

FARMINGTON CITY
PLANNING COMMISSION MEETING
June 23, 2016

STUDY SESSION

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

Item #3. Nick Mingo/Ivory Homes – Requesting Schematic Plan Approval for the Davis Creek Conservation Subdivision

David Petersen said the applicant is seeking to do a conservation subdivision with a waiver for the open space requirement. He said the majority of the lots are over half an acre. He said with a conservation subdivision, the applicant is required to have 30% open space which would leave approximately 2-3 acres of open space. He said the subdivision is across the street from the future high school and near the new elementary school so there is plenty of open space in close proximity. David Petersen also said in the event a developer chose to have a park on their open space, an HOA would have to maintain it and the fees may be astronomical for property owners as there are only 15 lots in the subdivision. David Petersen said the applicant has already been in negotiations with the City Manager to obtain the waiver; to obtain the waiver the applicant must exchange something in lieu of the open space or make a cash payment. The City Manager will present the possible waiver agreement to the City Council at their next meeting.

David Petersen also mentioned that the applicant is making significant improvements to the area for this development and for the City so Ivory Homes is requesting the City enter into a Pioneering Agreement. Typically when a property owner develops, they are required to put in improvements along their property line; however, in this event, the applicant is already completing the improvements. The Pioneering Agreement would allow the City to require property owners to reimburse the original developer for the property owner's portion of the improvements when they decide to develop their property.

Item #4. Nick Mingo/Ivory Homes – Requesting Schematic Plan Approval for the Davis Creek Commercial Subdivision

David Petersen said the large parcels of this subdivision may be further developed by Ivory Homes or may be sold to businesses that will fit within the uses of the Large Manufacturing and Business (LM&B) zone. He said it is not clear how long it will take to build out the entire subdivision or how many phases it will take. He pointed out the outfall for water drainage; it will eventually work its way to a detention basin they have located near the property before it enters Davis Creek.

David Petersen said if the preferred UDOT West Corridor Alignment is chosen, the WDC would go through this project. If this project is recorded prior to that, the City would like an offsite easement recorded for an offsite detention basin. If UDOT comes in 3-4 years later, the City needs to be able to show where the easements are for storm drainage so the City can ensure UDOT makes the City whole.

David Petersen said this is the 3rd layout for this property the City has received, and it includes all elements the City would prefer. **Alex Leeman** asked the length of the proposed cul-de-sac. **David Petersen** said they will measure the length and further review it during Regular Session.

Item #5. Miscellaneous

Connie Deianni asked about the outcome of City Council's discussion regarding the Rice Farms property. **David Petersen** said after the previous meeting, staff pulled the Development Agreement for the Rice Farms property requiring the trail, as discussed in the last Planning Commission meeting. The applicant Jerry Preston signed the agreement in 2006. Jerry Preston is now proposing an amendment to the Development Agreement which will be presented at the next City Council meeting on July 19, 2016.

David Petersen said the other miscellaneous item is the Silverhollow Subdivision trail easement. He said the easement for the trail is already in place. On Tuesday, the item was presented to City Council; City Council made it clear they do not want to vacate that easement.

REGULAR SESSION

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

Item #1. Minutes

Kent Hinckley made a motion to approve the Minutes from the June 9, 2016 Planning Commission meeting. **Connie Deianni** seconded the motion which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from the June 21, 2016 City Council meeting. He said the City Council discussed the new high school and the elementary school, as well as the improvements that are being made around each school. The 2017 Fiscal Year budget was approved. The City Council provided an update to their sidewalk total and approved the schematic plan for Eastridge Estates Phase II with the recommendations that the Planning Commission provided. The City Council discussed the Silverhollow trail easement, and the Council's desire to not vacate that easement.

SUBDIVISION APPLICATIONS

Item #3. Nick Mingo / Ivory Homes (Public Hearing) – Applicant is requesting schematic plan approval for the Davis Creek Conservation Subdivision consisting of 15 lots on 9.5 acres of property located at 475 West Glover Lane in an AE (Agricultural Estates) zone. (S-9-16)

Alex Leeman said the applicant was here to present the Davis Creek Conservation Subdivision.

Chase Freebairn, 978 E. Wood Oak Lane, Salt Lake City, said he is here representing Ivory Homes. He explained that this is the third proposal that has come before the City for the Pack family's property. He said this is the residential side of the development; it is being proposed as a conservation

subdivision which consists of 15 lot with a large portion of the lots being over half an acre. **Chase Freebairn** said the conservation subdivision requires a percentage of open space with the option to request a waiver for the open space. He said they are already in negotiations with the City Manager to request the waiver.

David Petersen said in the last 8-9 years, the City has received approximately three proposals for this property. The property is constrained by the street configuration and the lay of the land. He said the applicant is proposing the schematic plan as shown in the staff report. Ivory Homes is proposing a conservation subdivision which resulted in 8 (1) acre lots on the yield plan. In order to increase density to the proposed 15 lots, which is a difference of 7 lots, the Ordinance requires a percentage increase of open space or cash in lieu of the open space. **David Petersen** said if the applicant chooses the cash payment option, the money will go towards open space in another location within the City. He said it would be difficult to leave the open space within the subdivision as the fees for a common space with such a few number of lots would be difficult for property owners to maintain. **David Petersen** said the City is not interested in having or maintaining an acre park as the regional park is in the near vicinity, the high school is across the street and the new elementary school is also nearby. **David Petersen** said the City Council will discuss the waiver amount at the next meeting.

David Petersen said it was asked by **Alex Leeman** during the Study Session about the dead end street limitation. He showed the aerial of the cul-de-sac; in total, the cul-de-sac is 1350' which means the applicant exceeds the limitation by 350'. **David Petersen** provided a copy of a section from the Ordinance for the commissioners regarding cul-de-sacs and read it with the commission. He pointed out the exceptions, one of which states that the street length shall not impact the ability for emergency vehicle access. **David Petersen** said the City Fire Department has already reviewed this proposal and is okay with it. The Ordinance also states that an exception may be granted if it is impossible to improve the property in any other way. **David Petersen** explained it is not impossible, but the alternative layout that meets the 1,000' dead end limitation would not be the best thing for the neighborhood and district. He explained previous developers have gone with the alternative layout because it is less road to build; however, the City has always directed them otherwise because the surrounding area does not benefit by the alternative layout for the road.

Alex Leeman opened the public hearing at 7:19 p.m.

Eva Gisseman, 465 W. 1025 S., said she lives in the middle of the proposed project. She expressed a few concerns. First, she said she is greatly affected by the drainage of the Pack property, including when it rains or when the Pack family waters. Second, she said all her utilities, including sewer, water, power, etc., run down both sides of Doberman Lane. She expressed concern that those may be affected by this development. She expressed frustration with surrounding property owners refusing past development back in 2002. It was her impression when past development opportunities were refused that this density would not be allowed around her home. **Eva Gisseman** said she makes a living training dogs. She is concerned that the future homeowners of the development will complain because of the noise of the dogs she trains. She said she is opposed to the proposed development, but does want assurance that her easement and utilities will not be disrupted.

John Kraczek, 1037 S. 650 W., said that he has lived in his home for 38 years. He said he disagreed with **Eva Gisseman** as he was not against past development opportunities, but that those that were against the 2002 development plans were those that lived along Glover's Lane. He said that he is in favor for the proposed development and feels the road should go all the way through. **Alex Leeman** asked him to clarify which road **Mr. Kraczek** is referring to. **John Kraczek** said the road he is referring to is 475 W. **Alex Leeman** explained that the way the road is stubbed would allow the road to possibly go

through at a future time. **John Kraczek** also expressed frustration that UDOT may bring the WDC so near to their homes and in an area that was supposed to remain somewhat rural.

Alex Leeman closed the public hearing at 7:28 p.m.

Alex Leeman asked the applicant to further explain how drainage and utilities will be addressed. **Chase Freebairn** said Ivory Homes will ensure the utilities are preserved and that property owners, including the Gisseman's access will be maintained. He said the development will have a storm drain to a detention pond below the last 2 lots in the cul-de-sac. The City has also asked that the storm drain easement be preserved in the event something happens to the property to the south (i.e. the WDC) to ensure there is a permanent solution for the storm drainage.

Alex Leeman also asked if the west side of the road, from Glover's Lane down to the Gisseman's property, will be finished with curb, gutter and sidewalk. **Chase Freebairn** said it was Ivory Home's understanding that the City did not want those improvements at this point; however, they are required to improve to back of curb. **David Petersen** stated it was his understanding that Ivory Homes would be including curb and gutter along the frontage of the Gisseman property. **Chase Freebairn** said yes, they are planning to improve curb and gutter along the Gisseman property. **Alex Leeman** asked that a note be included to ensure those improvements are shown on the preliminary plat.

Kent Hinckley expressed concern that the Ordinance does not allow for cul-de-sacs longer than 1,000'; however, the Fire Department feels this one is okay being 350' too long. He feels it may not be appropriate for the Fire Department to approve this cul-de-sac when they would not approve all other cul-de-sacs that exceeded the limitation. He pointed out that when Clearwater Homes presented the Meadow View Phase II the commissioners held true to the 1,000' dead end limitation and required the developer to come up with another solution. **David Petersen** said it can again be reviewed by the Fire Department to discuss if a temporary access can be provided, or at least be provided until a connection is made by continuing the road on. He also pointed out that there is a trade-off with continuing the road through as there is the potential of mingling light manufacturing traffic with the residential area. **David Petersen** explained a few other alternative layouts; however, those layouts are dependent on other property owners and their choice if they want a road through their property. **Bret Gallacher** pointed out that the Ordinance allows an exception to the limitation is if the typography and other circumstances make it impossible for any other layout; he said it's the commissioners' decision to decide if this is one of those circumstances. **Alex Leeman** said if the City considers 475 W. as a road that will eventually be pushed all the way through, the cul-de-sac is significantly shorter. He feels that although it does exceed the 1,000' limitation at this point, it may not always.

Kent Hinckley asked **David Petersen's** professional opinion as a City Planner as to whether it is a good idea to have a residential zone adjacent to a LM&B zone knowing some of the businesses that could be allowed within the LM&B zone as well as the traffic associated with it. **David Petersen** said he is comfortable with it as the LM&B zone highlights "light manufacturing;" he said there is no heavy manufacturing uses. He said the way the zone text was written, it would be very difficult to bring in something that will be very impactful to those residents.

In reference to **Eva Gisseman's** comment about her established business of training dogs, **Connie Deianni** asked how the City can protect this resident's livelihood while still meeting the needs of the proposed 4 lots that are adjacent to her home. **Alex Leeman** said that if the use is allowed by the zone, then the property owners can continue with their business. **Kent Hinckley** said it is easy to say they are allowed to do it; however, it does not address some of the challenges that come with unhappy neighbors. **David Petersen** explained in all his time working with the City, there has been one notice written for a horse, but was a result of a divorce dispute. It was the only complaint that has risen to the

City regarding livestock. He said the only complaint regarding dogs was a concern with the size of the property owner's dogs which turned out that this resident was raising wolves. **David Petersen** said often fear of complaints are expressed during the meetings; however, there are very rarely any concerns. In the event a complaint is received, a citation may be written if the complaint has merit; however, if the property owner is acting within the Ordinance and use of their zone, the City will immediately dismiss the complaint.

Connie Deianni expressed concern that Doberman Lane may become a parking lot for high school students as Doberman Lane will be directly across from the future high school. **David Petersen** said the other schools around Davis County have not had that problem; however, if the problem does arise, the City can put up signs that will not allowing parking on the street except by the residents. **David Petersen** said the City prefers to wait to see if there is a problem before using that type of signage, and it will be most likely addressed by the police.

John Kraczek has a question about an existing Weber Basin easement. **Chase Freebairn** said the easement will be vacated and the secondary water line will be relocated to the proposed road.

Motion:

Kent Hinckley made a motion that the Planning Commission recommends that the City Council approve the schematic plan subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall receive approval for the open space waiver by a vote of not less than four (4) City Council members;
2. The applicant shall provide a 30' storm drain, sanitary sewer, and secondary water easement from the cul-de-sac to the proposed Davis Creek Commercial Subdivision on preliminary and final plat, as illustrated on the attached schematic plan;
3. The applicant shall provide all side treatments, including curb, gutter, sidewalk, and park strip on both sides of the proposed road for its entire length;
4. The applicant must receive approval from the City Council for the cul-de-sac which exceeds 1,000' in length;
5. City staff must make sure the length of the cul-de-sac is acceptable to the Fire Department.

Bret Gallacher seconded the motion which was unanimously approved.

Findings for Approval:

1. There appears to be no sensitive or constrained lands on site worth preserving, and the 2.85 acres of open space could be used elsewhere in the City.
2. The lot sizes exceed the minimum and average lot size required in a Conservation Subdivision for an AE zone significantly.
3. The proposal seeks to create in-fill development in an area of the City where such development makes sense, i.e. across from the new high school.
4. By moving the road to the southern and western boundaries, the proposed schematic plan is allowing for future development of several adjacent property owners who otherwise might not be able to develop their long and deep parcels.
5. The Fire Department has provided no dissenting comments regarding the cul-de-sac to be in excess of 1,000'.
6. The Planning Commission has determined that the physical conditions of the development site makes it impossible to develop the property any other way.

Item #4. Nick Mingo / Ivory Homes (Public Hearing) – Applicant is requesting schematic plan approval for the Davis Creek Commercial Subdivision consisting of 24 lots on 49.12 acres of property located at 1269 South 650 West in an LM&B (Light Manufacturing and Business) zone. (S-10-16)

Alex Leeman said this is the commercial side of the Davis Creek Subdivision. He invited the applicant to address the commission.

Chase Freebairn, 978 E. Wood Oak Lane, Salt Lake City, said this property is currently zoned as LM&B. The proposed development consists of 24 lots and meets all City's standards and requirements for this zone. He said he is available for questions.

David Petersen said this development includes very large parcels and will act more as a business park.

Alex Leeman asked if the applicant plans to put the roads in. **Chase Freebairn** said Ivory Home's timeline is unsure at this point; however, Ivory Homes has the option to retain the lots for their development or to sell the lots to other light manufacturing businesses.

Alex Leeman opened the public hearing at 7:43 p.m.

Philip Paget, 1012 S. 650 W., expressed concern with what he feels as the laxity of the zoning of the property and uses currently located there (i.e. soccer fields and other recreation) as it generates a lot of traffic for the area. He asked the applicant if they currently own the property, and if not, how soon do they expect to close and begin construction. He is concerned the applicant may leave the lots vacant and possibly entertain the idea of additional soccer fields. He said the previous concerns mentioned about LM&B traffic traveling through residential areas hit home to him as that is what he currently encounters on a daily basis. **Bret Gallacher** asked how long he has lived at his property and if that use was there prior to them moving into their home. **Philip Paget** said they have been there 11 ½ years, and he is not completely sure if the LM&B zone existed prior to that time.

John Kraczek, 1037 S. 650 W., questioned Ivory Homes if Ivory planned that the north to south street in the previous application will connect to this subdivision proposed for the LM&B zone. He also expressed concerns regarding traffic.

Jerry Schetselarr, 1060 S. 650 W., expressed concern that some of the businesses currently located in the LM&B zone don't seem to be light manufacturing type businesses. He said it is not on the builder to maintain the integrity of the zone. He said in the Ordinance it states that the LM&B zone is intended to reduce traffic; however, he feels it is currently increasing traffic. He asked who will protect the residents to ensure the additional 24 lots will remain LM&B uses which will help reduce the traffic rather than what is currently happening with the increase in traffic. He expressed concern with the damage the heavy trucks may be making to the road, especially as there have been approximately 5-6 water line breaks in the last few years. **Jerry Schetselarr** asked what the increased costs of these heavy trucks are and who is overseeing the businesses that will be coming into the LM&B zone.

Eva Gisseman, 465 W. 1025 S., said, in response to previous comments, she does not want 475 W. to continue south through her property and asked that conversation regarding its continuation cease. The road would be right under her bedroom. She said no one has approached her about buying her property nor does she have any intention of having that road continue through her property.

Alex Leeman closed the public hearing at 7:58 p.m.

Chase Freebairn said the Pack family does still have ownership of the property at this point. Ivory Homes is planning to close soon on the upper portion with plans to close on the southern portion in a few months. Once Ivory Homes retains ownership, there is no intention to lease property to Forza or any other recreational entities.

Alex Leeman clarified that the zoning designation for the LM&B zone is not up for a change at this meeting. He said Ivory Homes has tried to change the zone designation in an effort to extend the residential or agricultural zones, but have not been successful. He said it is his understanding that all businesses currently located in the LM&B zone comply with the allowed uses. **Alex Leeman** said he does not like the placement of this zone within the City; however, for the zone to change, someone has to ask for it to be changed. He said approval has not been granted to those that have asked for the zone to change. **David Petersen** said when the property was annexed into the City, it was annexed as LM&B. He explained all uses that are currently located in the LM&B zone are all conditional and permitted uses for the zone, including Forza. He said there have been requests to assess whether or not Forza is meeting the conditions of their conditional use approval. He said the police have also closely monitored 650 W. for speeding, but discovered the main problem is the volume of traffic generated between game times. **David Petersen** said the proposal for the business park may look like something similar to what is west of the freeway on Parrish Lane and should generate less traffic than the Forza Fields.

Bret Gallacher asked if **David Petersen** could address the resident's comment regarding the water line breaking approximately 5 times in the last few years. **David Petersen** said he is not familiar with the situation, but he knows the Water Superintendent has been dissatisfied with the water line in that area.

With regards to the truck traffic through the LM&B zone, **David Petersen** said the City is trying to direct traffic to Glover's Lane and onto the Frontage Road so the truck traffic will bypass the residential areas.

Kent Hinckley asked if the applicant intends to put the roads in for this project right away. **Alex Leeman** pointed out that the development of this property has been extremely slow for the Pack family so he would anticipate it may be the same moving forward.

Connie Deianni said it sounds like the applicant may soon own the property, but does not at this time. She asked if a motion can be made if they are not the property owners. **Alex Leeman** said Ivory Homes acts as proxy for the Pack family.

David Petersen stepped out and discussed the water line concerns with the Water Superintendent Larry Famuliner over the phone. He said Larry Famuliner explained that the issue with the water line is not a result from the traffic, but that the water line is over 25 years old and the joints keep leaking. Larry Famuliner said the current development's proposal will not improve the water line, but it should not make it worse.

Motion:

Bret Gallacher made a motion that the Planning Commission recommend that the City Council approve the schematic plan subject to all applicable Farmington City ordinances and development standards and the following condition; the applicant shall provide a storm water easement in favor of Farmington City from the north to the south boundary, and show this easement on preliminary plat. **Connie Deianni** seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed subdivision is the highest and best use for this property given the underlying LM&B zoning designation.
2. The proposed subdivision meets all of the requirements as outlined in Chapter 26 of the Zoning Ordinance.
3. The proposed subdivision created added connectivity to the area with three points of ingress/egress to Glovers Lane and 650 West.
4. By providing a storm-water easement the length of the property, the City is protecting itself from future drainage issues should the subdivision not be built due to the ultimate West Davis Corridor alignment.

ADJOURNMENT

Motion:

At 8:10 p.m., **Connie Delanni** made a motion to adjourn the meeting which was unanimously approved.



Alex Leeman
Acting Chair, Farmington City Planning Commission