

FARMINGTON CITY
PLANNING COMMISSION MEETING
May 3, 2018

STUDY SESSION

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

Review of the Minutes

Kent Hinckley pointed out that on Page 9 of the April 19, 2018 minutes, he made a comment regarding “flag lots;” however, it was misspelled as “flat lot.” The misspelling will be amended in the minutes.

Item #3. Lew Swain – Requesting final plat approval of the proposed Swain PUD Subdivision consisting of 10 lots

Eric Anderson said this is the same plan that was approved at preliminary plat and Final PUD Master Plan. He said there was a request by the applicant regarding the City vacating an extra 5’ ROW. He said the DRC discussed this request in great length, but ended up talking the applicant out of pursuing it. He said if the 5’ was vacated, and an easement were placed on it, a homeowner could put up a retaining wall on the easement not knowing that was not allowed, which could cause problems when it would have to be removed. He said putting up a fence along the edge of the ROW would ensure something like that would not happen on the 5’ of easements.

Eric Anderson also said it was determined not to include sidewalk, as the sidewalks would not tie into anything, the property is very steep, and a sidewalk would cut through mature Gambel oak trees that the City wants to preserve. He said the no sidewalk request was previously recommended by the Planning Commission, and approved by the City Council, as it would be a waste to cut through the mature trees and it would be a sidewalk to nowhere. Alex Leeman asked for clarification if the sidewalk would be in the circle. David Petersen said yes, the sidewalk would be in the circle. He showed on the final plat where the sidewalk would and would not be located. Connie Deianni said that she thought she remembered the applicant discussing some kind of low signage and landscaping into the entrance of the subdivision. Eric Anderson said yes, the signage and landscaping were part of the Final PUD Master Plan, which has already been approved.

Item #4. Brock Loomis / Jack Fisher Companies – Requesting schematic plan approval for 1.1 acres of property

Eric Anderson said that in this specific situation, the applicant chose to request a rezone of the property prior to submitting an application for schematic plan. The Planning Commission recommended approval of the applicant’s rezone request, but staff decided to hold the rezone request up until the application for the subdivision’s schematic plan came in, so the City Council could look concurrently at the rezone and schematic plan. Eric Anderson said when the rezone was being considered by the Commission, there were not a lot of questions. He said one question that did come up was regarding the 300’ buffer requirement. He said in reviewing the Ordinance, the 300’ buffer only applies to local roads. 1100 W. is a collector road, so the applicant does not have to meet the 300’ buffer; however, the applicant is still trying to make that work.

Eric Anderson said the schematic plan is identical to the site plan that was previously submitted with the rezone. The Commission previously discussed at the rezone that there is no other use for this property, as it would not fit single-family homes well, and it was too small for a commercial use. The Commission felt townhomes was the best use of the property.

Kent Hinckley said an email was received regarding concerns with parking. He asked staff to explain the concern. **Eric Anderson** said there have been issues regarding the adjacent Henry Walker Homes (now Oakwood Homes) project's parking as on-street parking is not allowed in the winter. He said in reviewing this schematic plan, he does not think parking will be as big of an issue. He said each unit will have a 2-car garage, and there is additional space to the west on the parcel that could accommodate parking. **Kent Hinckley** said one suggestion raised by a resident is that this parcel of property should be used as additional parking for the Henry Walker Homes project. **Eric Anderson** said that would make sense if that was the application before the Commission; however, the application is for something different. He explained that this property is a different property owner than the existing Oakwood homes project. Oakwood Homes purchased Henry Walker Homes. This parcel was owned by Oakwood homes; however, when Jack Fisher left Henry Walker Homes, he received this piece of property as part of his severance package. **Eric Anderson** said the proposed townhomes may look identical in form and style as the adjacent townhomes.

Item #5. Garrett Seely / Woodside Homes (Public Hearing) – Applicant initiated a proposal for general plan amendment from a DR (Development Restrictions) to an RRD (Rural Residential Density) designation, which now includes all DR property west of the D&RG trail, and north/east of the West Davis Corridor alignment

Eric Anderson said the Commission tabled this item at the last meeting to look at a full General Plan amendment for the surrounding properties of the proposed West Davis Corridor. He said staff provided the same alternative motions that were included in the previous staff report from the last meeting, but also included a new alternative motion. **Eric Anderson** said the City's GIS specialist got the WDC alignment from UDOT. He added the WDC to the General Plan to show the properties that will be affected. **Eric Anderson** also added that the WDC record of decision has been set and the protest period for it has passed. **Eric Anderson** showed the properties that would be affected by a new Development Restriction (DR) line, as well as which of those properties are already under easements, developed or entitled to be developed, as found in the staff report.

David Petersen said staff was surprised to see how little land remained to be developed. **Alex Leeman** said that he too is surprised at what will be impacted with regards to the WDC being the new DR line; however, it would be a big change for the applicant requesting it. **Eric Anderson** also pointed out that amending the DR line on the General Plan is just one step. He said an applicant would still have to request a rezone or to be annexed into the City, which are two additional hurdles. **Kent Hinckley** asked if properties on the east side would be affected by amending the location of the DR line. **David Petersen** explained some of the potential impacts, but that there are still a lot of unknowns regarding how the WDC will impact the Frontage Rd. and the regional detention basin. He also added that the applicant is waiting for a decision regarding the General Plan amendment before a request to rezone and a schematic plan application is submitted.

Item #6. Cade Meier / Department of Alcoholic Beverages Control (Public Hearing) – Applicant is requesting conditional use permit approval for a DABC Liquor Store

David Petersen said there have been a couple emails received regarding this issue. One resident asks that the Commission deny this item. He said they have discussed this with the City

Manager, Dave Millheim, which was also confirmed with the City Attorney. They said the applicant is the DABC, which is a State run agency. The State has sovereign status, which means they can go anywhere they would like. **David Petersen** said the resident that sent the email stated she contacted Terry Wood from the DABC that told her the City can deny it. **Alex Leeman** said that he felt perhaps the DABC was being friendly in saying they take the City's wishes into consideration, unless they do not want to. **Kent Hinckley** said the resident's email provided two times the DABC did not pursue a location when the City did not want the liquor store. He feels this set a precedence twice. He said he felt the fact that the DABC is going through the approval process validates Terry Wood's comment. **Eric Anderson** said the DABC is going through the approval process as a way to "come through the front door." **Alex Leeman** said the School District did the same thing, but just as the City Attorney said, the DABC does not have to listen to the City. He said he thinks they will listen, but they do not have to as a state run agency. **Connie Deianni** asked if there the liquor store could go in another location. She said she has concerns with it being located at the entrance into the City. **Alex Leeman** said he feels this location is a great place for it as it's close to the freeway and the highway patrol, and there is no foot traffic on the road. He asked if this use is a conditional use within the zone. **Eric Anderson** said yes, liquor stores are considered a public use.

REGULAR SESSION

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

Item #1. Minutes

Rulon Homer made a motion to approve the Minutes from the April 19, 2018 Planning Commission meeting with the suggested change that was discussed in the Study Session. **Roger Child** seconded the motion, which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from the City Council meeting on May 1, 2018. He the big item on the agenda was the Bangerter Family's Agricultural Protection Area application. He said there were hundreds of people attending with signs and handouts. He said the City Council was bombarded with hundreds of emails from residents in Farmington, as well as residents all along the Wasatch Front. He said the City Council felt like they had heard the citizens in their emails, so the Council came up with an idea to add additional protection for the applicant. The Council proposed putting a Conservation Easement over the property, which would permanently protect the property and its agriculture use. **David Petersen** said the APA is an honorary designation, and it still allows the property owner to develop his property as he chooses; however, UDOT could still condemn his property if UDOT so chooses.

David Petersen said the Mayor read a statement, which explained the history of how this circumstance came to be. The statement said that the WDC is coming to our City, despite the City fighting against it for many years. After a long time, UDOT finally told the City that the WDC was coming and to plan for it. The WDC will be going through a City park, and by Federal Law, UDOT will have to

replace the park. **David Petersen** said last year, UDOT approached the City proposing three sites for a new park location. One site was out west by Buffalo Ranch, but the City felt it was too far out and that there were too many mosquitos for it to work well. The second location was where the new Mountain View Subdivision is located, but the City had just had a fatality on 200 W. with people walking to baseball. The City Council felt it was too dangerous to have fields located on such a busy street with pedestrians constantly crossing. The third location was the Bangerter property, which did not have any complications with it, so the City went with it. **David Petersen** said the Record of Decision and EIS for the WDC came out in December 2017, but the Bangerter Family did not realize it until January when they then submitted their APA application.

David Petersen said the Council read this statement, then Council member Brett Anderson made a motion to approve the APA application, without the Conservation Easement (the Bangerter Family did not want the conservation easement). Prior to voting on the motion to approve the APA, the Council held their motion to receive public comments. **David Petersen** said despite already having a motion to approve the APA, public comments were not deterred. He said there was two hours of public comments, which included a lot of vitriol toward the City Council members. He said the City Council then expressed a lot of dismay and frustration as this was the first opportunity the Council had to look at the item and state where they stood. After that, the Council acted on the motion, and the Mayor directed City staff to work with UDOT to find another location for the park. **David Petersen** reminded the Commission that regardless of the vote, UDOT has the power of eminent domain to obtain a park; however, it is hard to convey that to the public when there were incorrect information going on around social media.

Alex Leeman asked what the “strong arm” was of the meeting, as stated in the news that evening. **David Petersen** said the “strong arm” the news referred to was the suggestion of a conservation easement on the property; however, City Council thought a conservation easement would be doing the property owner and the citizens a favor. **Kent Hinckley** said he attended the meeting, but was very disappointed in the nature and attitude of the comments made. He said in the many years having served on the Planning Commission, there have been many disagreements, even among commission members, but the disagreements have always been civil and open for discussion. He has never seen anyone hated for a different opinion. He said he feels things are changing in Farmington. **Alex Leeman** said he feels there was a lot of misinformation that circled around social media regarding that application. He said he feels there was an adversary that was created that did not actually exist. **David Petersen** said that in the past, Farmington has had its protests over things; however, it was common to have people come to the Planning counter to ask for an explanation. He said that does not happen anymore. **Rulon Homer** said that he feels a number of citizens in Farmington do not feel they have been treated fairly, and although that is not justification, he feels there was a lot of misunderstanding regarding the Bangerter Farms application and frustration that came together at that meeting.

SUBDIVISION

Item #3. Lew Swain – Applicant is requesting final plat approval of the proposed Swain PUD Subdivision consisting of 10 lots on 3.45 acres of property located at approximately 400 West and 1400 North in an LR-F (Large Residential Foothill) zone. (S-9-17)

Eric Anderson said the applicant has had three different steps with this project: the rezone, the PUD Master Plan, and the subdivision application. He said the rezone and the PUD Master Plan were approved by the City Council, and the subdivision plan application is on its final stage with this item. He

said the final plat mirrors what the preliminary plat that was approved by the Planning Commission earlier this year. Staff is recommending approval of this item.

Alex Leeman said the Commissioners discussed the sidewalk in the Study Session. He said with most developments, part of the development process is to require the applicant to put in curb, gutter, sidewalk, and park strip for the entire frontage of their property. He said in this specific case, the City is not requiring the applicant to have sidewalk. **Eric Anderson** said there are two reasons why the City is not requiring sidewalk. The first is there is a nice grove of Gambel oak trees on the corner of the property. If the applicant were required to do a sidewalk, it would destroy the majority of those trees. The second reason is there is not an existing sidewalk on the north side of the property, so there would not be a sidewalk the applicant could tie into, which would create a sidewalk to nowhere. **Eric Anderson** did add that there will be a sidewalk in the circle that will go up to north Compton Rd.

Lew Swain, 1688 N. Canyon Cir., said that on the west side of Shepard Ridge Rd, the grade of the hillside is so extreme, he doubts it will ever have a sidewalk. He said he also feels it is more important to retain the oak grove versus having a sidewalk to nowhere.

Russ Workman asked how the density compares to other surrounding neighborhoods. **Lew Swain** said in the staff report, staff says it is comparable. He said with regards to this subdivision, there is not enough open space to meet the City standard. He met with the City Manager to negotiate compensation for that open space. He said he has gone through an extensive process to create an opportunity for slightly smaller lots because those expressing interest in the lots do not want the large lots that they currently own, but he does feel that the density is comparable. **Eric Anderson** pulled up the GIS map for the area. He showed that some of the lots to the north are all ½-acre lots; however, many surrounding subdivisions in the area have comparable lot sizes, with some subdivisions starting at 8,000 sq. ft.

Alex Leeman said the final plat is an administrative act, which means the Planning Commission is the final deciding body to determine if the applicant meets all City requirements in the Ordinance. He said this is the last review of the subdivision, so if there are any additional conditions commissioners might want to include, this is the last chance to do so.

Motion:

Kent Hinckley made a motion that the Planning Commission approve the final plat, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall enter into a development agreement memorializing the approved master plan prior to plat recordation;
2. The applicant shall meet all the standards and requirements as set forth in Section 11-30-050 of the Zoning Ordinance prior to the scheduling of a pre-construction meeting;
3. The applicant shall preserve the grove of Gambel oak trees that currently exist on Parcel A;
4. All outstanding comments from the DRC for final plat shall be addressed prior to plat recordation.

Connie Deianni seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed subdivision plat meet the requirements of the subdivision and zoning ordinances of an LR (PUD) zone.

2. The proposed development is an in-fill project and allows the property owner the highest and best use of his property.
3. There is not an HOA, which is beneficial considering that with the small number of homes, it would likely lack the economy of scale necessary to make the HOA sustainable.
4. The proposed plans are consistent with the General Plan.
5. The proposed densities and lot sizes are consistent with the surrounding neighborhoods.
6. The foothill overlay zone requirements, as set forth in Chapter 30 of the Zoning Ordinance, will be met at final plat, as is customary in these zones.
7. The applicant is providing 9,621 s.f. of unimproved conservation open space, which will preserve a grove of Gambel oak trees.
8. The remaining 12,921 s.f. of open space that the ordinance requires can be better utilized elsewhere in the City to help in the construction of parks or trails.
9. The sidewalk along Parcel A is not necessary because there is not an existing sidewalk to connect to and it is unlikely that there will ever be sidewalk to the west; additionally, by not requiring sidewalk, a grove of oak trees will be preserved.

Item #4. Brock Loomis / Jack Fisher Companies (Public Hearing) – Applicant is requesting schematic plan approval for 1.1 acres of property located at approximately 56 South 1100 West in an A (Agriculture) zone. (S-7-18)

Eric Anderson said subdivision applications typically run concurrent with rezone applications; however, the applicant chose to request a rezone prior to submitting a subdivision application. The applicant obtain a recommendation for the rezone from the Planning Commission earlier this year, and then submitted an application for a schematic plan. Staff decided to hold onto the rezone application until the subdivision application could be heard, so the City Council could hear and decide on both the rezone and the subdivision application together. **Eric Anderson** also said the rezone is dependent on the schematic plan being approved. He said the application provided a site plan with the rezone application; the schematic plan that is before the Commission is identical to the previous site plan. He said when the Commission was reviewing the rezone, the Commission felt the townhomes that were being proposed were the highest and best use for this property. The property is an odd shape and is constrained with multiple easements over utility lines and the D&RG Trail. The property is too small for commercial use and single-family homes do not make sense on this piece of property. **Eric Anderson** said it will feel like an extension to the Oakwood Townhomes. Staff is recommending approval for the same reasons why the recommended the rezone.

Alex Leeman asked for verification that the City Council has not yet heard the applicant's rezone application. **Eric Anderson** said yes, if this item is approved, the City Council will hear the rezone and schematic plan together.

Brock Loomis, 2175 E. Wild Pine Dr., Uintah, said this is an awkward shaped property with multiple easements through it. He said what is being proposed will be similar in nature to the Oakwood Homes 3-story townhomes at The Avenues at Station Park. He said the suggested motion asked that the remnant triangle piece of property be addressed or removed. He said when he discussed this with his surveyors, it seems this triangle piece of property should not be included as part of their property, and that their property line should be further east.

Connie Deianni asked if there will be additional parking besides the 2 car garages. **Brock Loomis** said there will be on-street parking. He said there could potentially be additional parking located on the east and the south areas of the property.

Brock Loomis said they are currently working on addressing their storm water. He said they planned to connect into the storm drain system that goes to the north; however, that is currently being disputed. He said they are looking at doing on-site storm water retention. They feel confident that they will have space to do so.

Alex Leeman opened the public hearing at 7:39 p.m.

Alex Leeman entered into the record an email received by **Wendy Rasmussen** regarding this project.

Matt Brown, 151 S. 1150 W., said that in the Ordinance regarding mixed-use residential, it states a transition area should be created as a buffer. He said in the adjacent cul-de-sac, there are ½-acre lots. He feels there is quite a density disparagement between those lots and townhomes. He reviewed a note listed in the Ordinance regarding transition areas. In the Ordinance, it states there should be a 300' distance between housing in rural residential and mixed-use sites in a transition area. The Ordinance calls for additional landscaping, three different housing styles for every 15 acres, and that the proposed housing should be compatible with the existing housing. He said when Oakwood Homes went in, the governing bodies were sensitive to the height. He said Oakwood Homes placed the 2-story homes in the area near single-family residential homes, with the 3-story detached homes tucked in to the back of the project. He also said that he thinks if the applicant is meeting the 300' buffer zone, it may eliminate approximately 3-4 of the proposed townhomes. He said he also feels that what is being proposed isn't the highest and best use for the area. He said in the Oakwood Homes, there is no area for kids to play. The project is segmented and isolated near a main artery road. He feels the property could have the potential to be a park because of the easements. He also expressed concerns regarding on-street parking being located on a main artery road.

Alex Leeman closed the public hearing at 7:46 p.m.

Alex Leeman asked staff about the 300' buffer that Mr. Brown references in the Ordinance. **Eric Anderson** said that in this specific case, the 300' buffer does not apply. In the note that Mr. Brown references, the 300' buffer applies to local roads; however, 1100 W. is a collector road, not a local one. He also pointed out that the applicant can go up 3 stories and 40' on the collector road. He said the applicant has still been trying to get the 300' buffer although he does not have to do so. **Brock Loomis** said that he is aware and sensitive of the surrounding neighbors. He said that in the southwest corner of the proposed project, it is 302' distance from the corner of the building to the corner of the closest resident. He said that Mr. Brown could be suggesting that the 300' buffer would be from property line to property line. He said they are trying to be sensitive to that 300' buffer despite it not being required, as stated by staff.

Alex Leeman asked if the applicant had any landscape plans. **Brock Loomis** said that landscape plans have not yet been done, but that a detailed landscape plan will be included later in the subdivision approval process. **Eric Anderson** said if the rezone goes through, the applicant will have to complete a Development Plan Review to address their open space and detailed landscape of the project. He said if the rezone and schematic plan are approved, the landscape plan will be part of the preliminary plat.

Roger Child asked if there will be an area provided for families to play. **Brock Loomis** said there is not anything included in the plans. He said they are limited in what they can build on the top corner of the property due to the utility lines and easements on the property.

Brock Loomis also pointed out that there are 2-story townhomes in the Avenues at Station Park; however, the closest townhomes to this project are 3-stories, which is the same height they are

proposing. **Alex Leeman** asked for verification that 3-stories is allowed on a collector road. **Eric Anderson** said yes, 3 stories is allowed on a collector road. **Alex Leeman** said that the Commission has no authority to not allow the applicant to build 3 story townhomes.

Alex Leeman said that the Planning Commission is the recommending body for the schematic plan; the final decision lies with the City Council. He said the Commission makes a recommendation of the schematic plan based on the information submitted, if the plans meet City requirements, etc. He said he does not see any issues with compliance.

Kent Hinckley said that he feels all issues have been addressed and resolved.

Connie Deianni asked if there are any changes to the conditions that need to be made regarding the “triangle” piece of property that the applicant stated may not be part of his property. **Eric Anderson** said the City Engineer would want the Commission to leave that condition as is. He said the applicant may be right about the property line; however, the applicant needs to figure that out. He said the “triangle” may just disappear based on the survey, but that it’s important to leave the condition as is to make sure it is resolved.

Alex Leeman said that in his review, he does not see any grounds for the Commission to recommend denial of this item. He feels things like the landscaping plan needs to be carried forward, but that the landscaping plan will be part of the DRC process, and would be included by preliminary plat.

Motion:

Connie Deianni made a motion that the Planning Commission recommend that the City Council approve the schematic plan for the Station Towns Subdivision, subject to all Farmington City ordinances and development standards, and the following conditions:

1. The applicant shall obtain a rezone of the property from A to RMU;
2. The applicant shall either detain all storm-water on site, or obtain approval to convey it off-site from all affected entities prior to preliminary plat review;
3. The remnant triangular piece of property to the south of the project area must be addressed and/or removed prior to preliminary plat;
4. The applicant shall apply for and obtain Development Plan Review approval concurrent with preliminary plat, as set forth in Section 11-18-070 of the Zoning Ordinance;
5. The applicant shall address all outstanding DRC comments prior to preliminary plat review;
6. The applicant shall obtain and show all necessary easements on preliminary plat.

Kent Hinckley seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed subdivision is consistent with the conceptual site plan shown at the time of rezone, and the Planning Commission recommended approval of the rezone
2. The subject property is awkward in shape and has easements encumbering much of the site, the proposed townhome project of 7 units is the highest and best use of the property given its constraints.
3. The subject property abuts the Station Avenues project and would be a continuation of that project at a much lower density (approximately 6.4 units/acre versus 10.4 units/acre).
4. The subject property is adjacent to the Davis County Fairgrounds, which is a very intensive non-residential use, and a single family home would not be a good use for the subject property.

5. The subject property is situated in a way that makes the possibility of the RMU zone spreading south or east extremely low.
6. There is a perpetual buffer of open space in the form of the large Farmington Greens open space parcel and D&RG trail, and the nearest home has been shown to be 300' from the proposed townhomes.
7. The proposed subdivision will create medium density housing and would add to the City's housing type mixture.
8. Although this project abuts a collector road (1100 West) and is not required to meet the 300' minimum distance requirement set forth in Section 11-18-060(B) and Farmington Ordinance 2013-23, the proposed subdivision does meet this requirement anyway.

GENERAL PLAN AMENDMENT

Item #5. Garrett Seely / Woodside Homes (Public Hearing) – Applicant initiated a proposal for general plan amendment from a DR (Development Restrictions) to an RRD (Rural Residential Density) designation, which now includes all DR property west of the D&RG trail, and north/east of the West Davis Corridor alignment. (MP-2-18) South and 1525 West in an AA (Agricultural Very Low Density) zone. (MP-2-18)

David Petersen said this item was on our last agenda, but was tabled during the last meeting. The Commission asked staff to look at how the Development Restriction (DR) line for the entire area would be affected by the West Davis Corridor (WDC). The item that is before the Commission now is considering a General Plan amendment for all properties west and north that are currently affected by the DR line. He said the proposed alternative motions are the same as before, but an additional motion has been included. He said Motion A is to table the item because it is a big policy change and more deliberation is needed. Motion B is to recommend that the General Plan amendment be amended, and that the WDC is now the new DR for all properties covered in the application. Motion C is denying the application because the Record of Decision for the WDC is not enough to amend the DR line until construction takes place. Motion D is approving the General Plan amendment for the Stoddard/Hughes property only.

David Petersen reviewed each of the attachments included in the staff report. He said that the City's GIS expert, Dennis Allen, received the location of the WDC from UDOT, which he placed on the map that is included in the staff report. He then showed the areas that are currently affected by the 4218 DR line which are located east and north of the WDC alignment. He then showed the areas that are currently under conservation easement, developed, or entitled to be developed. David Petersen said the areas that are left to be developed, and that would be redesignated by the WDC as the new DR line, is very little. He said if the Commission chooses to amend the General Plan for the whole DR area affected by the WDC, it is not as significant of a change as staff or the Commission originally thought.

David Petersen also said that the WDC ROW is 320' wide. He said the map that shows the location of the WDC places the line in the middle of where the ROW would be located.

Derek T, (address), representative from Woodside Homes, said that he agrees with the recommendation staff has provided to approve this item. He said he feels the WDC is the new DR line. He said he hopes the Commission can make a decision on this property tonight, whether it be to amend the General Plan for their property or for all affected properties.

Connie Deianni said if the line on the map is the middle of the WDC 320' ROW, that leaves 150' on either side. She asked if that 150' will cut into the proposed development. **Derek T** said UDOT has purchased all they need. He said what they are requesting will be there after UDOT has built the WDC.

Russ Workman asked the applicant if they are requesting the change for the Stoddard and Hughes property. **Derek T** said yes, the two large rectangles on the map is the property they are requesting for a General Plan amendment. He said half of the bottom rectangle has been sold to UDOT. **Eric Anderson** said that the Hughes property will not be touched by the WDC; half of the Stoddard property has been sold to UDOT, but there is remnant property still to build on.

Alex Leeman opened the public hearing at 8:05 p.m.

Matthew Rodgers, 1919 Old Fort Rd., President of the Farmington Ranches HOA, said that he has concerns with the WDC being the new DR line. He said he feels it would be best to table the item until the WDC is built. He feels tabling the item will allow a lot of people the opportunity to recognize what is going on since many residents are already upset and sensitive to the changes that will be happening with the WDC. He said it may not change the line, but that it will allow residents a chance to know what's going on. **Alex Leeman** said that based on the map staff provided, conservation easements take precedence so the change may not have much effect on the residents. **Matthew Rodgers** said in working with UDOT and the City, it is his understanding that much of the Ranches conservation easements will cease to exist with the creation of the WDC; all protections will be removed. He said that still has to be determined in the courts, but that it is a real possibility that the conservation easements for the Ranches will be eliminated.

Dave Millheim, 472 Island View Cir., City Manager for Farmington, said Mr. Rodgers is partially right and that what he said should be taken into consideration. He said the City will be legally arguing that the conservation easements are being destroyed by the construction of the WDC. He said an appraisal of the property will take place, and then a confidential condemnation proceeding with the State. He said the DR line could be amended to the WDC alignment and that the Stoddard/Hughes property could be developed; however, he said there is also merit in waiting for the decision with the conservation easements. He said he recognizes the residents wanting to anticipate what could be coming since these residents have been caught in the middle of a challenging place while all the deliberations of the road has taken place for many years.

Alex Leeman closed the public hearing at 8:12 p.m.

Rulon Homer asked to what degree or accuracy does the City know the exact location of the WDC. **David Petersen** said the City knows 100% where the road is going; the alignment has been set. **Alex Leeman** added further clarification to what **Dave Millheim** said regarding conservation easements, based on his professional experience. He said when the Government condemns land, they take the land they will use for their ROW. He said the City will most likely argue that they cannot have a big square property of conservation land with a highway down the middle of it, so the City will argue that the highway has destroyed the conservation easements and will fight for the easements to be removed. **Dave Millheim** added that the value of this land being discussed is not in the dirt, but in the conservation easements themselves. He said the easements were granted in exchange for density, and the homes allowed in that density transfer have already been built. He said UDOT already owns the dirt for the highway and the sides of it where the conservation easements are located, but UDOT did that because there will be approximately 1100 acres of wetlands to mitigate as a result of the construction of the highway. He said that land surrounding the highway will remain open, but that will not be a result of conservation easements, but because UDOT is required to mitigate the wetlands. **Dave Millheim** said

that all mitigation has happened, and unless there is a tsunami type event, the Record of Decision for the location of the WDC is 100% set.

Kent Hinckley referenced one of the attachments in the staff report showing developable land near the WDC alignment; he asked if the property shown in blue on the map has been purchased by UDOT. **Dave Millheim** said he thought the majority had been purchased, but that there are a few conservation easements still in place. He said UDOT needs 66 acres for the highway's actual ROW, but UDOT has purchased 325 acres. He said that the City believes that although UDOT purchased the dirt, UDOT does not own the easements, which is more valuable, in the City's opinion. **Kent Hinckley** asked if the blue property will be restricted from development. **Dave Millheim** said there is a chance that the property west of the lot lines in the Buffalo Ranches area remains open, except for the highway, but that the property will probably remain open as part of UDOT's mitigation plans and not because of conservation easements.

Alex Leeman said that during the previous meeting, the Commission discussed looking at the General Plan more broadly than just the Stoddard/Hughes property. He said he is glad that the General Plan is now being looked at for the whole area, in addition to review the exact location of the WDC, but that he now sees there are other things to take into consideration.

David Petersen said after the last Planning Commission meeting, he attended the WDC Betterment Meeting. He said the UDOT's betterment package is small, compared to what Legacy Highway's package was, but that the package will include things like trees, berms, gateway signs, etc. He said the City will push for more money for the betterment package. He felt it would be prudent to table this item to work out the betterment package, but then staff decided to map out the exact location of the WDC to see how much would actually be affected by moving the location of the DR line. He said they were surprised at how little developable areas would be affected by the moving of the DR line, but he had not remembered about the conservation easements that may be removed. He said it may be worth just looking at the Stoddard/Hughes property for the time now that the Commission has been able to see the big picture for the General Plan amendment.

Rulon Homer asked if there was a chance the highway would adjust enough to impact the Hughes property. **Dave Millheim** said that the Federal Law states that a case can be brought to change a proposed alignment within 150 days from the Record of Decision, but that protest period lapsed in March. He said there is no scenario where the WDC alignment will change at this point. He said with regards to this item, the Commission could bifurcate it and just consider the Stoddard/Hughes property. He thanked the Commission for their service. He said that he recognizes there are "bullets flying" through the City, but he believes the City has done well to take planning serious. He said a big part of that is the efforts of the Planning Commission. He said there is no doubt the WDC will affect the west side of the City, but that it is up to the Commission to determine how and when changes to the General Plan will take place.

Alex Leeman said that the Commission has a few options on how to move forward with this item, either approval, denial, or tabling it. He said the Commission was able to discuss the General Plan amendment broadly, which is what the Commission wanted to do, but the applicant also asked that the Commission to review the General Plan narrowly for the Stoddard/Hughes property. He said the issue he sees is whether to leave a developable strip of property to the west of the Buffalo Ranches in the event the conservation easements are removed. He said he does not see how that land could be developable because there is no way to get a road through to it since it abuts a platted subdivision. He also feels that there is no way to have a definitive answer on that at this time. He suggested bifurcating the application to move forward on some of the application, but leaving the western portion to be considered another day.

Russ Workman asked what expectation citizens have that open space parcels remain open space, including neighbors to the Stoddard/Hughes properties. **Alex Leeman** said it is very common for anyone that builds a home next to an empty lot that it will remain empty forever. He said he has counseled many times that if someone wants a lot to remain open, that person should purchase the lot. He feels the conservation easements to the west of the Ranches development may be slightly different. He said that he feels the conservation easements were created to offset the density of the development, so residents may have more of an expectation for it to remain open than neighboring property owners adjacent to the Stoddard/Hughes properties expecting that property to remain undeveloped. **Kent Hinckley** also pointed out that as it currently stands, the Stoddard/Hughes properties could be developed, although the applicant may want to achieve a higher density of housing.

Alex Leeman said he feels the WDC would be an appropriate new DR line for the south and west; however, he feels it may be best to wait and see the ramifications of the WDC and conservation easements for the western edge of the WDC. He said he does not think this applies to the Stoddard/Hughes properties, so he does not see a good reason not to amend that portion of the General Plan.

Roger Child asked if all properties have been noticed regarding the General Plan amendment. **David Petersen** said the state code does not require a notice be sent for a General Plan amendment. He said a rezone is different and requires it to be noticed. **Alex Leeman** asked if the A-frame signs were put up regarding the General Plan Amendment. **David Petersen** said no, the A-frame signs are not put up for General Plan amendments. He said after the WDC Betterment meeting, he felt it would be appropriate to put this item on hold because a lot of the citizens are working on negotiations for a better betterment package. He said after they laid the WDC alignment on the map, staff felt so little would actually change by amending the DR line, but tonight it was pointed out that the entire conservation easement areas could be extinguished with the construction of the WDC, so that is something to weigh in on the change. **Alex Leeman** pointed out that UDOT is purchasing open space as part of their mitigation plans; however, the remaining portion of the Stoddard property and the Hughes property are not needed for that mitigation.

Alex Leeman said he is leaning to approve a hybrid motion to proposed Motion D. He said he feels “drawing a line” on the Stoddard/Hughes property and amending the General Plan for everything east of that line would be appropriate, but that the western portion where the conservation easements are located would not be included in the change. He feels there are still questions regarding what will happen to the conservation easements and how that will affect the Ranches subdivision, so he is not comfortable amending the General Plan for the area at this time. The other commissioners agreed with this proposal. **David Petersen** said the General Plan amendment could go down to the D&RG trail as past that is the LM&B zone.

Motion:

Connie Deianni made a motion that the Planning Commission recommend that the City Council approve the General Plan amendment request which would change the designation on the General Land Use Plan map from DR to RRD related to the Stoddard/Hughes property’s west and north boundary down to the east of the D&RG line, as defined in application MP-2-18 and the attached vicinity maps. **Kent Hinckley** seconded the motion, which was unanimously approved.

Findings for Approval:

1. The Record of Decision for the alignment of the West Davis Corridor is a compelling enough reason to amend the General Plan for the subject property and remove the Development Restriction designation thereon.
2. Sanitary Sewer is available to the site without the necessity of establishing a sewer lift station or individual sewer ejecter pumps for each dwelling within what could be a proposed subdivision for the property.
3. The property is characterized by only some but not all factors set forth in the General Plan used to determine DR areas; that is, the property lacks quality tree stands, and berms, and there is no apparent storm drainage, culinary water, or transportation constraints.
4. Even though a large portion of the property is located in the FEMA flood plain, existing City practices dictate that owners may submit floodplain amendment applications as part of the development process.
5. The applicant may verify the non-existence of wetlands later as part of the development process.

CONDITIONAL USE PERMIT

Item #6. Cade Meier / Department of Alcoholic Beverages Control (Public Hearing) – Applicant is requesting conditional use permit approval for a DABC Liquor Store on 1.44 acres of property located at 640 Lagoon Drive (due west of the Driver’s License/Highway Patrol Building) in an A (Agriculture) zone. (C-3-18)

Eric Anderson said this application is for the DABC liquor store. He showed the vicinity map of the location the applicant is requesting to build the store, as well as showed the site plan and elevations. He said the DABC is a state run, public entity. He said the use fall under “Public Use” in the Agriculture zone, which is a conditional use. **Eric Anderson** explained the DABC is a state run entity, which means they have sovereign status and do not have to follow local municipal codes or ordinances. He said the DABC is trying to be a good neighbor by coming before the Planning Commission. He said in terms of the location they are looking to build on, the DABC is looking at this location because of its easy access to Park Lane and because the State already owns the property. In the staff report, there is one suggested motion, which has to do mainly with the sovereign status of the DABC and “Public Use” being a conditional use within this property’s zone.

Cade Meier, South Jordan, representative from the DABC, said he is happy to answer any questions the Commission has for him regarding this item.

Alex Leeman asked how set the DABC is on the building elevations that were included in the staff report. **Cade Meier** said that he recognizes this store will be seen from all 5 sides (including the top of the building from the freeway). He said they try to hold their stores at a high standard.

Cade Meier provided a short presentation regarding the DABC’s goals and standards, consumption rates, generated sales tax, and all 7 building standards for conditional uses. He also pointed out that the DABC’s purpose is to make liquor available to those that choose to drink, but that they are mandated to not sell liquor to those that are underage or to those that over consume.

Peter Moyes, 3608 S. 3610 E., Salt Lake City, architecture from Arch/Nexus, also walked through the building standards for conditional uses. He referenced a traffic report for the new Syracuse liquor store that showed traffic flow had virtually no impact. He also pointed out that there are approximately 12 business days per year where the stores are busy. He said they are happy to commission another

traffic study on this specific site, but that he feels it would be similar to the traffic study completed for Syracuse. He said they are engaged in the process, and welcome comments about it.

Connie Deianni said she does not think the traffic patterns from the Syracuse store would mimic traffic patterns for Farmington. She asked how long it would take to have a new study completed. **Peter Moyes** said it would take approximately 4 weeks.

Kent Hinckley asked the applicant why the DABC is choosing to go through the approval process if they are not required to do so. **Cade Meier** said he does so as a service. He said his director feels that it is important to come through the “front door” as alcohol can be a controversial topic in Utah so he feels it is best to be as open and up front as possible. **Kent Hinckley** said he appreciates the willingness to come before the City. He asked to what affect concerns expressed would have on the DABC and this application. **Cade Meier** said they consider concerns, and do understand concerns a community might have regarding an liquor store; however, the DABC does have statutory authority to put a liquor store in where they deem appropriate, but they do try to make an effort in their due diligence. **Kent Hinckley** said in the presentation, it was stated that it was the DABC’s goal to have one store for every 48,000 people. He said it seems the 48,000 is taking the population as a whole and just dividing it out; however, one specific liquor store may not be serving that amount of people. **Cade Meier** said that assertion is made to reasonably meet demand. **Kent Hinckley** said in reviewing the map at the location of other liquor stores, some stores are close while others have a lot of distance between them, as is the case with Lindon and Provo. **Cade Meier** said there are 45 state run liquor stores, but that there are places that contract with the DABC to sell state liquor at a certain price to bridge those gaps. **Peter Moyes** also said based on the Zion’s study, as shown in the presentation, stores are built not just based on population, but also on sales of surrounding stores. **Cade Meier** said the transactions at the Layton and Bountiful stores are higher than surrounding stores. He said in addition to the population and transactions, the DABC also considers the future growth of the area. **Roger Child** asked if the Layton and Bountiful stores are currently the closest liquor stores. **Cade Meier** said yes, those are currently the closest stores to Farmington.

Rulon Homer asked if the Commission voted no, would the DABC have the right to build anyways. **Cade Meier** said yes. He said the DABC will consider its options, but they could still move forward as planned. **Rulon Homer** expressed concern with the traffic pattern at night with the peak traffic time from Lagoon.

Connie Deianni asked about the liquor stores business hours. **Cade Meier** said their business hours are typically 11 a.m. to 10 p.m. **Connie Deianni** expressed concern with the traffic patterns with this location. She said she feels the Bountiful and the Layton locations are not easily accessible from the freeway. She feels that this location is so close to the freeway that anyone driving north would be able to easily access it, which will generate a lot more traffic than just the immediate circle of 48,000 people. She said she would love a location in Farmington, but with the traffic already coming through Park Lane for Station Park and for Lagoon, she is concerned this specific business will increase the traffic even more. **Peter Moyes** pointed out that 70% of all liquor sales happen between November 15th and the beginning of January. He said summer is not a peak season for liquor sales, which is the peak season for Lagoon. **Cade Meier** said he appreciates the concern and feels it is a valid one. He said the peak times during the summer months is around 5-6 p.m., a small peak around 7 p.m. and a small rush in the evening. He said besides those times, the store remains mostly empty. He said a traffic study could be looked at, but he does not anticipate any problems.

Roger Child expressed concern regarding Lagoon being a compatible use to the liquor store. **Cade Meier** said that a liquor store cannot be within 300’, as the crow flies, of a church, school, city park, etc., but that Lagoon is not considered a City park.

Russ Workman said he feels this is an interesting situation as this location would just serve the local community. He asked if any other liquor stores are adjacent to an establishment that draws traffic from other communities and states. **Cade Meier** said that Park City would be the closest comparison, if not an even stronger pull. **Russ Workman** asked if there have been any occasions when a community has pushed back, so the DABC chose to relocate a store. **Cade Meier** said the circumstances are few. He said there was a situation where an article was written by a journalist on what that journalist thought had occurred when the DABC considered a location in West Jordan. He said the DABC could still move forward, but it does not always mean there is land there to build. **Russ Workman** asked if the DABC has ever changed their mind this far along in the process. **Cade Meier** said no, that has not happened.

David Petersen asked if the driveway to the Drivers License building and the proposed liquor building could be connected. **Peter Moyes** said the property in between is a water conservancy so there is a large circle in the middle that cannot be driven over. **David Petersen** also asked if there is a possibility of putting landscaping on the state owned property located to the north of this parcel as it is already state owned. **Cade Meier** said the property negotiated for was this parcel only, so he does not think landscaping could be provided. **David Petersen** asked about the signage on the proposed building. **Peter Moyes** said they are considered a few options, which include on the southeast part of the building by the building's entrance. **David Petersen** also asked if the west parking line could be moved so parking would be located on the west side of the building. **Cade Meier** said they would like to do that with the parking; however, at this stage, the State has other plans.

Roger Child said he feels the provided elevations for the building are more modern than he feels the entry way to the more historic part of town should be. He asked if there was any way to have a more historical element than a truly modern building. **Kent Hinckley** agreed; he said although it has not been forced, the Ordinance does require commercial buildings to have a certain percentage of Farmington Rock. He asked if some element of the building could include Farmington Rock since this building is close to the entryway into Farmington. **Cade Meier** said he was interested in a more modern look for this building in an effort to improve how liquor stores are perceived. He said he did have a proposal to use Farmington Rock in some way on the outside. **Connie Deianni** agreed, but also added that she would prefer a darker, more neutral color so the building disappears more into the landscape versus being a "shining beacon" because the building is so light compared to what is around it. **Cade Meier** said it will be considered.

Alex Leeman said conditional uses are reviewed to ensure it is in compliance and fits with all City Ordinances, infrastructure, roadways, utilities, etc., and that the use is not detrimental or extends an unreasonable risk to the safety of the community, and is not an unlawful use of the property. He said conditional uses allow for conditions to be placed on the use to mitigate any concerns. He said the liquor store is considered a conditional use in the agriculture zone, but reminded the Commission that the State has sovereign status on this issue. **Alex Leeman** mentioned that comments simply stating that we don't want this in Farmington is not helpful for the application. He said what is most helpful for the Commission is to suggest conditions that can be attached or told to the applicant on how we can make this application best work for the City.

Alex Leeman opened the public hearing at 9:18 p.m.

Alex Leeman entered into the record two emails received by the Commission.

Jay Hess, 921 N. Main St., said the proposed liquor store would be in direct vision from his home. He said he appreciates the concerns brought up regarding the image of our community. He said that he feels the Commission is already aware of the problem. He stated his great grandfather came to

Farmington in 1847, and his family has been here ever since. He said he feels the DABC came to Farmington to propose this building; however, the residents are the ones that are familiar with what makes Farmington. He feels adding landscaping can help make this building more purposeful and stand out less.

John Anderson, 442 S. 10 W., Chair of Farmington Preservation Commission, said his main concern is the proposed location of this building. He said he hopes the City can negotiate a different location for this use in lieu of having it placed at a significant entrance to Farmington. If that cannot be the case, he said he would be in support of using rock or other features to blend this building into the historic feel of the area.

Matthew Rodgers, 1919 Old Ford Rd., said he thoroughly reviewed the study the applicant referenced in the presentation. He said he is very happy to see this request come through. He said in reviewing the study, he found that the Layton store in #2 in sales per square foot, and Bountiful is #8. He said from a business perspective, this is a great use for the City to generate sales per square foot, as the average amount spent per visit is \$1,082. He said Costco averages \$1,100 spent per visit, and Walmart is \$423. He said there is a need for a liquor store to come to Farmington. He said understands some people's concerns about they do not want a liquor store here; however, consumption rates are increasing. He said shared a few other statistics, as found in the study referenced by the applicant regarding the need for a store in Farmington. He said he has concern with some of the big box retailers that have now left empty buildings, but he does not feel this will ever be the case with this liquor store. He said he recognizes the concerns regarding people coming from other cities to frequent this store; however, the City remains the tax holder on those purchases. He said in regards to the location being at the entry way into the historic part of the City, he said across the way is a gas station, hotel, and a very modern office building (Ascent Construction). He said he does not feel the City has done a very good job at upholding the Farmington Rock requirement, as many businesses have not been required to have it. He said he also understands the concerns of over consumption, but he feels the State does a great job of regulating it with liquor stores. He is in support of the Planning Commission approving this item.

Rachel Peterson, 953 Compton Rd., said she feels putting a liquor store on the east side of the City is illogical as there are a lot of teens in the area. She said she drives past this property every day, and that it is a lovely piece of property. She feels it is hypocritical to put a liquor store next to the drivers license building when all teens are continuously taught to not drink and drive. She feels the logistics of this building do not work. She said a lot of families with young kids also frequent Lagoon, and traffic can get hectic. She said she recognizes summer is not the peak season for liquor sales; however, the road the proposed building would be on is a narrow and windy road. She does not feel there is a necessity for a liquor store in Farmington. She again stated it is illogical to put the liquor store on the east side; she feels it should be kept far away from residential housing on the east side and should be located near the commercial uses on the west.

Susan Willey, 497 Quail Run Rd., said she appreciates the comments that have been made. She said that she has a degree in interior design and in technical sales. She said that she states that to show that she is aware and has an eye for design. She said there has been a precedence set that if the City objects to this building, the DABC will consider other options, and she appreciates their willingness to do that. If that does not happen, she appreciated that **Alex Leeman** mentioned the Planning Commission can put stipulations and conditions on the motion. She asked that if approved, the City enforce the requirement that building possess Farmington Rock to maintain the character of the City. She said the applicant stated the purpose was not to promote the sale of liquor; however, the building currently draws attention to it. She said she feels the building should be understated. She said she does object to a liquor store coming to Farmington, and asked that the City does not approve this conditional use. She expressed dismay that, although the Ascent Construction and hotel buildings beautiful, they are out of

character with where they are located. She said she wished those buildings had not been approved. She asked that if this item is recommended for approval that the City suggest the building keep a look that is consistent with Farmington.

Rebecca Richards, 68 Roberts Cir., said she found out about this item on Tuesday. She said she understands the sovereign statues of the DABC, so she asked the City Manager, Dave Millheim for a phone number of someone she can call to tell them she does not like what is being proposed. She called the phone number he provided, and she was eventually transferred to Terry Wood, the Public Information Officer at the DABC. She said Terry Wood told her that the DABC does have sovereign statues; however, if the City does not want the liquor store, then the DABC will not go there. She said he provided the example of proposing a liquor store in West Jordan. When the City said no, they did not want it, the DABC moved the location to West Valley. She said she understands that was the reporters point of view, but she feels a precedence has been set. She said she hopes that the DABC will listen to the residents, and move to another location.

Rebecca Petersen, 953 Compton Rd., said she disagrees that there is a need for an additional liquor store. She said there is a significant cost on the personal and community impact for having a liquor store. She said she is first generation in her family not to consume alcohol, and her children are the first generation not to have liquor in their home. She said she had a friend say that having a liquor store near the highway patrol is like shooting fish in a barrel because this friend watched cops line up making multiple arrests outside of a liquor store in another area. She said this friend is an addict that has never been able to break his alcohol addiction. She said there are many community members that have been battling this addiction for years, and the only reason they can make it through the next 24 hours is because they do not have to pass a liquor store. She said the Commission has the opportunity to make a difference in someone's life by not voting for this liquor store, as that voting will rest on your conscience. She also asked that before any Commission members vote yes that they attend the 12-step addiction recovery program in the community. She said after attending, she feels the Commission members will want to help these addicts. She said the Commission has one choice to make, and they will go on record for that decision. She also quoted **Rebecca Richards**, "I spoke with Terry Wood, the Public Information Officer of the DABC. He indicated that the DABC goes through this process and abides by City decision. He mentioned that there was a proposed store in West Jordan that was not approved so they relocated to West Valley. In covering the store built in West Valley, the Salt Lake Tribune reported on April 10, 2016, "Before any more stores are built, the Utah Department of Alcoholic Beverage Control must win the approval from the State Building Board and secure funding from the Legislature. The DABC also must get approval from the cities affected." She challenged the Commission to do what is best for the community, and vote against this conditional use.

Steve Willey, 497 Quail Run Rd., said that the representatives from the DABC should go back and tell their Director that Farmington is not in support of a liquor store. He said in the 1960s, there was a lot of liquor at Lagoon. He said a hot day and booze was a recipe for a lot of trouble. He said he does not think Lagoon's security will provide the safety it needs if liquor was being regularly being snuck into the park. He feels there would be a lot of trauma and public safety concerns if the liquor store were to be built; he feels the policy would be overwhelmed by the fighting, stabbings, and shootings.

Keri Sawyer, 953 Compton Rd., said she used to live in the country as a child. She said in the 1950s, she would often see men acting silly or staggering, but that something changed in their eyes. She said girls started staying away from specific houses because they knew something changed in the adults that were supposed to be taking care of the children. She said there were many times she was not sure what would happen in the middle of the night; it was not safe. She said she moved to Farmington because it was a "bedroom community" where good people came to live and be safe. She said in her experience, when alcohol is introduced, people's personalities change. She said there is a big place on

the west side, and it would be better if the liquor store was located over there. She said she wants to protect “our” part of Farmington, and she wants to keep “our” children safe. She said she lived around nice adults until they started to drink.

Tim Adair, 145 Shannon Dr., said that there was a business and convenience case for why a liquor store should be permitted, but there was not any discussion about the change that will happen to the community if a liquor store is built. He said he moved to Farmington because it did not have any bars, liquor stores, smoking stores, etc. He said although Bountiful and Layton have higher sales than other stores in the state, that does not mean those transactions are coming from Farmington. He feels a liquor store would change the character of the community. He said there is a jail over by Station Park that his wife used to work at as a teacher. He said his wife regularly told him how inmates are simply released in the early morning, and are just sitting there in the community. He feels if there is a liquor store not far away, those released will find their way to get liquor, get drunk, and then pass out on the curb. He feels that changes the character of the community. He said he believes people have the right to their liquor, if they choose to drink; however, he does not think people in the community support it or that there’s a case for a liquor store in Farmington.

Paulette Hewitt, 541 W. 250 S., said that she was shocked when she read that a liquor store was on the agenda. She feels the west side gets a lot of undesirable uses dumped on it. She said she does not want the liquor store in Station Park right across from where prisoners are released. She said she has concerns with Lagoon being across the street, but it is only open 6 months out of the years. She said kids can go into a convenient store and see liquor; she does not feel it influences them that bad. She said she knows good and bad people that drink. She said she does not want to influence what others choose to do, but she does like having the liquor store located where it will not be seen. She said she does like having it near the Highway Patrol, and she likes that individuals under 21 cannot purchase liquor. She said if the liquor store does come to Farmington, she would rather not have it at Station Park. She feels this location would allow for people to come in and out of the City quickly, and it will not be located where everyone can see it. She feels Lagoon Drive is kind of a desolate place within the City. She said she recognizes it is a tough situation, but hopes that the City can work well with the DABC if the liquor store is coming in regardless.

Alex Leeman closed the public hearing at 9:57 p.m.

Alex Leeman said he feels Farmington Rock is a big issue; he would like to see it somehow incorporated and that the building be more subdued. He said that he feels the traffic concerns are more puzzling. He said on one hand, the traffic issues are seasonal and few places have better access than this proposed building. He said on the other hand, the queue line for Lagoon backs up well past where this building will be located. He said a few of the peak times of Lagoon would coincide with peak times of the liquor store. He feels traffic could be a logistical nightmare, and he is not sure how it would be mitigated for this site. He asked the applicant if any other sites have been considered. **Cade Meier** said there were a few other suggestions on the west side; however, none of them were really an option. He also added this parcel is free since the State already owns it. **Alex Leeman** said he thinks one thing that is appealing about this location is that it is located away from everything else. He said it is not on a main street, it is not located in Station Park, and no one really goes on this road unless they are going to the driver’s license building or to Lagoon.

Roger Child said that he has concerns that way the road curves and the speed limit will cause issues with line of sight. He feels it traffic is backing up, the egress would be impossible. He said his other concern is that Lagoon is purchasing property to the north of the park up to Main St. with the intent to expand. He said he recognizes Lagoon is a different zone than a “public park;” however, he thinks it foolish to not consider the kids that are going to Lagoon. He said it’s the teenage population

that frequents Lagoon. **Cade Meier** pointed out that Lagoon has a license to sell beer there, but also agreed that it is not their intent to contribute to underage drinking. **Roger Child** said he feels it is odd to have a liquor store located directly across the street from an amusement park. **Alex Leeman** pointed out that Disneyland sells liquor at the park, and that it is legal to bring it in.

David Petersen said the proposed liquor store is actually on the optimum side of the curve. He said the way the curve is the proposed building location actually provides for superior site distance than if the road were straight. He also said that in the past, he has had discussions with Lagoon's marketing department. He said Lagoon's marketing cohort is women in their late 20s to mid-40s. He said this audience is all about the family, and Lagoon is very family-oriented. He said he also recognizes its not all family oriented, so he does not know if the two markets collide. **Roger Child** pointed out that he sees many workers that are walking from the entrance to around that bend on Lagoon Dr.

Connie Deianni asked if the DABC considered any sites in Station Park. **Cade Meier** said they did look at it, and felt that it was a great community; however, it would not be a good fit. **Alex Leeman** said he feels it would be less appropriate to have liquor located by Marshalls and Nordstrom rack. **Cade Meier** said he feels that those that want to participate in underage drinking are more likely to purchase liquor at a convenient store than at a liquor store. He said he is proud of the fact that they do not advertise and that they do not want kids in there at all. He said there are times when parents bring in their families; however, if the older teens seem to be interested at all, those teens are asked to leave. He said they are much more concerned about underage drinking than the local gas station.

Russ Workman said part of being in a state where alcohol is controlled this much, there has to be liquor stores. Without liquor stores, every grocery store would have liquor in it. He said he feels it is also ironic that the applicant has said that no one is really listening regardless of how the Commission votes. He said he feels it is tempting to be irresponsible and not worry about how to vote. He said assuming someone is listening, and compatibility is being considered, he does not feel there are any conditions that can change the fact that the peak times are Friday through Saturday and the Lagoon peak times are Friday through Sunday. He said he likes that there are liquor stores over it being located in grocery stores, but he is having a hard time seeing that there are any conditions that can mitigate the fact that he believes Lagoon and the liquor store uses are not compatible.

Kent Hinckley said when he read that this item was on the agenda, his first thought was that it had to happen sooner or later. He said that he is disappointed that he has to make a decision on this item. He said he cannot count how many times the Planning Commission and people from the community have said Farmington is a unique and special place. He said he recognizes the legal standard for denying this, but he feels strongly that a liquor store does not fit with the prevailing culture and standards of what makes up Farmington. He said the first thing the Ordinance says to consider with conditional uses is to consider the necessity. He said he does not see a necessity for this use in Farmington. He said he understands the statistics and studies; however, he does not see a compelling argument that there is a need to have it here. He said he is not here to debate virtues of drinking or not drinking; he recognizes everyone has a strong feeling one way or the other, and nothing will change that. He said he feels the other big issue is that he does not feel right about place this store so close to Lagoon and the Jail. He thinks both uses are incompatible with the liquor store. He said he is strongly opposed to having the liquor store in Farmington. He said he recognizes every City has probably said the same thing, but he truly believes the use is not compatible with the City.

David Petersen asked the applicant how he would respond to the conversation a resident had with Terry Wood in the DABC department. **Cade Meier** said Terry Wood reports to him. He said after he talked with the resident on the phone, Terry Wood came to him stating he may not have said the right thing. He said that Terry has heard many conversations about their desires to have the cities

involved. He said Terry's comments were accurate in the sense that they try to be "good neighbors" by including the cities to participate in the approval process, but "no one wants it in their backyard." He said he feels there is a good system in place to regulate liquor; he said he is proud of the State's system as there are only a few states that have the same regulations in place. He said prohibition did not work, so this system was created in 1935 in the State. He said he is proud of the fact that the State supports parent empowerment to fight underage drinking. He said the State leads the nation with the least amount of underage drinking. He also said there are many great State programs funded by the DABC, including school lunch programs, and many more. He asked the Commission to consider the big picture of this item; alcohol is part of the community, and it should be controlled. He said he prefers someone purchase alcohol at one of the State liquor stores versus an other uncontrolled establishment. He said Farmington is a great community, and feels Utah is a great state. He said he feels this system works well; Utah has one of the lowest alcohol related crime rates in the nation. **Cade Meier** said that the DABC needs to put another store in due to demand in the area. He also added that no one starts drinking because a liquor store comes in, but that decision has already been made when someone enters the store. He said one benefit of having a store in the community is that people drive less, and hopefully drive responsibly. He also added that the stores do generate a good tax base for the City. **Kent Hinckley** thanks the applicant for his comment. He said the tax base of Farmington has been increased multiple times in the last few years; however, the City Council just passed another property tax increase. He said he is not persuaded that anything will increase the sale tax in the City. **Alex Leeman** said regardless of the money it may bring it, that would be something City Council would consider, not the Planning Commission.

Connie Deianni said that if the liquor store does go into the proposed location, she feels the design aspect is a real concern. She said she feels the store is too modern, too white, and does not contain Farmington Rock. She asked if this is the right forum to address those concerns. **Cade Meier** said they receive most of the ideas and comments during the conditional use approval process. He said their hope is to build a nice store to increase the standards of liquor stores. He said he will consider the suggestions, and that he has a great team to help figure it out.

Alex Leeman asked for a motion, but asked that the motion include a condition that the site plan includes a more substantial element of Farmington Rock and a more subdued color scheme. **David Petersen** said he feels the Commission thoroughly vetted this issues as to what can and cannot be done with their sovereign status. He said it seems there are still concerns with the site plan. He suggested considering the conditional use, but not the site plan. He said the Commission could ask the applicant to come back with a revised site plan showing the suggestions discussed, including more trees, work with UDOT to see if more landscaping can be included on the parcel located to the north on Park Lane, possible change in building color, and inclusion of Farmington Rock where it can actually be seen.

Motion:

Connie Deianni made a motion that the Planning Commission approve the enclosed conditional use, and table the final site plan so that it includes landscaping, Farmington Rock, more subdued color scheme, for the DABC Liquor Store, subject to all applicable Farmington City ordinances and development standards, and with 8 conditions listed in the staff report. **Alex Leeman** seconded the motion.

The following voted against the motion to approve:

- **Kent Hinckley** due to the lack of necessity and incompatibility with Lagoon and the Jail;
- **Roger Child**;

- **Russ Workman** due to the incompatibility with Lagoon and the gateway into Farmington;
- **Rulon Homer** for the same reasons previously mentioned.

The following voted in favor of the motion to approve:

- **Connie Deianni**;
- **Alex Leeman**

The motion did not pass on a 2-4 vote.

Alex Leeman stated regardless of the decision, the applicant can choose to appeal to City Council. He said it is not an easy issue to discuss, but he felt there were a lot of great comments made regarding it.

OTHER

Item #7. Miscellaneous: a) Rock Mill Estates – street light proposal

Eric Anderson said the applicant does not want the standard streetlights in the subdivision. The applicant asked for a place to be saved on the agenda, but then never submitted any information for the item. **Eric Anderson** said this item can be considered at the next meeting.

ADJOURNMENT

Motion:

At 10:30 p.m., **Connie Deianni** made a motion to adjourn the meeting, which was unanimously approved.



Alex Leeman
Chair, Farmington City Planning Commission