawful use of surrounding property; and
 - c. A need for essential municipal services which cannot be reasonable met.

Roger Child seconded the motion, which was unanimously approved.

Item #6. Justin Atwater / Wright Development Group – Applicant is requesting preliminary plat approval for the Kirkham Subdivision consisting of 4 lots on 2.4 acres of property located at 975 N. Compton Road in an LR (Large Residential) zone. (S-22-18)

Kent introduced this item and proposed to table it until the developer has concluded some existing fill and drainage challenges and decides whether this will remain a 4 lot subdivision, or be decreased to a two lot subdivision.

Justin Atwater 1170 East Goldspur Lane, Fruit Heights, UT came to the stand and said tabling the request is appropriate but wanted to provide some context to the planning commission. The challenge is that the city engineer and public works department are requiring that the storm drain flow to Compton Road which bring this cul-de-sac up to 9 feet higher on the west end. The increase presents a steep slope in lot #4 which is unsightly. He said a collaborative approach with staff is necessary with this subdivision. He said that this property is of difficult dimensions and in order to meet setback codes, this cul-de-sac may need to be without sidewalks. Because of this the road may need to be privately owned, but the developer, and presumable the City, would prefer this not need to be a private road. Dave and Shawn both expressed that they don't feel a sidewalk to be necessary in a 3-4 lot subdivision where it presents such an issue. Dave Petersen said it will probably need to be a public road because in the future, should the

economy suffer, it will probably end up in the City's hands anyway. **Justin Atwater** asked for any recommendations that the Planning Commission may have at this time.

Roger Child asked if on-site retention would be possible with the lot sizes to which **Dave Petersen** said yes it may be allowed. **Justin Atwater** said on the original plan one lot did have that and the developer wouldn't be opposed to re-incorporating it.

Kent Hinckley asked about the possible decrease from 4 to 2 lots. Justin said that acquiring additional land, or deleting a lot or two may become necessary to accomplish this subdivision. Decreasing to two lots would delete the cul-de-sac completely, as two houses would fit on Compton road, removing the need for the cul-de-sac.

Connie Deianni made the motion to table the preliminary plat until further study is conducted on the retention issue.

Amy Shumway seconded the motion, which was unanimously approved.

Item #7. Brent and Susan Fackrell (Public Hearing) – Owner is requesting a recommendation to rezone one acre of property from A (Agriculture) to LR (Large Residential), and approval of a two lot metes and bounds subdivision (lot Split), at 474 West Quail Run Rd. (Z-11-18)

Dave Petersen said this parcel is zoned (A) Agriculture but most of the surrounding parcels have been re-zoned to low density residential zones in past decades. He said the Planning Commission seldom denies a re-zone that fits in so well to the current surrounding parcels. **Roger Child** asked is a boundary line agreement would be fitting here. **Dave** said that was the initial hope, but upon checking the property lines with the county recorder, it was clear that wouldn't be applicable to this parcel.

Brent Fackrel 474 Quail Run Road, Farmington UT came to the stand. He said they would like to split the lot into a couple of ½ acre parcels but doesn't have a set plan for the parcels yet.

Kent Hinckley opened the public hearing at 8:39 PM (1:34:20)

No comments were made so **Kent** closed the hearing at the same time.

Motion:

Amy Shumway made the motion that the City Council Approve the zoning map amendment, and the Planning Commission approve the two lot metes and bounds subdivision lot split.

Findings for Approval:

1. The proposed rezone is consistent with the General Plan.
2. The proposed rezone is consistent with the surrounding properties and adjacent neighborhoods.
3. The request is consistent with Title 11, Chapter 4 as the owner is requesting a subdivision on the parcel of land into not more than two (2) lots for residential dwellings or accessory buildings related to the primary use by recording deeds containing metes and bounds descriptions of the lots without the necessity of recording a plat;

Rulon Homer seconded the motion which was unanimously approved.

Item #8. Brian Call / Alwina Enterprises, LLC (Public Hearing) – Applicant is requesting conditional use/site plan approval for the proposed Oakridge Dental office building located at approximately 1868 N. 1075 W. in an NMU (Neighborhood Mixed Use) zone. (SP-3-18)

Dave Petersen said the challenge with this location is the poor site distance to the north form this property caused by the bend and hill in the road. The building is on the inside of the curve.

Ed Waldvogul 970 West 800 South, Farmington, UT came to the stand representing Oakridge Dental. Amy Shumway expressed concern about the hill and curve where cars tend to speed. She requested to have that addressed. Ed Waldvogul said that the two exits have been designed with direction from the City as the most functional options for the site, which Ed agreed is a difficult one. He asked for recommendations to which Dave Petersen replied that he would like to conduct a traffic study at this location as soon as possible, which the City will take care of.

Ed Waldvogul said this is a time sensitive subject because the dentist that intends to occupy this property has a lease expiring soon so he has a deadline as to when he needs to be in the new building. With that considered he asked that instead of tabling the item, the planning commission approve the item with the condition that the traffic study is done.

Kent Hinckley opened the public hearing at 8:55 PM to which there were no comments. Kent closed the public hearing at the same time.

Kent Hinckley opened the item for discussion among the commissioners. The commissioners agreed that approving with the condition of the traffic study seemed like a good idea. Rulon Homer asked if the traffic study would provide alternate ideas about how to use the space if the current plan presents traffic issues. Dave Petersen confirmed that would in fact be the case.

Roger Child made a motion that the Planning Commission recommend the approval of the conditional use and site plan application, subject to all applicable Farmington City ordinances and development standards and conditions 1-5, considering that there are no alterations required determined by a traffic study that will be reviewed by staff as well as findings A-F. Amy Shumway asked if we could add a condition to add Farmington Rock on the building. Roger Child agreed and Amy said she would like to add that as a condition.

Conditions:

1. The legal description must match the sit plan submitted as part of a conditional use and site plan application;
2. The City shall vacate the 1875 North R.O.W. on the north end of the subject property prior to or concurrent with a conditional use and site plan application.
3. The building shall contain an element of Farmington Rock.

Findings for Approval:

1. Although the “right-of-way” exists on paper, no asphalt, curb & gutter, etc. exist on what was once used as a street.

Planning Commission Minutes – December 12, 2018

2. Dr. Brian Call desired to construct an office building and establish his dental practice south of the Russon Brothers Mortuary.
3. On February 7, 2017 the City re-zoned his property to NMU, and the zone change was subject to, among other things, that the applicant obtain approval to vacate the above referenced r.o.w. prior to or concurrent with conditional use and site plan approval for his proposed building. Farmington City Council Minutes July 17, 2018 Page 8 of 14
4. The applicant is now preparing his conditional use/site plan application for consideration by the Planning Commission. Prior to this the board of adjustment approved a variance related to the placement of the southwest corner of the proposed structure.
5. The applicant worked with the City Manager and received approval from the City Council to acquire and incorporate the r.o.w. property as part of his site

Rulon Homer seconded the motion, which was unanimously approved.

Item #10. David Livingston (Public Hearing) – In an effort to preserve the historicity of the site, the applicant is requesting a special exception to construct an additional but separate for sale dwelling unit instead of expanding and converting an existing historic single-family dwelling structure into a two-family dwelling (or duplex), which is an allowed use. The current building is located at 36 N. Main St., on .22 acres in a BR (Business Residential) zone. (M-5-18)

Dave Petersen said the property had been used as a single family home as well as a business in the past. The owner/applicant intended to turn this into a two-family building but it was decided that it would be too difficult to retain the history of the house when modified into a two-family dwelling. With that he decided to construct a separate building out back, which requires a special exception. He would rather see a new building to the back than to see the original home compromised.

The issue that has presented itself is access to the secondary building to the back. As the owner understands it, he has access to his back yard through the school district building parking lot directly to the south, but upon contacting the school district, who denied such access, Dave became unsure sufficient access exists. The previous owners said that the access was a verbal agreement with the school district that has been in place for many years.

The alternative access would be a driveway with access from Main Street. The question would be if UDOT would allow the curb cut off Main Street, which would need to be verified.

David Livingston 139 North Main Street, Farmington, UT came to the stand and said he wanted to utilize this property as much as possible. He said that the previous owners had been using the access in the school district parking lot for somewhere near 60 years. David said he would find out if the access exists in writing anywhere.

The issue of parking spaces came up to which Dave said that the fact that there are no parking spaces for the existing house is a non-conforming use that is grandfathered in. The construction of a second building would require incorporating 2 parking spaces, which is the general rule for a residence. David said he is sure he can make parking spaces work, ideally to the North of the house, but to the South if need be. Shawn Beus said that a detached unit makes sense and the Planning Commission appreciates the applicants desire to keep the historic structure. He expressed confidence in finding a parking solution. Roger Child agreed and said with some creativity, this use should be fine.

Planning Commission Minutes – December 12, 2018

Connie Deianni asked if the shed next to the home could be moved in order to allow for a driveway. **David Livingston** said it is a deep cellar constructed out of rock so it would not be able to be moved. Without removing the shed, the driveway would probably need to be constructed to the south of the home.

Kent opened the public hearing at 9:22 PM

Eugene Mann 56 North, Main Street, Farmington, UT said he is the previous owner of the home he's never had a problem with the access through the school district in over 25 years. He said it is marked with a NO PARKING sign which has been strictly enforced by the school district.

Kent Hinckley closed the public hearing at 9:24 PM

Shawn Beus made a motion to approve the special exceptions as illustrated on the site plan, subject to all Farmington City development standards and conditions 1-3 with the addition of an access point through main street as well as findings 1-5.

Conditions:

1. A historic accessory building exists on the property, the applicant must preserve and incorporate this as part of the approved site plan;
2. The applicant specified to staff that an easement (or right) exists over and across Davis School District (DSD) property, which provides access to the lot. Mr. Livingston must verify this with the City and demonstrate adequate ingress and egress for a second dwelling unit by the DSD;
3. The applicant shall receive a recommendation from the Farmington City Historic Preservation Commission related to the site plan and the building permit application.

Findings for Approval:

1. The proposed special exception is desirable because it preserves the qualities of an existing historic single family home.
2. The proposed application is consistent with the goals and policies of the Farmington City General Plan.
3. The approval will result in two potential owner-occupied dwelling units and may ensure better neighborhood stability whereas a two-family dwelling, or duplex, may not accomplish these objectives to the same extent.
4. The proposed special exception is not detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.
5. The proposed special exception does not create unreasonable traffic hazards, and the parcel where the special exception is located is sufficient in size to accommodate the use.

Roger Child seconded the motion which was approved.

Item #11. Miscellaneous

ADJOURNMENT

Motion:

At 9:27 P.M. Kent Hinckley made a motion to adjourn the meeting, which was unanimously approved.

A handwritten signature in cursive script, appearing to read "Connie Deianni".

Connie Deianni
Chair, Farmington City Planning Commission