

FARMINGTON CITY
PLANNING COMMISSION MEETING
October 6, 2016

STUDY SESSION

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

Item #3. John Hansen - Requesting a Recommendation for Plat Amendment Approval to Split Lot 2 of the Farmington Fields Amended Subdivision

Eric Anderson said the applicant built the two medical buildings west of Chevron. He is now looking to do a lot split on the property because he has some possible tenants that wish to own their own building. Eric Anderson said it might appear splitting the lot is simple; however, there are some complicated issues with doing so. He said since the original site plan was only approved for one lot, all utilities and improvements were installed to service the one lot. That means there is only one secondary water line, sewer line, culinary water line, and storm drain line. Additionally, the parking lot and detention basin were also designed for one lot. Eric Anderson explained that Benchland Water does not like one service for two lots, as it is difficult for pricing. He said there are also complications with splitting the other utilities.

Eric Anderson said the applicant is proposing to record CC&Rs against the property so that anything shared between the two lots is handled through an HOA. Eric Anderson said the City is requesting that easements for the detention basin, water line and secondary water line still be put in place. He said the City Engineer reviewed the proposal; he is comfortable with CC&Rs. Eric Anderson said since the parking lot will also be shared, a Reciprocal Access Easement should also be in place to ensure the ingress and egress of the parking lot is not blocked.

Item #4. Craig Blackhurst and Jerry Preston – Elite Craft Homes – Requesting a Recommendation for Zoning Map Amendment from OTR-F (Original Townsite Residential - Foothill) to LR-F (Large Residential - Foothill) zone

Eric Anderson said the applicant is proposing to build a large home on a property located in the OTR (Original Townsite Residential) zone; however, the proposed home does not fit within the OTR guidelines in Chapter 17 of the Ordinance. He said the garage is the main concern as it protrudes past the front plane of the house and comprises more than 50% of the front façade of the home. The applicant is asking to rezone their lot to the LR-F zone. Eric Anderson said the neighbors directly to the east are zone LR-F, the adjacent property's back of their lot is zoned OTR while the front is LR-F.

Staff is ambivalent to the decision as there are pros and cons to both. Eric Anderson said it might seem ok because it is consistent with the surrounding area; however, rezoning the lot could impede on the OTR zone boundary. This may cause the OTR zone boundary to eventually move west and possibly affect historic homes in the neighborhood. Heather Barnum asked if the applicant purchased the lot knowing it was within the OTR zone which carry restrictions on the design of the home. Eric Anderson said he is unsure, but it is a question to ask the applicant.

He also said that staff does not feel this qualifies as a “spot zone.” A “spot zone” is considered illegal under case law. It is considered illegal when the rezone does not match the general plan or the surrounding neighborhoods. This lot, however, does fit within the general plan and is consistent with the surrounding neighborhood. **Alex Leeman** agreed, and said that a “spot zone” is “out of the blue” and does not make sense for the area. He said he feels rezoning this lot would be awkward as it leaves the adjacent neighbor’s back part of the lot as its own OTR island; however, the rezone does fit with the general plan and is in line with the surrounding area’s zone.

Alex Leeman said he does have concern with the eroding of the OTR zone and feels the OTR zone helps preserve Historic Farmington. He said he feels keeping this lot, however, does not do much to further that goal. **Connie Deianni** said that her biggest concern is that approving the rezone does set a precedence for others that may want to do something similar, which over time will eat away at the OTR zone boundary. **Eric Anderson** said he understands the concern, but feels that perhaps preserving existing structures fit more within the purpose of the historic zone. He said with this being a new construction on a currently empty lot surrounded by the LR zone, it may make sense to rezone this property. **Kent Hinckley** asked how many other vacant lots are on the fringe of the OTR zone. He said if there is only one vacant lot, it may not be as big of a deal than if there is numerous vacant lots that may all want the same thing in the future. **Eric Anderson** is unsure how many vacant lots around the fringe there are, but can look at the base map once in the Council Chambers.

Alex Leeman said he wanted to caution the Commission regarding precedence. He said he feels it is important to have consistency in the decision making process, but precedence should not be the concern. Rezones are a legislative decision; therefore, they are always discretionary. There is not a rule that says if the Commission approves this rezone, it will also approve the next application for a rezone. **Kent Hinckley** agreed, but feels that there is added pressure to approve future applications for a rezone if this one is approved. **Alex Leeman** said he feels the Commission should consistently look at the factors that are affecting the approval or denial of a rezone application, and not allow the ultimate decision be governed by precedence.

Kent Hinckley asked if the Commission did approve the rezone, would the proposed garage still be an issue. **Eric Anderson** said if the Commission approved the rezone to LR-F, the OTR standards would no longer apply.

David Petersen was able to join the meeting at this time. He pointed out that based on the provided elevations, the home does not appear to be front facing. He said if the home does not face the front, the item needs to be tabled. **Kent Hinckley** had previously asked how the OTR zone boundary was determined. **David Petersen** said the boundary was based on the Original Townsite block, plus the “tails” of the historic area.

Item #5. Jonathan Hughes and Chase Freebairn – Ivory Homes – Requesting a Recommendation for Zoning Map Amendment from AA (Agriculture - Very Low Density) to AE (Agriculture Estates) zone

Eric Anderson showed the general plan, as well as the property being discussed. The property is currently zoned AA (Agricultural Very Low Density) and falls within the DR (Development Restricted) area because of the 4218 line. Based on a recent discovery, it appears that the 4218 line was established on faulty data and that the 4218 elevation line has been placed in an erroneous location. The applicant is now asking the Commission to rezone the property and remove the DR designation since the correct location of the 4218 line does not run through his property. **Eric Anderson** said staff is recommending denial of the request. He said staff feels that although the 4218 line that was previously thought to affect this property may not actually affect his property, the AA zone has been a good buffer

between the City and the Great Salt Lake. Staff feels it is wise to keep the area restricted and low density.

Additionally, **Eric Anderson** said UDOT has yet to make a Record of Decision regarding the ultimate alignment for the WDC (West Davis Corridor), but has stated its preferred alignment is the Glover's Lane option. If the Glover's Lane option is chosen, a new demarcation line will be created with the freeway to keep the lake and the City separate. If that happens, everything east of the WDC would be rezoned at that time and the general plan would be amended. **Eric Anderson** said staff feels it is too soon to rezone this property.

Alex Leeman asked how Buffalo Ranches was able to build the same density that the applicant is now requesting. **David Petersen** said Buffalo Ranches provided a yield plan showing how many 5 acre lots were allowed under the AA zone. It was later approved that Buffalo Ranches could move the rooftops anywhere as long as the negotiated open space was provided. The City was able to obtain 405 acres of open space from the Buffalo Ranches development.

David Petersen said the 4218 line was created in 1993; however, the information Max Elliot, the County Surveyor, presented showed the 4218 line as further west. He said Farmington is the only City that has strongly opposed the Glover's Lane alignment, and that UDOT has said a Record of Decision will be announced in 2017. If the Glover's Lane alignment is chosen, the WDC may create a new "DR" boundary line. There is concern that if the property is rezoned prior to the Record of Decision, it implies that the City is ok with the Glover's Lane alignment and has given up. **David Petersen** said staff is not again the applicant's proposal; however, approving it implies the City is in favor of the Glover's Lane alignment, which it is not. **Eric Anderson** also added that it is difficult to establish a growth boundary. The 4218 line has served the City well, and it may not be wise to change it until the City knows more about the future boundary line. **Kent Hinckley** said the Commission has been admonished on other applications not to make a decision based on the future freeway, but that the Commission needs to recommend a decision based on what is being presented today. **Eric Anderson** said this application is different because it is not a subdivision application, but a rezone. One is an administrative act and the other is legislative. The WDC does not affect the applicant's density. **Bret Gallacher** said he understood the overall recommendation is to not take the WDC alignment into consideration at all on all decision making. **Alex Leeman** said there is a difference with legislative decisions, which are discretionary, versus administrative decisions, which must follow code and ordinances.

REGULAR SESSION

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

Item #1. Minutes

Kent Hinckley made a motion to approve the Minutes from the September 22, 2016 Planning Commission meeting. **Bret Gallacher** seconded the motion, which was unanimously approved.

Item #2. City Council Report

Eric Anderson gave a report from the October 4, 2016 City Council meeting. He said the only planning related item was the public hearing regarding the Special Assessment Area (SAA). He said there were many people that showed up for the public hearing, and that everyone was very civil while discussing such a sensitive matter.

SUBDIVISION

Item #3. John Hansen (Public Hearing) – Applicant is requesting a recommendation for plat amendment approval to split Lot 2 of the Farmington Fields Amended Subdivision consisting of 1.34 acres of property located at 491 W. Bourne Circle in a CMU (Commercial Mixed Use) zone. (S-16-16)

Eric Anderson said the applicant received site plan approval in 2015 to build two office buildings on one lot. The applicant is now requesting to do a lot split, which requires a plat amendment because it is a platted lot in the Farmington Fields Amended Subdivision. **Eric Anderson** said it might seem like a simple process to split the lot; however, there are issues with doing so. The improvements were installed to service one lot, including the secondary water line, culinary water, the detention basin and ingress and egress of the parking lot. The solution the applicant is proposing is to create a 2 lot HOA. The CC&Rs for the HOA will cover the shared maintenance and access of the lot. Easements will also be recorded on the plat for the secondary water line over to the detention basin, the detention basin, and ingress and egress of the parking lot.

Dee Hansen, 5450 S. Highland Dr., SLC, sub-partner with John Hansen on the project, said he is here to answer any questions. **Alex Leeman** asked if there have always been two buildings on one parcel. **Dee Hansen** said yes; they originally thought of doing a condo-type project, but they are unsure how large the tenants occupying the space will be, which could result in continually amending the plats to allow tenants the size they need. Having each building on its own lot allows for different owners of each building. **Dee Hansen** said with the HOA, all utilities would be common and self-maintained.

Alex Leeman opened the public hearing at 7:11 p.m.

No comments were received.

Alex Leeman closed the public hearing at 7:11 p.m.

Bret Gallacher said it might have been nice to know this was going to happen from the beginning. **Alex Leeman** agreed, as it would have administratively been easier to do from the beginning, but feels the result of the project would be the same.

Motion:

Bret Gallacher made a motion that the Planning Commission recommend that the City Council approve the plat amendment for the Farmington Fields Amended Subdivision, subject to all applicable Farmington City ordinances and development standards, and the following condition:

1. The applicant shall record the CC&Rs and Articles of Incorporation prior to recording the amended plat;
2. The applicant shall place easements on the plat prior to recordation, including but not limited to the following: storm water, shared access and parking, secondary water, and other shared utilities.

Kent Hinckley seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed plat amendment conforms to all of the development standards as set forth in the Farmington City Subdivision and Zoning Ordinances.
2. Any issues that arise because of splitting utilities that were intended to be for one lot have been resolved through both the recordation of the CC&Rs and the necessary easements as described in condition 2 above.
3. The extension agreement that was recorded against the property as part of the original site plan approval will remain in place and runs with the property not the owner.
4. The plat amendment does not affect or alter Parcel A in the Farmington Fields Subdivision, which is desirable because it is a regional storm-water detention facility and possible wetlands; this ensures that the parcel will remain “unbuildable”.

ZONE CHANGE

Item #4. Craig Blackhurst and Jerry Preston – Elite Craft Homes (Public Hearing) – Applicant is requesting a recommendation for Zoning Map Amendment of .59 acres of property located at 306 East 100 North from OTR-F (Original Townsite Residential - Foothill) to LR-F (Large Residential - Foothill) zone. (Z-5-16)

Eric Anderson said this is a vacant property located in the OTR zone. The adjacent neighbor to the east has the front portion of their lot zoned LR-F with the rear portion of the lot zoned OTR. The neighbors located to the north of the property are also zoned LR-F. **Eric Anderson** showed the applicant’s elevations of their proposed home; it is a larger home with 5 garages. The OTR zone has strict design guidelines and other restrictions regarding garages. These restrictions including a cap on what percentage of the front façade can be occupied by the garage, the garage cannot protrude past the front plane of the home, and additional restrictions regarding the form and materials used for the garage construction. The applicant is now seeking to rezone the property to LR-F. **Eric Anderson** said staff is ambivalent on this item. The surrounding properties to the north and east (except for the back portion of the lot) are zoned LR-F. The construction of new homes is larger with 2-3 car garages. This type of home seems to fit better with the neighborhood zoned LR-F. **Eric Anderson** said the main question before the Commission is if the Commission is comfortable rezoning the property to remove the strict design guidelines on the proposed home or if the OTR zone remains with the strict regulation of the style and form of the home.

Eric Anderson said staff gave two alternative motions. One motion is for the approval of the rezone as it is consistent with the neighborhood and general plan, and the second motion is denial of the rezone as it has the potential to decrease the OTR zone. The decision the Commission is to make does not set a precedence since rezones are a legislative act; however, the decision could affect the mindset of decision makers in the future.

Heather Barnum asked what the allowable portion of the front façade of the home can be garage in the OTR zone. **Eric Anderson** said the ordinance does not allow the garage to exceed 33% of the front façade of the home in the OTR zone. The applicant’s proposed garage is at least 50% of the front façade right now, although there is some confusion as to what is actually the front elevation of the home. **Connie Deianni** stated if the elevations are correct, the entire front façade of the home is garage since the front door is through the breezeway. **Eric Anderson** said it would be wise to ask the applicant

for clarification as to what is the front of the home as the item may need to be tabled dependent on that clarification.

Heather Barnum asked if the Ordinance determines the setback distance from the front door of the home, and if it is different in the LR zone. **Eric Anderson** said the front setback is determined from the front of the home. The setback is the same in the LR and OTR zones; however, the LR zone allows for protruding garages as long as the proper setback distance is met. **Eric Anderson** said the applicant might have to amend building plans in order to make the home conform to building requirements.

Kent Hinckley asked if the property to the east was rezoned to LR, but erroneously left the back portion of the lot as OTR. **Eric Anderson** said the LR zone predates the OTR zone, so it does not seem that is the case, but he is still unsure how it happened.

Craig Blackhurst, 381 W. 1450 N., Centerville, said he became aware of the property a year and a half ago. He said when they walked the property, the back of the lot greatly appealed to them. They have been working with a design firm, Habitation, which he thought was working with the zoning and planning staff. He said there were a couple things they took into consideration when the architect made the conceptual design. He said there is only one garage door that faces the front. From the front elevation, the front door of the house is seen through the breezeway. They knew it was a lot of garage; however, they did not want 4 garage doors in the front so having the breezeway hides the others. The architect also spent a lot of time on designing the garage door that is seen on the front of the home. He added windows, shake shingles and a few other features so it does not look like a garage. The home is set back an additional 20' from the required 30' setback requirement to move it away from the street as to help minimize the size of it. **Craig Blackhurst** said after it was conceptually designed, he and his wife had not heard any issues so they decided to pursue the design. They chose Jerry Preston as their builder, and are now wanting to move forward with building it.

Alex Leeman opened the public hearing at 7:29 p.m.

John Bradshaw, 259 E. 100 N., said his property is surrounded on the north and the east with the LR-F zone. He said years ago when the City was contemplating the historic district, he petitioned to have part of the historic district on this street. He feels the OTR is important as it maintains the character of Farmington with the small homes and large sycamore trees. He said about a year ago, lightning hit his garage and burned the majority of his home down. He said since he is located in the OTR zone, he was very restricted on how he could rebuild his property, despite being one door down and across the street from homes that did not have the same restrictions in the LR-F zone. **John Bradshaw** said he felt he was very idealistic when he petitioned for the OTR zone, but is now very frustrated by all the restrictions because he has less house than before, cannot build what he'd like to build, and has been displaced for 16 months because things have taken so much longer. He said the OTR is not the only thing, but one of the many that has stood in his way of doing what he would like to do. He said in addition to struggling to reconnect what is left from his 1930's home with a new construction that meets the OTR zone restrictions, the City is also requiring him to bring the rest of the home up to current building codes. He said this means he has had to change the pitch of his home, replace piping, and more. **John Bradshaw** said he feels the OTR is great, but also feels it is a great mistake. He would like to petition to remove his property out of the OTR zone. He is in favor of the applicant's request to rezone their property. He feels the OTR zone may be more appropriate for existing structures, but it should not apply to people trying to build a new home. **John Bradshaw** said that if this item were approved, he would petition to have his property rezoned to LR-F as well.

Jerry Preston, 177 N. Main St., provided clarification on the property with split zoning located to the east of the applicant. He said the home on that lot was built prior to the OTR zone. When the OTR

zone was created, the home did not comply with the OTR zone design guidelines, so the home remained zoned LR-F and the rest of the property was rezoned to OTR. He said the downtown area had restricted covenants that had been there for 100 years. Downtown used to be zoned R-2, which allowed duplexes. When the OTR zone was created, it reversed covenants. **Jerry Preston** said he feels there are a lot of things that are great about the OTR zone, but some things are too restrictive. He said the applicant's proposed garage does not meet the OTR zone design guidelines. The OTR zone guideline requires that the garage be located in the back of the home; however, many people have received relief from that requirement. Another OTR zone guideline is that the garage cannot make up more than 33% of the front façade of the home. **Jerry Preston** said he feels this guideline protects what the home looks like from street; however, the proposed home's design makes it so you cannot tell the front façade is a garage. He said he feels this home would be a great addition to the area as it complies with everything in OTR zone design guidelines, except for garage restrictions. He asked that the Commission recommend approval to rezone the property to LR-F. **Bret Gallacher** asked Jerry Preston to show where exactly the front door is located as there is some confusion regarding it on the provided elevations. **Jerry Preston** explained that the front door faces the street through the breezeway, so it is quite setback. **Alex Leeman** asked how far back the front door is from the street. **Jerry Preston** estimated it is approximately 100' from the street to the front door.

Alex Leeman closed the public hearing at 7:41 p.m.

Alex Leeman said he believes Mr. Bradshaw's comments are the concerns of the Commission. The concern is if one person is granted a rezone of their property, others will ask for it, which would slowly erode the OTR over time until there is nothing left. **Alex Leeman** explained that a rezone is a legislative act and is based on the individual merits of that application. He said if there is consistency in the decision making process, meaning results (approval or denial of the rezone request) could differ. **Alex Leeman** said based on this specific rezone, the factors that have weighed into his own decision is that the rezone of the property is consistent with the surrounding area and general plan.

Bret Gallacher asked if the applicant could seek a variance for the garage restrictions and leave the zoning as OTR. **David Petersen** said it is very unlikely that seeking a variance is an option.

Heather Barnum said it was suggested to look at the rezone and determine if the Commission feels it is appropriate without taking into consideration the proposed plan for the home. She said she finds that difficult to do because the home is the reason for the rezone request. **Alex Leeman** said there is always an application as that is the reason for the rezone request; however, he believes how much the Commission likes the home should not be taken into consideration. **Eric Anderson** said in the past, if the rezone is not concurrent with the subdivision, the Commission still wants to know why they are considering a rezone of the property, so it does play into the decision. **Kent Hinckley** feels approving this rezone is a roundabout way to give approval for this home; however, if his decision were to be based solely on the rezone, he feels he would not vote to approve it.

Connie Deianni said she understands that rezones are legislative acts and that a decision should not set a precedence; however, it may give the next person a reason to come in and ask for a rezone if this item is approved. She said she feels over time, the OTR zone would decrease. She feels the question the Commission needs to ask is if they are willing to give up more of the OTR zone.

Bret Gallacher posed a question to the Commission. He asked why the Commission wants to preserve the OTR zone. **Alex Leeman** said he feels it is the old town feel of Main Street and the large sycamores; however, he does not feel compelled to preserve this specific property. **Connie Deianni** expressed that if a decrease of the OTR takes place, she feels it will eventually be decreased to the roads with the sycamores trees. She said she feels the broader OTR zone is important to help its preservation.

Heather Barnum said she feels the home is beautiful and wondered if adjustments could be made to make it fit within the OTR zone. **Alex Leeman** said he feels the applicant's would have to start over because of the layout of the garage. **Bret Gallacher** stated that he feels the City may not be able to get any other house as beautiful as this one. **Connie Deianni** said she also thinks the home is beautiful, but does not want to talk about the home. She said she feels the decision should be made based on if the City is willing to give up more of the OTR zone.

Kent Hinckley asked if the boundary for the OTR zone follows the boundary of the original platted townsite. **David Petersen** said the boundary is close to the original platted townsite; however, he pulled the map, and this property was not part of the original townsite.

Bret Gallacher asked the Commissioners to consider the end goal. He said the end goal is not just to preserve the OTR zone, but to preserve the look and feel of Farmington. He feels like the proposed home supports that goal. **Kent Hinckley** expressed concern that if the City begins to amend the OTR zone boundary, it could open the door to much more. **Alex Leeman** said that he does not want to "overblow" what a change in the OTR zone boundary could mean. He feels if this application for a rezone is approved, it may mean the Commission must be diligent in doing its job going forward in being consistent in reviewing all the factors of the decision, and not just the final decision. **Alex Leeman** said that he feels if the Commission cannot determine a good enough reason to keep the OTR zone, then he is not bothered by rezoning this property.

Connie Deianni asked the applicant if the architect of the home conducted due diligent to check on the zoning of the property. **Craig Blackhurst** said he was under the impression the original concept drawing of the home was ran by Mr. Petersen. He said he did not hear anything negative back from the architect, but was not sure if they considered the OTR zone. **Craig Blackhurst** said he and his wife had seen a similar home on a narrow and deep lot in the old town of Bountiful; the home appealed to them as their lot is similar in shape.

Kent Hinckley asked staff if the proposed design of the home meets the standards in the LR zone. **David Petersen** said he does not know if it meets the standards of the LR zone. **David Petersen** drew the setback standards as defined and outlined in the Ordinance on the white board. Section 11-28-050(a) states the main building is to face the front; however, based on the proposed design, **David Petersen** said he is not sure that the main building does face the front. He said that may be problematic.

Alex Leeman said the question before the Commission right now is not if that design of the home is to be built, but if the Commission is comfortable with this property having an LR zone type house on it.

Bret Gallacher said he feels that the OTR zone design guidelines feel antiquated. He feels the design guidelines of 100 years ago do not fit with design standards of today. He feels that Farmington is no longer a farming community, but a City that allows for progress and modernity. **Kent Hinckley** said the Commission often talks of what makes Farmington Farmington; he feels the OTR zone is one of those things that keeps and preserves the look and feel of Farmington. He said he is leaning toward not wanting to diminish the OTR zone, as he has not heard compelling reasons to change the zone.

Alex Leeman reminded the Commission that the motion is to recommend approval or denial of the rezone to the City Council.

Motion:

Heather Barnum made a motion that the Planning Commission recommend that the City Council deny the zone map amendment of .59 acres of property located at 306 E. 100 N. from OTR-F to LR-F. **Kent Hinckley** seconded the motion. **Heather Barnum, Connie Deianni, and Kent Hinckley** voted in favor of the motion; **Bret Gallacher and Alex Leeman** voted against it. The motion passed on a 3-2 vote.

Findings for Denial:

1. The proposed rezone would essentially be a spot zone, although spot zones are not illegal per se, this particular rezone would “orphan” the majority of the Brown property directly to the east.
2. The proposed rezone would be inconsistent with the purpose of the OTR zone.
3. By rezoning this property, it could potentially begin to reduce the OTR zone boundaries at the edge, and set a precedent whereby other property owners within the OTR who do not wish to abide by the additional requirements and standards of the underlying zone, seek a rezone of their properties to avoid the more stringent requirements.
4. The proposed rezone would allow the applicant to skirt the more stringent design requirements of the OTR zone and build a home that is not consistent with the historic nature of the district as a whole.

Item #5. Jonathan Hughes and Chase Freebairn – Ivory Homes (Public Hearing) – Applicants are requesting a recommendation for Zoning Map Amendment of 31.79 acres of property located at approximately 600 South 1525 West from AA (Agriculture - Very Low Density) to AE (Agriculture Estates) zone. (Z-2-16)

David Petersen showed the general plan and the contour of 4218 elevation line. Max Elliott, the County Surveyor, and the applicant, Jonathan Hughes, previously presented to the Planning Commission regarding the 4218 line. Max Elliott stated that when the 4218 line was created, faulty data was used, which placed the line in an erroneous spot. This line then became the development restriction line. **David Petersen** said no one disagrees that the new data is accurate. The applicant would like to rezone the property to AE and amend the general plan to show rural residential density in lieu of the current development restricted area.

Chase Freebairn, 978 E. Wood Oak Lane, SLC., said Ivory Homes is excited about this project. He said it was discussed the current location of the 4218 line was based on faulty data. He said they are also aware of the West Davis Corridor. **Chase Freebairn** said what is being proposed is a 34 lot subdivision with ½ acre lots and open space located in an AE zone. He said the proposal leaves 4 acres of open space on the west side and 5 acres on the east to meet the requirements for the proposed density and provide a buffer from the Lake or WDC. He said the real question the Commission has to answer is if ½ acre lots are appropriate for this site. **Chase Freebairn** said he feels yes, it is appropriate for this site as the density is consistent to what is to the north and east of the property. It maintains the larger lots that is traditional for this area and allows for lots of open space. He also said the preferred alignment of Glovers Lane for the WDC does not touch this property.

Alex Leeman opened the public hearing at 8:26 p.m.

Kirt Petersen, 412 S. 1525 W., said he does not have any concern with the rezone of the property, but has a few questions. He said it was mentioned that the data point for the 4218 line was incorrect. He asked if that information is correct as the 4218 line goes through his property. **David Petersen** said yes, the data point is incorrect. **Kirk Petersen** asked how the storm water would be

addressed with the development of this project. He said he has a deep ditch that runs through his property, and when a big storm hits, there is a large amount of water flow already. He wanted to make the Commission aware of it so it can be addressed.

Johnathon Hughes, 927 S. Mountain Side Cir., said he feels the correct zone for his property should be AE. He said the text of the general plan confirms it, and the text take precedence over the drawings. He said the elevation line is 2400' off the correct data point, and that the City has the discretion to amend the 4218 line administratively, but City Manager Dave Millheim has not yet made the decision to do so. He feels what is being presented, including the lot sizes, is consistent with the fabric of the neighborhood and would like the developers to be able to proceed, but cannot until the zone is amended to AE. He said the other option to move the development forward is to request TDRs; however, there is the possibility of losing the buffer of open space. **Jonathan Hughes** asked that the Commission recommend approval to the City Council for the rezone of the property to the AE zone. He feels doing so will keep it consistent with the surrounding neighborhoods. He also pointed out that the property cannot be farmed, and that there have been trespassing problems for many years. **Jonathan Hughes** said if the property is not developed this way, there is also the potential that it would be developed into 5 acre parcels with property owners wanting a hobby farm. It may also mean there would not be any gutter, curb or sidewalk and that the City may have to assess those people in the future like what is happening in other areas of the City. The approval of this project would mean the east side of 1525 W. would be fully improved, which is a benefit as 1525 W. needs to be addressed.

Alex Leeman closed the public hearing at 8:36 p.m.

Alex Leeman invited the applicant to address Mr. Petersen's questions. **Chase Freebairn** said the storm water in the ditch will be piped.

Bret Gallacher asked Mr. Hughes when he decided to pursue developing this property. He asked if he purchased with the assumption of developing it when it was discovered that the 4218 line was erroneously placed. **Jonathan Hughes** said the property has been in his family for many years. In the mid-1990s, the City approached his family as they were looking for a reservoir site. Property was negotiated between the City and his family so a reservoir could be built for the Ranches subdivision; they were assured they would be able to develop the property to the south. **Jonathan Hughes** pointed out that no one would want to sell property to service someone else's property unless that person could also use it. He said the City also put a 15" water line through his property. He felt at that point, the best option was to develop the entire property. **Jonathan Hughes** said they developed around the reservoir, and made an agreement with the City and The Boyer Group, that all utilities coming from the north would be extended to his property as well. This is what generated the desire to develop.

Bret Gallacher said that the reason this property could not be developed previously was the 4218 line, which provided a safe buffer from the lake. Since that time, the City has discovered the 4218 line is located in the wrong spot. He said he does not see any reason why the rezone of this property to AE cannot be approved. He does not feel like putting it off until a later date is a valid enough reason. **Alex Leeman** said he previously was against the rezoning of the property, but now feels it may be okay to move forward with the rezone. He feels the Commission often hopes for ½ acre lots when there could be something less desirable proposed in the future. **Kent Hinckley** asked **Alex Leeman** why he was previously opposed to the rezone. **Alex Leeman** said staff had validity in that the general plan does not call for it, and that it may be wise to wait and see, as staff suggested. **Alex Leeman** also said he feels that if the Buffalo Ranches development was safe to have a similar design, it may be just as appropriate in this location.

Heather Barnum said she feels what is being proposed is consistent with the area. She said she would love to see this area improved, and appreciates the proposed open space. She feels the decision should not be based on political decisions (as previously discussed in the Study Session), but based on if this is a good change for Farmington. She said she is inclined to say yes.

Alex Leeman asked if the development would also improve 1525 W. **Chase Freebairn** said yes, the project would include 1525 W. improvements.

Connie Deianni asked why the line has not been amended if it was discovered that it was erroneously placed. **Kent Hinckley** said the general plan is based on the 4218 line so the general plan would need to be amended. The applicant pointed out their application also asked to amend the general plan.

David Petersen the 4218 line was established in 1993, and was created as the demarcation line in the general plan. He said if it were simply moving the data point, it would not be a big deal; however, there was more to the creation of the line. He said it took into account the flood plains, stream channels, wetlands, bird refuge, and so much more. He said it is important to look at the big picture when considering rezoning this property based on the “new location” of the 4218 line as there could be other ramifications of this sensitive area. **Kent Hinckley** asked for clarification that staff is suggesting to revise the entire general plan before a final decision is made on the rezone of this property. **David Petersen** said yes; he said it is important to reexamine the “southern belly” of the City prior to moving the data point. He said it is important to do so to ensure the change makes sense across the board from the west to the east.

Bret Gallacher expressed frustration that those things were not presented in the staff report. He said he feels like he is hearing new thoughts and ideas; however, he feels it is important to make a decision based on what was actually presented in the staff report. **David Petersen** suggested that this item be tabled to better consider the issues. **Chase Freebairn** reviewed the minutes from the April 7, 2016 meeting. It was asked that the applicant return with a map of the new location for the 4218 line, the revised flood plain from FEMA, a map showing the preferred alignment for the WDC and a schematic plan. He said they have fulfilled all the requirements that the Commission asked of them from the April 7, 2016 Planning Commission meeting.

The commissioners asked if the applicant has provided all the information requested. **David Petersen** said yes, they provided information was in the staff report, but the information has not be thoroughly analyzed. He urged the commissioners to walk the property prior to approving the rezone of this property. **Alex Leeman** said the City still has the review process to determine if the applicant can develop the land, but that should lay on the applicant to determine.

Kent Hinckley said he feels the zoning should be consistent with the general plan. He feels it is important to go through the process to amend or not amend the general plan before a rezone is considered; otherwise, the general plan is being set aside.

Alex Leeman said there are three options for the commissioners to vote: a motion to recommend denial of the rezone, a motion to table the rezone for further study, and motion to recommend approval of the rezone with findings that go beyond the incorrect location of the demarcation line. **David Petersen** explained the applicant may be able to obtain a rezone to the AE zone, but if the approval was only because the 4218 line was incorrectly located, it could create a bad precedence. He urged the commissioners to look beyond the applicant’s property down to the City’s southern border and take into consideration all things affecting the demarcation line. **Alex Leeman** also pointed out that if there is a motion to recommend approval or denial of the rezone, the item will move

on to City Council; however, if the item were tabled, it would remain on the Planning Commission's agenda or further review.

Bret Gallacher pointed out that the applicant returned with all information the Commission had requested during the April 7, 2016 meeting. **Alex Leeman** said the applicant came before the Commission as a miscellaneous discussion item, but not as an official item on the agenda.

Heather Barnum said it was mentioned that there is sensitive land surrounding the demarcation line, including wetlands, bird refuge, etc. She said she wants more information on how moving the demarcation line would affect those. She expressed frustration that that information was not included in the staff report. **David Petersen** said that information is a missing factor that can be added for further review. He also pointed out that historically it is uncommon for the Planning Commission to recommend a rezone of a property without reviewing the schematic plan alongside the rezone. **David Petersen** said that when an applicant submits a schematic plan, the plan is fully vetted by the Development Review Committee (DRC). The applicant has not gone through that process yet.

Kent Hinckley said that he feels if the Commission tables the item, the table indicates that the Commission is looking for more information before the decision is made. If the Commission recommends denial, the denial indicates there is a process that needs to be followed by amending the general plan first. **Chase Freebairn** pointed out they are requesting to amend the general plan. **Kent Hinckley** clarified that he does not wish to amend a small piece of the general plan, but would like to review the general plan for the whole area.

The commissioners discussed the Findings. **Heather Barnum** felt a finding may need to be added to address that the Commission is not comfortable amending the general plan for just this property. **Bret Gallacher** said if a motion were made to recommend approval, he would like to keep the findings regarding how the proposal is consistent with the general plan and the surrounding properties and that the current location of the 4218 line is erroneous. He also expressed his frustration that although it may be wise to further review the item, he feels that it is important to make a decision based on the information presented in the staff report. **Bret Gallacher** said based on the presented report, the applicant has not been able to build on his property before due to the location of the 4218 line, but that line no longer exist on his property. He feels a decision should be made based on that information.

The commissioners continued to discuss as each commissioner had differing views on the motion and findings. **Alex Leeman** agreed with **Bret Gallacher** in that the rezone would be consistent with the general plan and surrounding area. **Heather Barnum** said she does not feel there are strong enough findings to table the item. **David Petersen** explained that in the past with other locations in Farmington, there would have been a review of the concept plan. Things that might have been discussed with the review of the concept plan would be the length of the road, why there is and why there is no other outlet, why there is no trail connection, why has another street not been stubbed for further connectivity, etc. He feels even tabling the item to review the schematic plan is reasonable. **Bret Gallacher** pointed out that the last agenda item was not tabled because the Commission felt a decision had to be made on whether they wanted the rezone on that property regardless of the plans for the house.

Kent Hinckley made a motion that the Planning Commission recommend that the City Council deny the zone map amendment from AA to AE. The motion did not hold, as it was a 2-3 vote against it. The commissioners discussed findings regarding options for other motions.

David Petersen agreed with previous comments that staff could have done better on the information presented in the staff report. He said he feels the Planning Commission likes to make

decisions on items. He suggested that a motion be made to table the item to allow staff to better present information needed for a more clear clarification on what is being considered. **Heather Barnum** agreed; she feels there is information missing so there cannot be a compelling argument for either decision. **David Petersen** said staff will provide that information so the commissioners will have more clarity in their decision. He also pointed out that this is the first time this item has come before the Commission; there have been many times the Commission has spent multiple meetings preparing and finalizing plans prior to recommending approval or denial of an item to the City Council. **David Petersen** said by tabling the item for further review, the Planning Commission will have a better opportunity to make a more informed recommendation.

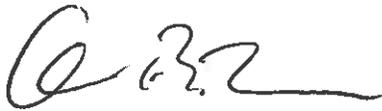
Motion:

Heather Barnum made a motion that the Planning Commission table this item so that staff can provide more information for the Commission to make an informed decision one-way or the other on the item. **Connie Deianni** seconded the motion. **Heather Barnum, Connie Deianni, and Kent Hinckley** voted in favor of the motion; **Bret Gallacher** and **Alex Leeman** voted against it. The motion passed on a 3-2 vote.

ADJOURNMENT

Motion:

At 9:25 p.m., **Heather Barnum** made a motion to adjourn the meeting, which was unanimously approved.



Alex Leeman
Acting Chair, Farmington City Planning Commission