

**FARMINGTON CITY
PLANNING COMMISSION MEETING
May 17, 2018**

STUDY SESSION

Present: Chair Alex Leeman, Commissioners Kent Hinckley, Roger Child, Rulon Homer, Associate City Planner Eric Anderson, and Recording Secretary Tarra McFadden. Commissioners Connie Deianni, and Russ Workman and Community Development Director David Petersen were excused.

Item #3. Jerry Preston / Elite Craft Homes - Requesting a recommendation for schematic plan approval of the proposed Makin Subdivision

Eric Anderson said the City Council adopted a zone text amendment on March 6, 2018 to allow TDR applications for alternative lot sizes when there is an issue of blight. He reviewed the definition of blight, as stated in State Law. He said State Law does not hold a high definition for blight to allow for flexibility, just as the Supreme Court allows for flexibility with condemnation. **Eric Anderson** said in order for a property to be considered “blighted,” a study must be completed. **Rulon Homer** asked how having the property considered blight affects the zone and the potential of 4 homes on the property. **Eric Anderson** said right now, the property is in the AE zone. Based on the Ordinance, a conventional subdivision would allow for 1 lot on this property; however, the applicant could apply for an alternative lot size through a TDR to grant 1 additional lot. Alternative lot sizes of 12,000 sq. ft. are allowed within the Ordinance, if approved. If the property is deemed blighted, the Ordinance allows for 1 additional lot as an incentive for people to clean up blighted properties. With the alternative lot size, if a TDR was approved and the property was considered blighted, the applicant could achieve 4 lots for this subdivision. The commissioners and staff discussed the 4 lot option. **Eric Anderson** pointed out that what needs to be considered is if single family residential is a good use across from the high school, and if this property is considered blighted.

Alex Leeman said the Ordinance does not express an exact standard for blight; however, in the State Code 17C-2-303; CRA for urban renewal, the following standards for blight are to be considered: substantial physical dilapidation, non-compliance with current building, safety, fire codes, unsanitary or unsafe conditions, environmental hazards, excessive vacancy, abandoned or outdated facilities, criminal activity, or defective conditions of the title.

Alex Leeman said although that standard does not have to be strictly followed, he feels it is a useful standard. He said if the Commission recommends approval, evidence of blight must be given from someone. **Kent Hinckley** said he walked the property, and although it seemed unkempt, he did not see anything that fits the criteria for blight. **Roger Child** expressed concern that if the home is uninhabitable due to frozen pipes, damage, or other conditions, it could still be considered blight.

Eric Anderson reviewed the suggested motion. He said the staff report includes a motion for a recommendation of approval if the Commission determines 4 lots fit for this specific property, if blight is found. He said a condition to that motion is that a blight study would have to be completed before the property is deemed blighted; approval of the 4 lots would be dependent on a finding of blight. **Eric Anderson** reminded the Commission that there is no vesting rights at schematic plan.

Item #4. Scott Adamson – Requesting a recommendation for rezone approval of 2.17 acres of property located at 1234 W. Glover Lane from an AA (Agricultural Very Low Density) to an AE (Agriculture Estates) zone

Eric Anderson said the applicant is seeking a rezone of the property. He said it was timely that the Commission discussed the Development Restriction (DR) line with regards to the West Davis Corridor (WDC); however, this property is not to the east or the north of the West Davis Corridor where the DR line might be moved. He said this property would remain below the 4218 line in the DR area. **Eric Anderson** said the applicant is requesting a lot split to add one more unit of density to their property. He said one of the benefits of granting the rezone for the lot split is that the City would be able to require improvements of curb, gutter, sidewalk, and asphalt extension for Glovers Lane and Shirley Rae. He said staff feels these improvements would be a big incentive for the City to grant this lot split. **Kent Hinckley** said he feels granting the lot split would make the lots closer in size to the lots surrounding it. **Eric Anderson** said this subdivision was subdivided in the County; however, it does not conform to the City's Zoning Ordinance when it was annexed into the City. The minimum lot size for the AA zone is 10 acres. **Eric Anderson** said this is another policy question for the Commission to consider, as there are merits of an approval or denial.

REGULAR SESSION

Present: Chair Alex Leeman, Commissioners Roger Child, Kent Hinckley, and Rulon Homer, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Tarra McFadden. Commissioners Connie Deianni, Bret Gallacher, and Russ Workman were excused.

Item #1. Minutes

Rulon Homer made a motion to approve the Minutes from the May 3, 2018 Planning Commission meeting. **Roger Child** seconded the motion, which was unanimously approved.

Item #2. City Council Report

Eric Anderson gave a report from the City Council meeting on May 15, 2018. He said the first item that was considered was the omnibus Zoning Ordinance amendments, which was approved as per the Commission's recommendation. The second item was the Station Towns Rezone and Schematic Plan. Despite the recommendation for approval by the Commission, and that no one attended the public hearing, the City Council unanimously denied the rezone. The City Council members did not feel the proposed use was a good fit. Councilmember Brigham Mellor said he felt the purpose of the RMU zone was to have higher intensity developments that would then taper off into single-family residential homes. The councilmembers felt that although the Henry Walker Homes project included single-family residential homes, the homes were very tight and dense, and the councilmembers felt like the proposed townhomes did not fit with the tiering of density that is to be included in the RMU zone. He said there were also councilmembers that did not like the Henry Walker Homes project, and did not want more of it. **Eric Anderson** said the next item that was considered was the General Plan amendment for the Stoddard/Hughes property. He said the Planning Commission was given 4 alternative motions, but then approved a 5th alternative motion. He said the City Council chose to only approve a General Plan amendment for the Stoddard/Hughes properties, and leave the remaining properties left as is. He said

the City Council would like more clarity regarding changes to the conservation easements, but they appreciated a full look at the other properties.

Rulon Homer asked for more information regarding the City Council item regarding a water supply shortage. He asked if the City has enough water for the massive increase of development on the west side, as he was told for many years that his property could not be annexed into the City since there was no water for him. **Eric Anderson** said there was a water problem on the west side of the City, but when the Boyer Properties developed the Ranches subdivisions, they brought a water line from the east side to the west. He said without that water line the development could not have happened. With regards to the water shortage item, secondary water will be shut off once the secondary water reservoirs run out or get down to a certain level, which could happen in June or July. He said there are concerns that people will start using culinary water to irrigate their yards. He said the Council adopted a measure to educate people on watering their yards sparingly because it could become problematic if people use culinary water. By decreasing irrigation now, the secondary water supply could be stretched further.

SUBDIVISION

Item #3. Jerry Preston / Elite Craft Homes (Public Hearing) – Applicant is requesting a recommendation for schematic plan approval of the proposed Makin Subdivision consisting of 4 lots on .86 acres of property located on the southeast corner of 650 West and Glover Lane in an AE (Agriculture Estates) zone. (S-9-18)

Eric Anderson said this property is located on the southeast corner of 650 W. and Glover Lane, and across the street from the high school. He said the applicant wants to build a subdivision with 4 lots. He said in the AE zone, the Ordinance allows an applicant to apply for a conventional subdivision with a 1-acre minimum lot size. The applicant's property is .86 acres. There is a provision within the Ordinance that allows an applicant to apply for an alternative lot size, which would then allow for a minimum of 12,000 sq. ft. lots. Each additional lot beyond the yield plan must be accomplished through a Transfer of Development Rights (TDR).

Eric Anderson said the applicant, however, is presenting a schematic plan with 4 lots at approximately 9,000 sq. ft. In March of this year, the City Council passed a zone text amendment that additional TDR lots may be brought in through the finding of blight. He said this property may or may not qualify for blight. He said a blight study would have to be conducted, as there has been significant clean up on this property, but that at one point this property was quite blighted with junk cars, garbage in the yard, a hoarder filled house, and more. **Eric Anderson** said regardless of if this property qualifies as blight, the Planning Commission and City Council need to decide if they would approve the subdivision with 4 lots if the property is deemed blighted. He also added that in order for the subdivision to move forward with 4 lots, blight would have to be found and the additional 3 lots would have to be brought in through a TDR. TDRs must be approved by City Council, and that decision is a legislative and discretionary act. **Eric Anderson** said the most important thing to consider at this point is if the Commission is comfortable with 4 lots and single-family residential across from the high school. He said if the Commission is comfortable with the 4 lots and the single-family residential, then the next step would be a blight study to determine if there is blight. He said a proposed motion for a recommendation of denial is also included in the staff report if the Commission does not feel comfortable about the density and blight.

Jerry Preston, 177 N. Main St., thanked the Planning Commission for their efforts on behalf of the City. He said he does not own this property, but that two property owners purchased it as a way to

assist the Makin family and make it nicer for the area. He said since this property was zoned AE in the '70s or '80s, a lot has happened in the area, including the new high school, the City gym, the charter school, Station Park, and more. He said 650 W. may soon be considered an arterial road. He said the property owners feel this property could be a buffer to the other AE properties located to the east. He said there is a new home just south of the property that is on a lot approximately 9,700 sq. ft., which is similar to what is being proposed with this property. He said that lot is a non-conforming lot, which was a result of the road being put through the parcel. He said they would like to develop the proposed lots in a similar manner. **Jerry Preston** said with the economics of this project, they could develop 3 lots at approximately 12,000 sq. ft. or develop 4 lots. He said the 3 lot option would result in the existing home remaining and being remodeled; however, if blight is found, the existing home could be demolished and 4 similar homes could be built in its place. He said the property owners are looking for direction on what the Commission would like to see, as well as what the neighborhood would like to see for that property.

Roger Child asked if Mr. Preston knew the condition of the property, and if there are any environmental concerns with past junk cars, animals, or other things on the property. **Jerry Preston** said before they move forward, they would complete an environmental study as there was definitely junk previously found on the property. He also said that he has not gone through the inside of the home, but has heard it is not in good shape. He said if this item moves forward, they will conduct a blight study; if blight is not found, then they have their answer on how many lots to develop.

Rulon Homer asked if the Makin's are currently living on the property, or if the property is vacant. **Jerry Preston** said he thought someone was living in the home at the time the property sold, but that no one has been living there since that time. He said he is unsure if there is blight found on the property now, but that there has definitely been blight in the past. He said they can further investigate, and provide proof if blight is found.

Jerry Preston asked the Commission if they would like 4 similar homes on that corner, or if they are comfortable with 3 lots and the Makin manufactured home remodeled. **Rulon Homer** asked for more information about the homes Mr. Preston hopes to build compared to the existing home on the property. **Jerry Preston** said the current home has a garage approximately double the size of the home, with an approximately 1,100 sq. ft. modular home. He said they would like to appeal to "empty-nesters" by building a rambler type home with a 3 car garage.

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

Phillip Paget, 1012 South 650 West, expressed concerns with the development's density. He said he would like the project to fit in with what is currently located in the area. He also expressed concern with the height limit of the homes and garages. He said as the lot currently stands, it looks as though a home was built because the City would not allow someone to just have an oversized garage. He also added that the potential of blight does not take into account that the property owner has not been living there. He does not feel a blight ruling should be made, and a developer obtains an additional lot just because a property owner does not care for their lot.

Paulette Hewitt, 541 West 250 South, asked what the size of the lots would be if the existing home was left, and 3 lots were developed. **Eric Anderson** said the lots would be approximately 12,000 sq. ft. each. **Paulette Hewitt** said the Commission talks about how much they don't like spot zoning, but then considering it with this spot. She said she does not think the existing home looks that bad, and that it is noticeable that some clean-up has been done. She said there was a blue house that Ivory Homes took down for one of their developments; she feels that home should have been considered blight in

lieu of the existing home on this property, but it wasn't. She said she worries that her neighbors may consider her property blight when she does not keep up her yard. She said she has concerns that people may start calling things blight, when in reality something may just need to be fixed to make it better. She shared a few examples of other things in the area that could be considered blight as well, but has not been. She said the City Council recently turned down developing a parcel across from Events Center because it was not consistent with the area; she does not feel the proposed 4 lots would be consistent with this area. She said she does not like spot zoning, and she does not like calling someone's property blight. **Alex Leeman** pointed out that this item is not a rezone. He said the Ordinance allows the applicant to propose 3 lots of 12,000 sq. ft. in the AE zone through a TDR. He said IF the property can obtain a blight designation, the Ordinance allows the applicant an additional lot. **Paulette Hewitt** expressed concern that if the Commission chooses to call something blight, then it could open a can of worms for other properties that may be blight in the future. **Alex Leeman** said there is a blight standard, which he will discuss and review.

Alex Leeman closed the public hearing at 7:36 p.m.

Alex Leeman said that he wanted to discuss a few items of concerns that were raised during the public hearing. He said this is not a rezone application. He said in the AE zone, the Ordinance allows for alternative lot sizes, which is a minimum of 12,000 sq. ft. He said there is a provision within the Ordinance that allows for those alternative lot sizes if certain criteria is met. He said the AE zone allows for the alternative lot size of 12,000 sq. ft. He said the 3 lot option the applicant has proposed is something that is compliant within the zone if the City Council approves a TDR, which is a legislative and discretionary decision made by the City Council. **Alex Leeman** said the proposed 4 lot development is also allowed if evidence is provided that something is "blighted." Based on the Ordinance, the City incentivizes developers by giving an additional lot in exchange to help cure blighted conditions within the City. He said it is not just saying something is blighted because their grass has not been trimmed, or the yard has been ignored. **Eric Anderson** added that blight cannot be considered through neglect. **Alex Leeman** said the State Code has specific criteria that must be met in order for a property to be deemed blight. He said 4 of the following criteria found in the State Code must be found:

- 1) Substantial physical dilapidation
- 2) Significant non-compliance with current building, safety, health, fire codes
- 3) Unsanitary or unsafe conditions
- 4) Environmental hazards
- 5) Excessive vacancy
- 6) Abandoned or outdated facilities
- 7) Criminal activity
- 8) Defective conditions of title

Alex Leeman said at this point, the Commission does not have evidence to make a blight determination, but that the blight determination will be made at another time. He said the applicant will have to provide proof, evidence, pictures, maybe host a site visit, etc. to determine if this property qualifies for blight based off of the State Code criteria. He said IF the property is considered blight, then the applicant will have the ability to have the 4 lot option considered.

Eric Anderson also added that the zone text amendment that was recently adopted states that the determination of blight has to be done through a Special Exception application, which would come separately before the Planning Commission. If the Planning Commission chooses to recommend this item for approval, the conditions to the motion are worded in a way that the applicant would have to receive a Special Exception approval for finding of blight, and then would still need approval for the 3

TDR lots by the City Council. **Eric Anderson** said the applicant still has several hurdles to get through before this subdivision becomes valid.

The commissioners asked about the approval body for the special exception and what will happen if the property is not deemed blighted. **Eric Anderson** said the special exception is approved by the Planning Commission, not the City Council.

Jerry Preston said the property owner is seeking a 4th lot due to the costs associated with the demolition of the existing home. If the property is not deemed blighted, they will leave the existing home as is, and request 2 TDR lots for a total of 3 lots. He said they plan to remodel the home if the existing home will remain. He said the property owners would like to see what the neighbors and community want for this property, the existing home remodeled with two new homes, or 4 new homes similar in style.

Kent Hinckley expressed concern with considering this item, as the “centerpiece” to it is not known, which is whether this property is considered blighted or not. He said in the past, items have been recommended for approval based on some incidental thing being completed or not, but that having the property deemed blighted would make a significant difference in the outcome. He said he is uncomfortable moving forward with the 3 or 4 lot options because it is not known if the property is blighted or not. **Alex Leeman** said he feels it is irrelevant to know if the property is blighted or not at this point. **Kent Hinckley** feels it would be best to make a decision on the 3 lot option since it is not known if the applicant can even qualify for the 4 lot option. **Alex Leeman** said he feels the logical thing to do is send the recommendation to the City Council stating the Commission is comfortable with one or the other option, provided the applicant meets the blight criteria. **Kent Hinckley** said he feels it is better to do the “homework” prior to making a recommendation. **Alex Leeman** said he feels the Commission needs to do their “homework” prior to determining blight; however, that application is not before the Commission at this time. He said he does not know what more information the Commission could require of the applicant based on what he’s asking for at this point. He said he does not feel the Commission can tell the applicant that the commissioners want to know if he meets the criteria for blight because that is not the application he has submitted at this time. **Kent Hinckley** said the application that is before the Commission is for a recommendation of approval for 4 lots. He said he does not feel the Commission can recommend approval for 4 lots without knowing if there is blight. **Alex Leeman** said he feels this situation is similar to a schematic plan and rezone. He said the entire schematic plan does not move forward if the rezone is not approved; however, the rezone is still “packaged” with the schematic plan. **Kent Hinckley** said he feels this is different because the Planning Commission is the one to consider the blight. **Alex Leeman** said if the conditions are not met, the schematic plan comes back to the Commission. **Eric Anderson** said this item is just for the schematic plan, and not approving the actual subdivision. **Kent Hinckley** said that he is not comfortable voting to recommend approval or denial on the 4 lots because he does not feel there is adequate information to make the decision on the 4 lots.

Jerry Preston said the Commission could move forward with the 3 lot option, and then if evidence can be shown that the property is blighted, he can come back for the 4 lot option. **Eric Anderson** said the application is for 4 lots, so that is what the Planning Commission has to consider. The Commission cannot consider an alternative subdivision that is not before them. He said if the applicant chooses, he can start the process from the beginning and submit an application for a 3 lot subdivision, and then come before the Commission with that option.

Alex Leeman said he feels the motions that are before the Commission are to decide if they will recommend approval or denial of the 4 lots, or table the item and ask the application to bring it back in a different format.

Roger Child said that he has concerns right now that Mr. Preston does not know the exact condition of the home. He said the existing home is a modular home, which is temporary by nature. He said that although a modular home can be made more permanent, it is still less permanent than a standard structure. He said as a neighbor, he would be more concerned about having a modular home as a neighbor, than 4 new homes on smaller lots. He said due to the nature the previous home that burned down on the property was in, which was significant blight, it is possible the replacement modular home is in similar condition. **Roger Child** said he does not feel there is a significant value differential from 12,000 sq. ft. lots versus 9,400 sq. ft. lots; however, he feels there would be a significant value impact to the neighborhood in perpetuity if the modular home remained. He said he understands the full situation, but if it were his choice as a neighbor, he would want 4 new homes as it would be better economics for the neighborhood.

Alex Leeman said he does not feel the Commission should speculate on if the home is blighted, but that the Commission should decide if they are comfortable with 4 homes or not, if the applicant can meet the blighted criteria. He said if the applicant cannot meet the criteria, then it is a moot point. He asked the commissioners to consider if they are comfortable with 4 homes or not.

Eric Anderson said when considering a schematic plan, the Commission is looking at if they are comfortable with the lot sizes and density proposed, as well as the configuration of lots, road, and overall layout. He said there are many questions that are left to be addressed at preliminary and final plat, like regarding the sewer line, even though that could stop the development completely. He said he feels requiring that the applicant provide evidence of blight at this point in the process would be like requiring improvement drawings for a subdivision at the beginning. He said it is up to the Commission to determine if they are comfortable with the lot size and the layout of the subdivision. **Kent Hinckley** said he does not want to consider the application at this point because the centerpiece of the application is the applicant obtaining a determination of blight, which he does not have at this point. He suggested tabling the item until the determination of whether or not blight is present has been made. **Alex Leeman** disagreed; he said he feels the schematic plan is the centerpiece and that the determination of blight is simply a condition to the motion. He said the Ordinance allows for 12,000 sq. ft. lots if the applicant can satisfy certain criteria, but that if the applicant also meets other criteria, then they can qualify for an additional lot. He said he feels by not voting on this, the City is setting a precedence that it will not lawfully uphold the City Ordinance if an applicant satisfies the criteria for a certain lot size.

Roger Child asked if the Commission proceeds right now with the 4 lot option, and the Commission does not recommend approval of it, would it shut down the applicant's ability to come back before the Commission with a different layout. **Alex Leeman** said by recommending denial of this item, the City Council receives that recommendation, and votes how they choose. If the City Council denies the item, the applicant would then have trouble coming back. **Roger Child** said he feels Mr. Preston has made himself available to talk with neighbors. He feels if the neighbors want the modular home removed, then that window has been left open and available. **Alex Leeman** pointed out that even if the neighbors wanted the modular home removed, if the property does not meet blight, then it does not matter.

David Petersen said one argument is that the determination of blight is central to this item, so if the Planning Commission wants the blight study completed, it can be done. He said the applicant could

then go through different things for the blight study, come before the Commission again, and the Commission offers a recommendation to the City Council, but then the City Council says blight or no blight, if the Council does not want to approve it. He said the potential of denial is a possibility since the City Council has the final say. **David Petersen** recommended a joint meeting with the City Council to discuss the item before it is moved forward to see if a blight study is still needed. **Jerry Preston** said he is fine if the item is tabled. He said he can enter a secondary application to allow both the 3 lot and 4 lot proposals to be considered. **Alex Leeman** said he is comfortable having a second application submitted, and that perhaps a third application for a Special Exception regarding blight could also be submitted. **Jerry Preston** recommended that the City adopt guidelines regarding blight. **Alex Leeman** said the City is following State Code, but agreed that perhaps a zone text amendment regarding how blight is considered should be made.

Motion:

Kent Hinckley made a motion that the Planning Commission table this item and allow the applicant to do as he chooses, either go forward to do a determination of blight, come back with an application for 3 lots rather than 4 lots, or anything else he chooses to do. **Rulon Homer** seconded the motion, which was unanimously approved.

The commissioners and staff determined a joint City Council/Planning Commission meeting will be held June 5, 2017 at 5:30 p.m. in the Study Session room.

ZONE MAP AMENDMENT

Item #4. Scott Adamson (Public Hearing) – Applicant is requesting a recommendation for rezone approval of 2.17 acres of property located at 1234 W. Glover Lane from an AA (Agricultural Very Low Density) to an AE (Agriculture Estates) zone. (Z-5-18)

Eric Anderson showed the aerial view of the location for the property. He said the applicant is requesting a rezone from AA to AE in order to do a lot split of his 2.17 acres into 2 parcels of approximately 1.09 acres each. He said the property is zoned AA, which is the lowest density residential zone in the City. He said this property is in the Development Restricted (DR) area on the General Plan, and that this area would not come out of the DR area based on the West Davis Corridor (WDC) alignment. **Eric Anderson** reminded the Commission about the criteria that went into deciding the DR line, as has been the discussion in previous Planning Commission meetings. He said that recommending approval of this rezone would be considered a significant policy decision as it would be inconsistent with the City's General Plan.

Eric Anderson said the Planning Commission recommended denial of another subdivision application on this a few years ago; however, that recommendation of denial was based on questions regarding storm water, sewer access, ROW issues on Glover Lane, and more. He said all of those issues can now be mitigated with the exception of storm water. He said the Central Davis Sewer District has built or will be installing a sewer line down Shirley Rae Dr. He said the property has a high water table, and that there is currently no existing storm drain facilities in the area. **Eric Anderson** said the applicant is only proposing a lot split, but that's where the policy question comes in. He said the applicant is requesting to add one unit of density, so it would not be a big impact on storm water, but it is one more unit of density than what the ordinance allows.

Eric Anderson said staff provided two proposed motions, one for recommendation of approval and one for recommendation of denial. He said one of the benefits of recommending this item for

approval is the improvements to Glovers Lane for the frontage of this parcel, including curb, gutter, sidewalk, and park strip that the developer would have to do. On the other hand, **Eric Anderson** said the application is not consistent with the General Plan, and that the property is not a good developable piece of property. He feels with enough money, however, those concerns with the property could be mitigated.

Scott Adamson, 940 Windsor Lane, Bountiful, attended with his wife, Patty. He said they acquired the property last year, and would like to build on it. He said his wife has taught, and built, a very successful tennis program in Bountiful. She has been able to assist Bountiful High in winning multiple state tennis championships. He said they have a daughter that now lives on 650 W., and has built tennis courts on her property. He said they would like to build a home nearby so they can assist in their daughters program. He said there are so few lots in the area, and that they liked this property. He said they knew 2 acres would be too much for them though, and the economics of building a home on the property are tough. He said they felt doing a lot split would still keep the lots consistent with the surrounding area, as well as helping with the economics of building a home and improving Glovers Lane.

Roger Child asked how much of the site would remain undeveloped. He said he has drainage concerns as percolation is slow with the high water table for the property. He is concerned that there may be a drainage issue if large tennis courts are built, as they are not penetrable by water. **Scott Adamson** said they plan to build a home with an approximate 2,500 sq. ft. footprint, and plan to landscape the rest of their yard. He said they want their lot to look nice. He said concerns regarding storm water was an issue brought up early on so they are working closely with their contractor to mitigate the problem. He said they will most likely bring in fill dirt to raise it up.

Rulon Homer asked the applicant how many homes he plans to build. **Scott Adamson** said will build one home and will sell the second lot. **Rulon Homer** said he often rides his bike past this lot, and there is always water in the southwest corner of it. **Scott Adamson** said they have considered a retention pond for the property, but will be working with an engineer to determine if it is needed on the lot. He also clarified that tonight, he is only asking for a rezone of the property.

Alex Leeman opened the public hearing at 8:27 p.m.

Patty Adamson, 940 East Windsor Lane, Bountiful, said she has loved teaching and building a tennis program; it is her passion. She said now that her grandkids are in the Farmington area, she wants to be close to them. She said 2 acres is too big for what they would like, so that is why they are asking if they can divide it. She said splitting it into a 1 acre lot will allow her to continue the legacy of tennis and be close to family.

Phil Rogers, 818 Shirley Rae Drive, asked about the minimum lot size for the AA zone, and if the applicant can build 2 houses on their current lot. **Alex Leeman** said the applicant has one lot, so right now the minimum lot size is what he has for one house. **Eric Anderson** said in the AA zone, the minimum lot size is 10 acres in a conventional subdivision; this lot was entitled in the County, then annexed into the City after it was created. He said this lot would be considered non-conforming for the AA zone by City standards, but was grandfathered into the City after it was created in the County. **Phil Rogers** asked for clarification that if someone purchases the lot being discussed, they could only build one house on it. **Eric Anderson** said yes, the property owner of this lot could only build one house. **Phil Rogers** expressed concern that someone chose to buy this lot being discussed knowing it was too big for them, but are now requesting to divide it because it is too big. He said it was also previously mentioned by staff that sewer may have already come in. He wanted to clarify that they have been notified that there are plans to do so, but a sewer line has not yet been installed. **Phil Rogers** expressed concern that

staff mentioned the only way the property owner could afford to do curb and gutter on the full length of the property is to do a lot split. He said the City has other means to accomplish installing curb and gutter, like putting a lien on your house until the improvements are completed, which is what the City did to him. **Alex Leeman** clarified that the City can only put a lien on someone's house if they already have an existing agreement for those improvements. He said the City cannot force that on someone that does not already have an improvement agreement. **Phil Rogers** said that he feels if 2 acres is too big for someone, they should buy a lot and build a house elsewhere. He said if the City starts splitting lots, and right now an applicant is "only" asking for an AE zone, down the road it will continue to split. He feels rules should not change because someone cannot afford to build their house.

Ralph Wilcox, 667 N. 500 E., Bountiful, said that he received a letter noticing this zoning request. He said he owns 5 acres to the west of Scott Adamson. He came to the meeting because he was curious what Mr. Adamson had plans to do. He said he would be interested in talking with Mr. Adamson to potentially make a better deal out of a larger piece of property. He said he wanted to put that on the record.

Alex Leeman closed the public hearing at 8:33 p.m.

Alex Leeman said looking at the zoning map, if this lot were to be rezoned, it would be spot zoning, as there is no other AE zones nearby. He said spot zoning isn't illegal, but it can be considered taboo as it is not usually appropriate under most circumstances. **Alex Leeman** reviewed the considerations for a rezone, including if it is reasonably necessary, in the public's best interest, consistent with the General Plan, etc. He said rezones are legislative decisions, which means nothing prevents the Commission from denying a recommendation to rezone, even if the rezone seems to meet the rezone criteria. He said on the flip side, the Commission can also approve a rezone, even if the rezone does not meet the criteria. He also mentioned that the General Plan is a guiding and advisory document. He said he still feels the Commission should have a good reason why if they choose to change something that is inconsistent with the General Plan.

Alex Leeman said he feels this application is different. He said in the AA zone, this lot would not have been conforming if it had not been grandfathered in; however, surrounding neighbors have the same situation. He said that is just something that happens when property is annexed in. He said he feels what needs to be considered with this rezone application is if the proposed zone of AE is appropriate and right for this specific spot in the City. He said he appreciated Mr. Rogers comment that this lot was purchased within an existing zone; the buyer knew what they were getting into. He added that any property owner is still entitled to ask for a zone change, as long as the request complies with the Ordinance, which this request does.

Alex Leeman said the Planning Commission is making a recommendation to the City Council, and that the City Council will have the final vote on this application.

Alex Leeman said that he is torn with this kind of application. He said he feels like it's important to look at the surrounding parcel to see how they are laid out. The applicant wants to divide his lot into 1 acre lots, and the surrounding lots to the north and east are all similar in size. He said looking at this application, it is inconsistent with the General Plan; however, the lot is inconsistent with how the General Plan is laid out. He said this application is for a rezone though, and not a General Plan amendment.

Rulon Homer asked for more information on spot zoning. **Alex Leeman** said spot zoning is when an individual lot is considered for a rezone, specifically if the rezone makes the lot an "island" within the

current zone. **Eric Anderson** said all properties in the area are zoned AA. If this application is approved, the applicant's property would be the only AE zoned lot surrounded by AA, making the lot an AE "island." **Alex Leeman** reemphasized that spot zoning is not illegal because zoning is usually meant to look at the area as a whole. He said any property owner is entitled to ask for a rezone, and entitled to have it considered. He said in the years he has been on the Planning Commission, the Commission has not done a rezone that is inconsistent with the General Plan, but he said he does not remember considering a single parcel before now. **David Petersen** said with regards to spot zoning, if the General Plan says everything in the area is zoned "x," and what is being requested is "y" zone, but it is consistent with the overall plan, the change is generally ok. He said when considering a spot zone, it is also important to consider the direction the Commission may want to see the area go.

Kent Hinckley said that if this rezone was granted, this property would have a different zone, but the lot size would be the same or close to the same as surrounding lots. He feels although the zone would be different, the result would still be the same.

Roger Child pointed out that this lot is along Glovers Lane, and has a lot of frontage. He expressed concern that this property has the potential to subdivide another 3-4 times in an AE zone. **Eric Anderson** said the potential to further subdivide would be a legislative act, not a vested right. He said the property owner does have a right to ask for a rezone. **Roger Child** said he does not feel it is the property owner's intent to do a "bait and switch," but that memories fade and a future property owner may be interested in further subdividing the property.

Alex Leeman asked if the Commission can only recommend or not recommend the rezone for the AE, or if they can recommend a rezone to the A zone. **David Petersen** said the Commission can only recommend or not recommend as the application was submitted, which was a rezone request from AA to AE, and not A because the notice was not posted that way.

The Commissioners discussed spot zoning with staff, and the applicant's options to build on half the property and apply again in the future, leave as is, or come back with a different application for a rezone to A. **Alex Leeman** said that he would be more inclined to entertain an application to rezone the property to A versus AE based on **Roger Child's** comment that the property could be further subdivided to the alternative lot size of 12,000 sq. ft. **Kent Hinckley** agreed; he feels a request for a rezone to A, which would allow the applicant 2 houses, 1 within the A zone and the 2nd with a TDR request. **Roger Child** said he feels rezoning the property to A would protect the neighbors as well.

Rulon Homer asked the applicant if he wanted to build 2 houses. **Scott Adamson** said he would like to build one house, and sell the other lot for someone else to build on. He said he does not care which zone is granted, he would just like to split the lot as he would not be building the second house, but wants to sell the second lot. **Rulon Homer** asked what the impact would be if a rezone to A would be granted. **Alex Leeman** said if a rezone to A was approved, the applicant could potentially get the 2nd lot he's requesting through approval of a TDR, but that would be the absolute most lots he would be able to receive. He said with a rezone to AE, the applicant could get 2 lots, but there is always the potential the lots could be further subdivided in the future to smaller lots. He said the biggest thing with the A zone is a cap on density.

Alex Leeman said regardless of which zone is being considered, he feels the same question is before the Commission, which is whether or not it is appropriate to rezone this property to something that is inconsistent with the General Plan. He said it is ok to grant the rezone inconsistent with the General Plan, but feels it is a harder decision to make under these circumstances. **Kent Hinckley** said

splitting the property fits with the parcels surrounding it. He feels rezoning the property to A will also protect the neighbors that there will only ever potentially be 2 homes, and no more than that.

Alex Leeman said he does think it's important to consider the improvements along the frontage on Glovers Lane that the City will be receiving, including curb, gutter, and sidewalk if this item is approved.

Alex Leeman said he is inclined to recommend denial of the rezone, but state that he would be more willing to rezone the property to A if the applicant wants to submit a different application for it, or they can move forward to City Council with the denial of recommendation.

Motion:

Kent Hinckley made a motion that the Planning Commission does not recommend approval of the rezone. **Roger Child** seconded the motion, which was unanimously denied.

Finding for Denial:

The Planning Commission prefers this property be rezoned to A (Agriculture) to protect the surrounding neighbors with the lot size that would result from that zone.

CONDITIONAL USE PERMIT

Item #5. Ben Peterson (Public Hearing) – Applicant is requesting temporary (conditional) use approval for a fireworks stand on 1.18 acres of property located at 954 South 150 West in a C (Commercial) zone. (C-5-18)

Eric Anderson said this item was heard the previous year. He said temporary use permits typically come back annually; however, it is standard for the City to grant approval for one year to see how the use goes, and then extend the renewal date of the permit out a few years when the use comes in for the second year. He said the proposed Condition #8 states the permit is good until the year 2022, but that the Commission could have it expire this year, or any other year they choose. **Eric Anderson** said to staff's knowledge, this firework stand did not have any problems last year.

Ben Peterson, 1557 Boulder Creek, Layton, said he would like to do a firework stand for just the 4th of July. He said there is a small chance of opening the stand for the 24th of July, but mostly likely not.

The Commission did not have any questions for the applicant at this time.

Alex Leeman opened the public hearing at 8:58 p.m.

No comments were received.

Alex Leeman closed the public hearing at 8:58 p.m.

The commissioners wished the applicant an explosive season.

Motion:

Rulon Homer made a motion that the Planning Commission approve the temporary/conditional use subject to all applicable ordinances and development standards and the following conditions:

1. The Fire Marshall must approve the temporary use prior to any business license being issued;
2. Permanent signs on the site of the firework display tent are prohibited. The size and location of signs must be in compliance with provisions of the Sign Ordinance in which the use is located. All signs must be removed when the activity ends;
3. No loud speakers or amplifying sound devices shall be used in conjunction with the temporary use;
4. Outdoor lighting, if used, must be subdued. All lighting shall be designed, located and directed to minimize glare, reflection and light pollution into adjoining and nearby lots. Search lights shall not be permitted;
5. Conduct of the temporary use shall be limited to hours between 10:00 a.m. to 9:00 p.m.;
6. The use granted is solely for purposes of temporary outdoor fireworks sales, and no other commercial activities of any kind shall be associated with this use permit;
7. Any alterations made to the site to accommodate the use shall be removed and the space shall be converted back to its original conditions upon termination of the temporary sales tent;
8. This permit shall be good through June 29 to July 4, and July 21 to July 24, for every year until 2020.

Roger Child seconded the motion, which was unanimously approved.

Findings for Approval:

1. Other similar uses have been approved at this location in previous years with no reported issues.
2. If the conditions of approval are met, the proposed use will comply with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
3. The proposed use is compatible with other uses in the underlying zone.

OTHER

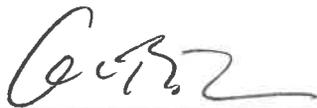
Item #6. Miscellaneous: a) Rock Mill Estates – street light proposal

David Petersen said Symphony Homes is proposing to do yard lamps in lieu of the standard streetlights. He asked the commissioners their feelings regarding it. The Commission was interested in a comparison of light from a yard lamp versus a street light. The Commission felt the yard lamps would be aesthetically pleasing, but expressed concerns about safety of intersections and pedestrians crossing. There was also the concern that homeowners would be responsible for maintaining the yard lamps, and if homeowners wanted the streetlights in the future, the City would have to front the cost, not the developer. The commissioners advised staff to tell the developer that most commission members felt like the lamps would be aesthetically pleasing, but that there were concerns regarding the visibility at intersections.

ADJOURNMENT

Motion:

At 9:08 p.m., **Alex Leeman** made a motion to adjourn the meeting, which was unanimously approved.



Alex Leeman
Chair, Farmington City Planning Commission