

**FARMINGTON CITY
PLANNING COMMISSION MEETING
September 18, 2014**

STUDY SESSION

No Study Session was held for this Planning Commission meeting.

REGULAR SESSION

Present: Chairman Brett Anderson, Commissioners Heather Barnum, Kris Kaufman and Rebecca Wayment, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Commissioners Kent Hinckley and Alternate Commissioners Karolyn Lehn and Michael Nilson were excused.

#1. Minutes

Heather Barnum made a motion to approve the Minutes from the September 4, 2014 Planning Commission meeting. Kris Kaufman seconded the motion which was unanimously approved.

#2. City Council Report

David Petersen gave a report from the City Council meeting on September 16, 2014. He explained the applicant requesting the Recreational Vehicle and Equipment Use in the BR Zone may have found a location in another city; at this time he will not be pursuing the zone text change to allow for the use within the BR Zone. The Plat Amendment and Minor Subdivision of Stephen's Property and the Final Plat for the Silverleaf Conservation Subdivision were approved. Also, the Planning Commission's recommendation to amend chapters 10, 11, 12 and 28 of the Zoning Ordinance was discussed as proposed, but the Council added flexibility for lot sizes in the AE zone based on case studies David Petersen presented. The official hearing for the amendment will be October 7, 2014.

ZONE TEXT CHANGE

#3. Farmington City (Public Hearing) – Applicant is requesting a recommendation for approval of a Text Amendment of Chapters 1 and 6 of the Subdivision Ordinance regarding the approval process for major subdivisions and related chapters where necessary. (ZT-9-14)

Eric Anderson stated this item needs to be tabled.

Brett Anderson opened the public hearing at 7:21 p.m.

No comments were received.

Brett Anderson closed the public hearing at 7:21 p.m.

Motion:

Heather Barnum made a motion that the Planning Commission table this item. **Kris Kaufman** seconded the motion which was unanimously approved.

OTHER BUSINESS

Item #5. Miscellaneous: A) Request to Modify 1000 North Street Cross Section (Action Item)

David Petersen said in 2010, the City set aside funds to repave 1000 North Street east of 200 West as well as put in curb and gutter. As shown in the staff report, **David Petersen** said there is a large discrepancy of the back of curb as it was initially platted for a much wider road. The property owners abutting the road on the south side requested the City vacate all but 4-6' (for a sidewalk) of the remaining property; however, the City standard is 11.5' which provides for a 4' sidewalk and 7.5' park strip. The City conceptually approved it with proviso that the property owners participated in the cost of curb and gutter in exchange for the property. The curb and gutter was completed, and now **Jared May**, the sponsor of the petition, is requesting the final property vacation so he can subdivide his property. **David Petersen** said per the City Attorney, although four years have lapsed, there is no need to post another public hearing for the street vacation.

The DRC and Public Works recently reviewed the request and recommended the City vacate all but 11.5' if a sidewalk is planned for the future and only 6' if no sidewalk will be constructed. **Brett Anderson** asked if Public Works had any concerns with the decrease from 11.5' to 6'. **David Petersen** stated Public Works dislikes sidewalks on back of curb as snow builds up on the sidewalks from the snow plows during the winter.

David Petersen continued that the property owners may not want a sidewalk on back of curb and the City does not currently have money for the sidewalk, but the City may want to leave it as an option for the future.

Kris Kaufman asked for further clarification on if the property owners or the City would pay for the sidewalk. **David Petersen** stated the property owners were only responsible for assisting with the curb and gutter, not a sidewalk, in order for the City to vacate the property; the City should just leave space for a sidewalk to keep it as an option down the road.

Jared May, 984 Compton Rd., stated he needs to get up to 30,000 sq. ft. to subdivide his property. If the City vacates the property, but keeps a remaining 6' for sidewalk, he stated he would be able to subdivide. If the City would like 11.5' for a sidewalk and park strip, he is not sure if it would be enough for him to subdivide. **David Petersen** again reminded the Commission that in 2010, the City Council did conceptually approve 4-6' and the citizens paid for the curb and gutter with that expectation.

Brett Anderson said he feels a park strip on this small portion of the street would seem out of place as there are no other park strips in the area. He is comfortable moving forward with the 2010 City Council's conceptual approval. **Kris Kaufman** agreed.

Rebecca Wayment asked if 1000 North Street will ever become a thru-street as there is a stub road at the end of it. **David Petersen** said no as it would be impossible to meet any reasonable standards to make it drivable due to the extreme grade just east of the end of the street.

Motion:

Kris Kaufman made a motion that the Planning Commission recommend that the City Council vacate all but 6 feet of the southern part of the 1000 North Street r.o.w. the entire continuous length of said street east of 200 West as measured from the back of curb. **Rebecca Wayment** seconded the motion which was unanimously approved.

Findings for Approval:

1. It is unlikely that the City will construct a sidewalk on this side of r.o.w., but enough space will be set aside for a 6' wide sidewalk if the City decides to do so in the future.
2. A 6' wide sidewalk handles snow stacking better than a 4' side sidewalk.
3. Most of the sidewalks in the neighborhood are located at the back of curb with no park strip.
4. Adjacent property owners will realize an increase in square footage for their parcels.

Item #5. Miscellaneous: B) Zone Text Change of Permitted and Conditional Uses in BR Zone (Discussion Item)

Eric Anderson said during the last meeting, Commissioners discussed which uses to leave as permitted, conditional or remove completely. He stated the discussion stalled as staff and the Commissioners were not sure how much to "spell out" the permitted and conditional uses while still leaving the flexibility to approve or deny uses in the future.

Brett Anderson asked for clarification on Section 11-8-105 and if the six standards listed can be taken into account if approving or denying conditional uses. **Kris Kaufman** stated, based on his research, the standards can be taken into account and it is theoretically possible for a Planning Commission to deny a conditional use if there is evidence the use does not meet the standards and a Commission can't mitigate with reasonable conditions; however, case law leans toward conditional uses as permitted uses with conditions. He said courts often characterize cities that deny conditional uses as arbitrarily denying based on public clamor.

Kris Kaufman also added, based on another case he read, if a use is not listed, then it's assumed that it was purposefully left out so it cannot later be interpreted to fit into a broader category. **David Petersen** agreed; he explained auto sales are not listed as a use in the BR zone, but is included in other zones within the City. This means the City knew how to name it, but purposefully left it out of a permitted or conditional use in a particular zone. **Kris Kaufman** suggested cross-referencing uses in other chapters prior to removing the use from Chapter 15 regarding the BR Zone. **David Petersen** said Chapter 16 was the template for Chapter 15; if the use is listed in Chapter 15, it will most likely also be listed in Chapter 16 therefore the City is naming it in another section of the Ordinance and is then purposeful in deciding which uses it does not want for the BR Zone.

Rebecca Wayment asked for a list of permitted and conditional uses within the other zones so the Commissioners can cross-reference uses to better determine what permitted and conditional uses they would like to have for the City's downtown area. **David Petersen** suggested the Commissioners determine what uses they do not want for the downtown area and then staff will do a cross-reference of uses located in other areas of the Ordinance prior to the Commission's final

consideration. The Commissioners felt comfortable discussing uses they do not want during this meeting.

Staff and the Commissioners discussed each permitted and conditional uses and determined if they wanted to retain or remove the use from Chapter 15 regarding the BR Zone.

The Commissioners asked staff the reasoning behind the et cetera listed after neighborhood service establishment. **David Petersen** said it provides flexibility; residents can appeal a decision the zoning administrator makes or a zoning administrator may even come before the Planning Commission to discuss a use which could possibly be under the et cetera. The Commissioners still had concern with how broad it is for a permitted use.

Also, during the discussion, **Kris Kaufman** asked if it is possible to have a list of excluded uses. **David Petersen** said yes, as long as the use is listed in other zones within the City to show that it is not a preferred use for this specific zone.

At the end of the discussion, **David Petersen** asked the Commissioners if they would prefer to remove all but a few permitted uses and make the uses conditional. **Brett Anderson** felt it would be a good idea as it would allow the Commission the flexibility they want. **Eric Anderson** added the Commissioners could then include reasonable conditions to ensure the use is the best fit for the downtown area and the homes located there. **Heather Barnum** asked if it would deter businesses if there is a longer delay, more work and additional cost; she does not want businesses to view Farmington as uninviting. **David Petersen** said no, as businesses still have to come before the Planning Commission for a permitted use anyway. **Rebecca Wayment** likes the idea that the Commission would be able to put reasonable conditions on the use.

David Petersen suggested adding a preemptive section to the chapter stating the City's intent for the downtown area and desire for businesses to come, but that each use will be reviewed as a conditional use to ensure it is a good fit. The Commissioners were comfortable with the addition.

Item #5. Miscellaneous: C) Other

David Petersen briefly provided the Commission the same case studies that were presented to the City Council regarding the zone text amendments to Chapters 10, 11, 12 and 28. Upon review, the City Council decided to allow greater flexibility within the AE zone; a property owner located in an AE zone still has to adhere to what a yield plan or TDR can offer, but amended the Ordinance to allow a minimum lot size of 12,000 sq. ft.

ADJOURNMENT

Motion:

At 8:58 p.m., **Kris Kaufman** made a motion to adjourn the meeting which was unanimously approved.



Brett Anderson
Chairman, Farmington City Planning Commission