



Farmington City Planning Commission

June 22, 2017



F A R M I N G T O N C I T Y

H. JAMES TALBOT
MAYOR

BRETT ANDERSON
DOUG ANDERSON
JOHN BILTON
BRIGHAM MELLOR
CORY RITZ
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

AGENDA **PLANNING COMMISSION MEETING** **June 22, 2017**

Public Meeting at the Farmington City Hall, 160 S. Main Street, Farmington, Utah

“Pedestrian Safety and Sense of Place” – Training by Shaunna Burbidge: 6:00 – Conference Room 3

Study Session: 6:30 p.m. – Conference Room 3 (2nd Floor)

Regular Session: 7:00 p.m. – City Council Chambers (2nd Floor)

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Planning Department prior to noon the day before the meeting.)

1. Minutes
2. City Council Report

ZONE TEXT AMENDMENT

3. Farmington City (Public Hearing) – Applicant is requesting a recommendation for a zone text amendment of Section 11-18-140 of the Zoning Ordinance related to removing the exclusion of uses from the alternative approval process for the mixed use districts. (ZT-3-17)

ZONING MAP AMENDMENT

4. Kyle and Dianne Memmott (Public Hearing) – Applicant is requesting a recommendation for rezone approval on .5 acres of property located at 314 South 650 West from AE (Agriculture Estates) to an R-4 (Multi-Family Residential) zone. (Z-1-17)

CONDITIONAL USE PERMIT

5. Paul Allen – Applicant is requesting conditional use permit approval for an accessory dwelling unit above a detached garage on 1.55 acres of property located at 307 South 1100 West in an A (Agriculture) zone. (C-8-17)

OTHER

6. Miscellaneous, correspondence, etc.
 - a. David Tyson / EMA Architects (Public Hearing) – Applicant is requesting special exception approval for a drive-thru as part of a Mountain America Credit Union on 1.14 acres of property located at the NW intersection of Cabela’s Drive and Station Parkway in a GMU (General Mixed Use) zone. (M-2-17)
 - b. Other

7. Motion to Adjourn

Please Note: Planning Commission applications may be tabled by the Commission if: 1. Additional information is needed in order to take action on the item; OR 2. if the Planning Commission feels there are unresolved issues that may need additional attention before the Commission is ready to make a motion. No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commissioners. The Commission may carry over Agenda items, scheduled late in the evening and not heard to the next regularly scheduled meeting.

Posted June 16, 2017

Eric Anderson
City Planner

FARMINGTON CITY
PLANNING COMMISSION MEETING
June 8, 2017

STUDY SESSION

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

Item #3. Justin Atwater (Public Hearing) – Requesting recommendation for approval of an amendment to the Rice Farms Final PUD Master Plan, and preliminary plat approval for Rice Farms Phase VII PUD Subdivision

Eric Anderson said the previous applicant Jerry Preston presented Phase VII of the Rice Farms PUD; however, two important issues arose at that time. The first issue was in regards to the trail connection between 140 E. and 200 E., and the second issue was the preservation of the historic home located on the property of the proposed Phase VII. **Eric Anderson** said the City required some trail access on the south side of the current Glen Rice Home or on the south side of the project. The current applicant, Justin Atwater, is also proposing additional lots to make the historic home preservation economically work for him. **David Petersen** said the beginning yield plan in 2006 for the PUD was 101; however, a few wetlands could not be mitigated, which should have brought the yield plan closer to 97 lots. As part of the PUD process, the applicant could receive up to a 20% density bonus; however, the developer Jerry Preston came in with less lots than what he could have received with the density bonus. He proposed 105 lots, but could have had up to 116 lots. **David Petersen** pointed out that even with Justin Atwater's proposal for additional lots, it brings the total number of lots in the PUD to 109, which is still 7 lots shy of the 116 lot maximum.

Alex Leeman said he thought the historic home was previously discussed, and that a condition was made that the applicant was to market the lot for a time with the caveat that the historic home was to be preserved. He asked if the applicant is now keeping the historic home and if Lot 704 where the historic home is located has room for a driveway. **Eric Anderson** said the original intent of the condition was a quid-pro-quo type situation to incentivize the applicant to preserve the home; however, the current applicant is requesting additional lots in exchange for preserving the home. **David Petersen** added that there should be room for a driveway, even if it goes onto the back of Lot 704.

Rebecca Wayment asked about the size of the proposed lots; she feels they seem smaller than the surrounding area. **Eric Anderson** showed the lot sizes on the preliminary plat. **David Petersen** said they are smaller than a lot of the Rice Farms lots; however, the lots are right in line with the Kestrel Bay lots. He said when Kestrel Bay lots were proposed, many neighbors had concerns over the density. Since that time, the surrounding residents feel it has been a good development for the neighborhood and that it has brought in quality people. **David Petersen** said with this phase bringing in the trail and preserving the home, he feels it is a win-win for the community.

Rebecca Wayment asked if regular building setbacks apply since this proposal is part of a PUD and if the lots are big enough for the homes they want to build. The Commission invited the applicant to the table to answer a few questions the commissioners had regarding the preliminary plat. **Justin**

Atwater, the applicant and developer of Phase VII of the Rice Farms PUD, said the home profiles will be similar to the McKenzie model Jerry Preston offered in Phase VI, but will not offer the 3rd car garage. He also said the setbacks for the PUD are 5'. He provided building elevations to the commissioners, but explained a two-car garage would be included in lieu of three-car garage. **Justin Atwater** also added in reference to **Rebecca Wayment's** previous question that lots to the south of the proposed Phase VII are approximately 7,500 sq. ft., lots to the west are close to what is being proposed, as well as lots in Phase V.

Alex Leeman asked the applicant what his plans are if there is not any interest in the historic home. **Justin Atwater** said if the lot with the historic home does not sell, he will keep the lot and handle it. He said he has not marketed the lot at this point; however, builders often focus on production, so they may view the historic home as an impediment. He feels that in the event that happens, he plans to keep the lot and restore the historic home. **Justin Atwater** said he knows a historic engineer has looked at the building; however, he would like a structural engineer to examine it since it has not yet been determined if the building was in fact a dwelling or an outbuilding. He said he views the historic home may have the potential as a "man cave," art studio, home office, or something similar.

Alex Leeman expressed concerns regarding the developer keeping the lot and the historic home. He said he is concerned that the preliminary plat is being approved knowing the historic home will be kept no matter what, but, if the developer cannot find anyone to purchase the lot, then the lot could sit undeveloped and the historic home not remodeled since there is no deadline for when it would need to be completed. The commissioners and staff discussed the situations surrounding the possibility that the lot does not sell. **Kent Hinckley** expressed concern that the lot could remain unsold, the historic home not remodeled, and eventually the City approves the removal of the historic home. **Alex Leeman** expressed concern that homes could be built around the lot with the historic home while trying to sell the lot with the historic home on it, and children could be playing around a dilapidate structure. He does not feel it is appropriate to say the applicant must keep the home, but then never put any requirements on when the structure is to be remodeled and who will complete it. **Eric Anderson** said the increased density should incentivize the applicant to preserve the structure, so it may be appropriate to include a date when it needs to be finished. **Justin Atwater** said another alternative is providing a certain level of renovation to be completed by a specific date. He said this could ensure the structure is not a hazard. **John Anderson**, Chair for the Farmington City Historic Commission, said at the least, that level of renovation would include windows, door, roof, etc.

Bret Gallacher asked how the Commission could quantify a "good faith effort" to sell the lot and historic home as is. **Alex Leeman** said it was his understanding that the "good faith efforts to sell," as was previously discussed in the last meeting, is ending. **Eric Anderson** said he does not think it is a question of whether the lot with the historic home sells, rather that the historic home remains and a date is set for when the historic home must be restored to a "safe level." **Alex Leeman** said if the applicant is requesting an increase in density in exchange for the preservation of the home, he is inclined to wait until it is restored prior to granting the 9 lots.

REGULAR SESSION

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

Item #1. Minutes

Bret Gallacher made a motion to approve the Minutes from the May 4, 2017 Planning Commission meeting. **Rebecca Wayment** seconded the motion, which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from the June 6, 2017 City Council meeting. He said that Lowell Johnson was seeking a boundary adjustment for a small remnant piece of property that he purchased from UDOT. He wanted to adjust the boundary of the property into Kaysville city; however, he was not present to let the Council know what his plans were for the property. The City Council denied the request, although the applicant later showed his plans for the parcel, which includes single-family homes. **David Petersen** said the Council has the option to reconsider the item, but he is unsure if the Council will at this point. He said Bronson Andreasen received a full exemption on his waiver request. **David Petersen** said the City received a request for a shaved ice stand; however, the location falls in the City's ROW. The City granted a Rights-of-Way license agreement, so the Commission should be seeing that conditional use request soon. **Alex Leeman** asked about the outcome of the 700 S. street cross-section modification. **David Petersen** said the City received money from Reeve Engineering.

SUBDIVISION

Item #3. Justin Atwater (Public Hearing) – Applicant is requesting recommendation for approval of an amendment to the Rice Farms Final PUD Master Plan, and preliminary plat approval for Rice Farms Phase VII PUD Subdivision consisting of 9 lots on 2.55 acres of property located at approximately 850 South 140 East in an LR - PUD (Large Residential – Planned Unit Development) zone. (S-6-17)

David Petersen said in 2006, the yield plan for this development was created based on the LR zone, which allowed for 101 10,000 sq. ft. lots. There were patches of wetlands, which negated a few lots, so the yield plan could have arguably been for 97 lots. Jerry Preston was the developer at the time, and his proposed PUD was below the 97 lot count. A PUD development can request up to a 20% density bonus over and above the yield plan, which would have brought the count to 116 lots for this development; however, Jerry Preston's total number of lots still remained below the yield plan. **David Petersen** said when the recession hit in 2008-2009, many developers came before the City for assistance. He said Jerry Preston asked for an additional 18 lots, although he could have asked for more. In the end, Jerry Preston did not use the full additional lots he was granted by the City leaving him at only 104 lots, which was well below the 116 lot maximum.

David Petersen explained the history behind road connections through the development and throughout the City. He said previously, 200 S. and Glovers Lane were the only east west travelling roads, but 620 S. was stubbed to connect through. When Symphony Homes proposed to "connect the dots," the neighborhood came out and said they did not want a cut through; however, it was clear it was meant to connect. To help diffuse the traffic, the City Council told the neighborhood not to worry because 450 S. and 700 S. would also cut through in due time, which would spread the traffic burden evenly. He said that when Rice Farms development came, the intent was to take the road connection all the way up to 200 E.; however, right before 200 E., it is very steep, which made making a road impossible. **David Petersen** also said there were problems working with UDOT, as 200 E. is a UDOT road. He said connecting through to 200 E. would have been disastrous. After the inability to connect to 200 E., the Planning Commission and City Council at the time decided a pedestrian connection would be appropriate. **David Petersen** said this trail connection was discussed at length during the last

Planning Commission meeting when this phase was presented by Jerry Preston. He said the trail connection is one of the conditions the City made with the developer in the Development Agreement.

David Petersen said the other provision in the Development Agreement was the historic home on the property. He said the developer was supposed to make a “good faith effort” to preserve the home. He said when the developer, then Jerry Preston, came before the Commission last year for preliminary plat approval, conditions were made regarding the trail easement and the developer marketing the lot with the historic home intact. **David Petersen** said since that time, Justin Atwater is now the developer, and he is seeking an additional 4 lots, bringing Phase VII to a total of 9 lots, which will help the developer financially to preserve the home. **David Petersen** said with the additional proposed lots, the entire PUD is still below the maximum number of allowable lots. He said the historic home is an asset to the City. He said the lots will be larger than the lots found in Kestrel Bay; however, the homes will be similar in quality and area. He said the proposed lots will be single-family homes ranging in cost from the upper \$300k to the lower \$400k. **David Petersen** said staff is recommending the suggested motion, as found in the staff report. He said as a result of requesting the additional lots, staff feels the applicant should obtain a Certificate of Historic Appropriateness for the historic home and place the home on the City’s historic landmark registry.

Rebecca Wayment asked where the trail easement is supposed to be located on the preliminary plat, and if the trail will include steps. **Eric Anderson** showed where the proposed trail easement is located, which is on the south side of the lot with the Glen Rice home. He also said it will most likely require steps. **Kent Hinckley** asked if the trail will stub into the LDS Church parking lot. **Eric Anderson** showed that the trail will stub into the proposed road that will go through Phase VII, or 140 East.

Kent Hinckley asked for clarification on where the Glen Rice home will have both accesses to 200 E. **Eric Anderson** said the south access for the Glen Rice home will go away; however, the north access will remain.

Justin Atwater, 105 Country Way, Fruit Heights, said he has been given permission to speak on behalf of the property owner, Glen Rice. He said he wanted to reiterate what was discussed in the Study Session, which is that they are asking for additional lots in order to retain the historic building. He said he understands the Development Agreement’s provision to preserve the historic building; he feels this proposal and lot size for this location accommodates what fits best on this property. He said the maximum allowable lots is 116 lots, which would be additional 7-8 lots; however, he does not feel that many additional lots is appropriate for this location. **Justin Atwater** said they analyzed the 3-5 lots in this location, but felt it seemed out of place compared to the lot sizes surrounding it. He said they are not wanting to cram in as much as possible, but feel what is being proposed is more comparable to what is around it. He said homes in similar square footage are being sold to the north, but that the biggest difference in home profile is homes in this phase will be built with a 2-car garage. **Justin Atwater** said the historic home was built in the late 1800s, and that it is very sturdy. He said it is not their intent to remove the historic home or that there is even a possibility that they will tear it down. He said it is not their intent to skirt the obligation, but want to see the home through the entire historic process. He said they are confident that they can sell the home with the caveat that it is necessary for the property owner to make improvements to the building.

Alex Leeman said he appreciates the applicant’s willingness to keep the historic home. He said he has mixed feelings regarding it, as he does not think it serves anyone if the structure is dilapidated and a hazard. He said he loves the idea that the structure could be renovated; however, in its current condition, people cannot get to it. When the surrounding lots are developed, the structure will be near where children play. **Alex Leeman** pointed out that there is nothing in the application that states at what point the structure will change from its current condition to a better condition. **John Anderson**,

Chair for the Farmington City Historic Commission, said there are requirements to receive the Certificate of Historic Appropriateness (COHA). He said he has not read Chapter 39 in its entirety, but that at a minimum it would have conditions that could alleviate Commissioner Leeman's concerns.

Rebecca Wayment asked the applicant if he is willing to take on the responsibility to bring the historic structure up to safety code prior to marketing the lot or if he is planning to leave that responsibility to the potential property owner. **Justin Atwater** said that as part of the proposed approval, whoever owns the lot has the included conditions, including the COHA. He said he would love to make those improvements; however, he is not sure if he is the best person to do so. He said if the conditions are at a level that could be addressed at this time, like doors, windows, etc., he would not shy away from completing those. He feels if there are larger issues to resolve with the structure, like the potential of foundation work, he feels that should be resolved for the future property owner.

Kent Hinckley said he feels there should be some requirement for the developer to do something with the structure because that is the basis for his request for the additional lots. He pointed out that the applicant said he was requesting 4 additional lots to make it financially feasible to preserve the historic home, which is what the Commission is now considering. He expressed concern that the applicant may not be the one fixing the structure; however, the Commission is granting 4 extra lots to provide the economic means to do so. **Justin Atwater** said he appreciates the perspective, as it was something he considered, but has two responses. He said taking this project from 5-6 lots to the proposed 9 lots does not equate to that much additional profit. He said as the lots get smaller, prices for the lots goes down. He said the few additional lots does not suddenly flush the project with a bunch of extra money. He said in talking with 7-8 builders, those builders are not concerned about selling the lot with the historic structure, but are concerned about selling the adjacent lots to it. He said marketing then becomes more difficult. He said he is absolutely willing to do the minimum requirements to make the structure safe; however, he feels doing additional work could box the end user into something that may not work with what the future property owner would like to do with the structure.

Bret Gallacher asked for clarification on Finding for Approval #4, which states the applicant will preserve the historic home. He asked if that means the applicant will do the bare minimum to make the structure safe or that the applicant will do what is necessary for the COHA. **Alex Leeman** said it was his understanding that the applicant would meet the specific standards for the COHA. **Bret Gallacher** asked if the applicant can apply for the COHA prior to meeting the standards. **David Petersen** walked through the application process. He said at a minimum, the windows and door should be repaired.

David Petersen said there is another angle to consider. He said there is a wide variation of historic preservation costs based on the use of the structure, like if someone plans to live in it, work in it, etc. He said the Commission could request the City's retained historical architect to provide an estimated cost to preserve the building to ensure it withstands development, but to also provide an estimate of the cost to make the structure habitable as a workshop or live in. **David Petersen** suggested that the Commission ask the developer if he is willing to post a bond for one of those estimates in the event the applicant or the buyer do not preserve the home, the City can then step up and do so. **David Petersen** also pointed out that there are multiple levels of "preservation," including restoring the structure as a place to live in, for storage, or to withstand the elements. He said if a structural engineer examined it, the City may have a better idea what the structure could be restored to, which would then provide a better ideas for its preservation.

Kent Hinckley asked if another level of preservation is keeping the historic structure intact, but adding onto it to make the whole building a livable structure. **David Petersen** said yes, that could be another acceptable level of preservation. **Rebecca Wayment** pointed out that the historic structure sits on the property line. She asked how a potential homeowner could build onto the structure or if the

homeowner would have to obtain a setback variance. **David Petersen** said no, the homeowner would not have to seek a variance, as the historic structure is a legally non-conforming home. He said as long as the changes to the structure do not increase the “non-conformingness” of the structure, it would not be an issue. **David Petersen** provide other examples within the City regarding the different levels of preservation for historic homes. He again mentioned determining which level of preservation might make sense for the building, then asking the developer to post a performance bond to one of the levels. He said the Commission would need to determine which level it wants it restored to at this point.

Justin Atwater briefly talked to **Rebecca Wayment’s** previous question regarding the trail having steps. He said the trail most likely will require stairs as it would be too steep otherwise. He said the location of the trail isn’t necessarily fixed by the plan, as the other potential location for the trail is the south side of the subdivision. **Rebecca Wayment** said she feels whichever proposed location is less steep is the better option. **Justin Atwater** said with either location, steps cannot be avoided. **Eric Anderson** said currently, there is only a trail easement on the south border of Glen Rice’s property. He reminded the applicant that a trail easement needs to be included for both locations of the proposed trail if they choose to make that decision later.

Alex Leeman opened the public hearing at 7:52 p.m.

Matt Smith, 791 S. 140 E., said he lives just north of the Rice property. He said he had a few questions regarding the historic home. He asked if the applicant could tear it down, and if there was a way for the structure to be moved. **David Petersen** said yes, the applicant could tear the structure down, but the City is trying to incentivize the applicant not to do so. With regards to moving the structure, he said a structural engineer would have to review it. He said historical homes can be moved; however, rock structures, like the one being discussed, are significantly more difficult to move.

Kristin Asten, 492 E. 200 S., said she is there speaking on behalf of her son and daughter-in-law Spencer and Melissa Asten, who live just south of the proposed Phase VII. She asked if there will be a road that will go through the phase. **Alex Leeman** said yes, there will be a road that connects the 140 E. stubs. **Kristin Asten** asked where the proposed south side of the project trail would be located. **Alex Leeman** showed where it would be located, and explained it would allow for pedestrian access from 140 E. to 200 E. **Kristin Asten** asked if the trail could potentially go adjacent to her son’s home. **Alex Leeman** said yes, if the applicant chooses the south side of the project, the trail would be adjacent to her son’s home.

Jennifer Badham, 866 S. 140 E., said she lives near the proposed Phase VII, and that she came to see what is being proposed. She said she feels like 9 houses seems like a lot of homes for the area. She asked if the dotted lines on the preliminary plat are the outlines of the proposed homes. **David Petersen** said the dotted lines are potential building footprints. He provided Ms. Badham with the elevations the applicant provided staff and the Commission during the Study Session. **Alex Leeman** said the plans for the home are typical size of homes with a 2-car garage. **Jennifer Badham** said her house is small and her yard is small; however, it is one of the biggest yards for the neighborhood. She said many of the young children congregate in her yard to play because it is the biggest. She feels adding 9 additional homes with young children is too much for the area; she does not feel her yard could accommodate that many children, but that their own yards are so small, they will find a different location to congregate. **Jennifer Badham** also expressed concern with the lots where the home is almost to the front of the street. She said these may be small concerns, but she is wanting what is best for the neighborhood. **Rebecca Wayment** asked for Ms. Badham’s lot size. **Jennifer Badham** said her lot is .18 acres with a 1,900 sq. ft. house that does not have a garage.

John Anderson, 442 S. 10 W., Chair of the Historical Preservation Commission, said the historic structure being discussed was built in 1870. He said in the way of quality, this structure is significant and is one of the straightest in Utah. He said it was most likely a very expensive home when it was built. He said he has concerns with the lot size, specifically the narrowness of the lot. He suggested combining Lots 704 and 705, which would give the lot more space to build a home in addition to the historic structure. **Rebecca Wayment** asked if someone would have to obtain approval by the Historic Preservation Commission to build onto the back of the historic structure, and would doing so change the historic nature of the structure. **John Anderson** said it would depend on how the new building is attached to the historic structure. He explained this historic structure is a “#10” for the Historic Preservation Commission, meaning it is a top quality home that they want to conserve. He said he feels requiring the builder to restore the historic home is not fair to the builder, and is not a reasonable request. He said the Historic Preservation Commission’s interest is that the structure is conserved and free from wildlife, which would include replacing the roof, windows, and doors. He said beyond that, the Historic Preservation Commission is open to other ideas on how to conserve such a significant structure.

Rebecca Wayment asked what the ideal vision Mr. Anderson sees for this home. **John Anderson** explained there is another historic home within the City that has been restored to a home office, which includes an inside bathroom and chimney. He said he feels in a perfect world, he would like the home restored to something similar so it can be utilized, as well as open for sharing so the public can view the home. He added that this ideal is not a reasonable request to require the developer to meet. **Kent Hinckley** said the examples that have been discussed where historic homes have been restored seem to appear to be on lots that are bigger and wider than the proposed Lot 704, which seems to give property owners more of an opportunity to do something with the structure. **John Anderson** agreed; he feels the narrowness of the lot may limit the possibility to build a house behind the structure. He said he is hoping the applicant adjusts the lot size so he can still get as many lots as possible, but still allow for a bigger lot where the historic home is located.

Rebecca Wayment said it was discussed in the Study Session that conditions could be placed on the historic home so it does not remain in its current state. She said she understands it is not in anyone’s best interest for the developer to restore the home, but asked if Mr. Anderson felt a timeline could be placed on the applicant for when a certain level of preservation should be completed to ensure the structure is safe. **John Anderson** said a minimum level that could be required is that the historic home remain dry of the elements, and that the structure remain locked so no one can go in. He said the roof of the historic home is new, so that would mean the door and windows are replaced. **Alex Leeman** asked what the cost of renovation could be, if the Commission had power and authority to require it to be done. **John Anderson** said the price to “dry up” the structure could range from \$2,000 to \$100,000 to fully restore the structure. He said they would also consider moving the historic home, but that could be quite costly. **Alex Leeman** said he would love to see this historic home be located somewhere like Forbush Park, but he understands the cost of moving it could be prohibitive.

Alex Leeman closed the public hearing at 8:10 p.m.

Bret Gallacher said he appreciated the applicant’s willingness to keep the historic home. He asked at what point a COHA is received, and at what point the property owners no longer have the right to tear the historic building down. **Justin Atwater** said if the statute is followed for historical buildings, there is a specific process that has to be followed prior to demolition, which includes proving that the structure is no longer safe. **Bret Gallacher** asked then if the certificate and registry become the safeguards and not a note on the bill of sale that the property owners have to keep the historical home. **Justin Atwater** said he is not sure a note on the Bill of Sale would even be legal. **Alex Leeman** said if the Commission requires a condition of approval that the current owner of the lot put the home on the

registry, then the historic home stays on it regardless of how many times the lot may sell. He also added that if the lot does not sell, the applicant remains the property owner of it with the historic home on the registry. **Eric Anderson** reminded the Commission that this decision is still a legislative decision since it is a PUD. He said that is where the leverage for the City comes in; the Commission can choose not to approve this phase of the subdivision.

Bret Gallacher said the developer said they are not making that much more money with the additional lots, so he is wondering why not have a bigger lot for the lot where the historic home is located. **Justin Atwater** said the lot sizes appear to be smaller than what they look like in real life. He said resident Jennifer Badham's property is .18 acres, and they are proposing approximately .17 acre lots so he feels what they are proposing is the correct number of houses for this area, as well as a good transition from the homes to the south of Phase VII to the homes north of it. **Justin Atwater** said he has concerns with making the lot with the historic home on it larger than the others because the cost may price out their market.

Alex Leeman said the typical home has 60' of frontage, and the home will be approximately 35-40' wide with an additional 15-20' for a 2-car garage plus setbacks. If a historic home was located in the front of a home, it would be the entire front yard. He proposed making 5 lots become 4 so each lot becomes a little bigger so the historic home does not become such a dominate feature on that single lot. **Justin Atwater** said he would have to rerun his economic analysis. He said he may consider 4 twin-homes in exchange for the 2 lots so the density would remain the same. He said he did not want to introduce that option, but that might be where the conversation is going. He said it is possible to shift lines, but it takes a complete re-engineering of the phase.

Alex Leeman said he feels the applicant is proposing 9 lots and saying the historic home will remain; however, he feels that 8 lots will stay and the lot with the historic home will remain undeveloped in the phase, which may result in someone begging to tear it down in a few years down the road. **Justin Atwater** explained that no one wants that circumstance. He said they are trying to put safeguards in place, including requiring that the current landowner place the historic home on the City's historic landmark registry. He said if he remains the current landowner, than he will be responsible to do so.

Alex Leeman said his main concern is that eventually someone has to buy the lot and be the long-term steward of it, and he is concerned that what is being proposed is making the lot unappetizing so it will not sell for a long time. He said he feels the historic home is the hardest part of this subdivision.

Bret Gallacher said he agrees that he would like to make a recommendation on lot sizes, however, he feels it may not be appropriate for the Commission to make a mandate based on speculation on whether the applicant may or may not be able to sell the lot with the historic home.

Eric Anderson said the applicant has vested rights as the Development Agreement dictates; however, that is not what is being proposed. He said the Development Agreement states Phase VII can have 3 lots on the west side and 2 lots on the south side; the applicant is seeking a Development Agreement and PUD Master Plan amendment to allow for more lots. These amendments are legislative acts. **Rebecca Wayment** said the applicant alluded to including twin-homes in Phase VII. She asked if that is possible for the applicant to include. **Eric Anderson** said the applicant could develop the phase as is currently shown; however, the changes he is proposing require a legislative decision.

Rebecca Wayment said she feels the Commission needs to determine if the commissioners are comfortable with 9 lots. She said if commissioners are not comfortable and would deny the application,

she feels it may be appropriate to include a reason why, so the applicant can return with another plan if he chooses to do so. **Justin Atwater** said if he feels the Commission would deny the application, he would go ahead and withdraw the application and move forward with what Jerry Preston previously proposed. He said 5 lots were previously proposed and “good faith efforts” have already been made to preserve the historic home. **Alex Leeman** said he thought he would hear tonight that the applicant found a buyer that wants the home, or that they at least tried. He said the whole proposal is not that, but is actually saying they want to preserve the home in exchange for higher density, but **Alex Leeman** said is unsure how preserving the home in exchange for higher density actually fits together. **Justin Atwater** said Jerry Preston received approval for 5 lots with the caveat that the building can come down after a “good faith effort” is made. **Bret Gallacher** asked the applicant for clarification. **Justin Atwater** said if the Commission is taking this item to a vote and it is a denial, he will withdraw his application. He said he would move forward with the original approval for 5 lots knowing he will not have to work to preserve the home any longer, as the “good faith effort” has already been put forth, so the historic home can be removed.

Rebecca Wayment said in reviewing the previous minutes on May 9, 2016, it was discussed that this property still belongs to the Rice family. She asked if the Rice family could tear down the home if they want or if the house is grandfathered into the PUD when Jerry Preston received his original approval, which stated the historic home was to be preserved. She asked if it would be a violation of the original 2006 Development Agreement if the historic home is torn down. **David Petersen** said the Development Agreement stated that a “good faith effort” had to be made to preserve the home; however, it is not clear what constitutes a good faith effort. He said the parties of the agreement, meaning the property owner and the City Council, would have to decide if that “good faith effort” has been met. **Rebecca Wayment** asked if the applicant could withdraw the current application and demolish the historic home without having to discuss it with the City Council. **David Petersen** said the applicant would need to have a discussion with the City Council; however, the applicant could present their “good faith efforts” to preserve the home, which they could argue have not been successful.

Alex Leeman asked if there was a City Council meeting to address the historic home. **Eric Anderson** said after the last Planning Commission meeting, Jerry Preston appealed the Commission’s decision on the trail to the City Council. The City Council stood by the Commission’s final decision, and denied the appeal. **Alex Leeman** said the motion from the May 6, 2016 Planning Commission meeting stated that the applicant shall “negotiate with the City Council to market the lot with the historic home intact.” He asked if the developer and City Council did that. **David Petersen** said no, the developer has not met with the City Council to negotiate the market of the lot.

Alex Leeman said he does not mind the increased density. He said he does not feel the lots are unreasonably small. He also does not mind the twin-homes for the area as well. He said what he is trying to figure out is how the small lot works with the historic home. **David Petersen** said it seems the majority of the commissioners are ok with the lot sizes, but not with how the historic home is positioned on this lot. He asked if the commissioners would like staff to show various things on what could be done with the lot and how the historic home may be incorporated. **Kent Hinckley** said he feels the Commission has seen how creative architects are to make something work with the historic home. **Alex Leeman** countered that the examples they have reviewed have all been on larger lots. **Kent Hinckley** said there are homes on Main St. that are located on narrow lots and have been preserved. He also said front setbacks do not bother him either. He proposed 4 conditions that may address what has been discussed, which include:

- The applicant will work with staff and the Historic Preservation Commission to restore the historic home to meet the requirements of the Certificate of Historic Appropriateness;

- Restoration to meet the Certificate of Historic Appropriateness will be done concurrently with street improvement;
- The historic home will be put on the City’s historic landmark registry by a certain date;
- Lot 704 will be maintained in an acceptable condition by the applicant in perpetuity.

Rebecca Wayment said she likes the conditions, but that what is bothering her only the trail was contested in the last Planning Commission meeting on May 5, 2016. She said the applicant agreed to work on determining if the house was marketable. She said she is frustrated that it has been “scrapped,” and that there is a new developer now. She said she is very bothered by the size of lots. She felt 5 lots matched the neighborhood to the north, but now the applicant is cramming in 9 lots in a tiny area. She said she is also frustrated that in the staff report, there is a line that says the applicant is proposing 9 lots to make the preservation of the historic home economically feasible. She said she is not comfortable granting an additional 4 lots when she is unsure who will care for the historic home, or if Lot 704 is even marketable.

Alex Leeman also expressed frustration that the applicant is requesting 4 more lots so the historic home is more feasible, but that no one is saying when or how the historic home will be preserved. **Bret Gallacher** pointed out that the applicant could tear down the historic home at this time if he wanted to, and it seems that may not be a breach of the Development Agreement. **Kent Hinckley** pointed out in the PUD approval process, the applicant can provide either open space or preserve a historic building. He asked if this PUD met the open space requirements or if the entire PUD approval hinges on the historic building. **David Petersen** said it was a combination between the two, open space and a “good faith effort” to preserve the historic home. He said it is challenging to start looking at what the City gave during the subdivision process, and it is harder for the Rice family to understand when now just looking at the last phase. **Alex Leeman** said it may be hard to make Phase VII economically feasible, but that is why developers manage money during previous phases. He said he feels the Commission was pretty flexible a year ago, and even right now, but he is uncomfortable being told this proposal needs to be approved or the historic home will come down. **Justin Atwater** apologized for coming across so strongly. He said that is the reason why he is here, and not Jerry Preston. He said Mr. Preston felt he satisfied the conditions that a “good faith effort” was made by trying to sell the lot to various people, but with no takers. **Justin Atwater** said if he were to withdraw his application, he would feel the “good faith effort” to preserve the home has been made.

In reference to **Kent Hinckley’s** suggested conditions to the motion, **Alex Leeman** said he does not think the City could require the applicant to maintain the lot forever. **David Petersen** said the City can require the property owner, by Ordinance, to keep the yard mowed and remove trash and debris.

Alex Leeman asked if what is being voted on is a recommendation to City Council. **David Petersen** said there are two parts, but one is a recommendation regarding an amendment to the PUD Master Plan. **Rebecca Wayment** suggested also including a condition that the applicant provide two trail easements to show where the possible trail could be located. **Eric Anderson** said that condition could be fulfilled on the final plat. **Alex Leeman** said he feels making a recommendation to the City Council with conditions shows that the Commission is satisfied. He said the Commission previously approved that the developer would negotiate with the City Council to market the lot with the historic home, and that has not happened. He feels it may not be best to make a recommendation for approval with a lot of conditions since there are still many unresolved concerns.

Bret Gallacher asked Commissioner Leeman if his biggest concern is that no one will want to buy the lot where the historic home is located. **Alex Leeman** said he feels what is being presented is Phase VII is an 8 lot subdivision with 1 condemned parcel. **Bret Gallacher** said he is not sure if it is the

Commission's place to determine if the lot is big enough for the applicant to sell. He feels it is within the Commission's purview to determine if they are comfortable with the proposed lot sizes. He said he feels like changing the number of lots to 8 is a good solution, but he does not feel the Commission has the right to mandate that change. **Kent Hinckley** agreed, but said the Commission has the right to deny the application and provide feedback to the applicant knowing that whatever he decides is his business.

Rebecca Wayment said she has concerns about the historical home being preserved and to what level it will be preserved. She said it is difficult because the historic home may not be structurally sound, no one really knows, but then the applicant received 9 lots and the historic home is still torn down. **Alex Leeman** said the Commission has to decide if they are comfortable with 9 lots even if the historic home cannot be preserved. He said he feels if the historic home cannot be restored to something nice, then it is not worth bothering to preserve. He does not like to see dilapidated structures, or even a "locked up shack," but would love to see the historic home restored to something nice.

Kent Hinckley asked how the lot sizes compare surrounding Phase VII. **Eric Anderson** said Lot 704 is comparable to lots to the south. He said the proposed lots are skinnier, but also longer in length. **Kent Hinckley** asked if the lots are about the same as the developed lots around Phase VII. **Rebecca Wayment** clarified the lots to the south seem to be comparable; however, they are not the same as the lots found in Phases I-VI of the development. **David Petersen** said he feels Phase VII is a good transition from the older homes on similar lot sizes to the south going to the north. He feels Phase VII homes will be a better quality of home, which will transition nicely to the homes to the north.

Bret Gallacher asked what efforts were made to sell the lot with the historic home on it. He is not sure how the lot will be easier to sell now that it is a smaller lot. **Kent Hinckley** feels what should be considered is if the Commission wants to keep the historic home or not. He said if the Commission would like to preserve the historic home, then it is the developer's problem on how to make that work. He said he feels it is the developer's concern to determine if a smaller or larger lot with the historic home will sell better. He feels the only thing the Commission can determine is if the Commission wants to try and preserve it or if they are comfortable having it removed. He said he would like to try and preserve the home. **Alex Leeman** said if the Commission makes a condition that a reasonable level of restoration must take place, the developer puts the restoration responsibility on the homebuyer, and no one buys the lot, he expressed concerned on what will happen to the lot and historic home. **Kent Hinckley** asked to what level of restoration the Commission can require. **Alex Leeman** said that is the big question the Commission has to consider.

Kent Hinckley said he is not comfortable putting the responsibility on the developer to restore the historic home to an office or other use when a property owner may want to restore it to a different use that they can enjoy. He said he feels the applicant has an incentive to find someone that wants to do something with the historic home, otherwise he may have to hang onto the cost of the lot. **Bret Gallacher** said he feels the applicant may be gambling with the cost of a smaller lot that has a historic home versus a larger lot that still may not sell, but would be out more money with the larger lot. He said he feels the Commission may need to decide if they would rather see an undeveloped lot with a historic home on it or see a fully developed last phase of the subdivision. He said he feels that is a large leap to break the decision down to that far, but feels those are the realistic options that need to be considered. **Kent Hinckley** said he feels it would be in the developer's best interest to keep the lot as nice as possible to try to sell it.

Bret Gallacher said the applicant will pull the application if the Commission is leaning toward denial. He asked if the applicant would return to the previously approved preliminary plat if the Commission denies what is being proposed tonight. **David Petersen** said the applicant already has the

approval for the previous preliminary plat, but is requesting a separate approval for a different preliminary plat, as well as PUD Master Plan amendment.

Alex Leeman said he would be in favor of moving forward with **Kent Hinckley's** motion and proposed conditions. **Bret Gallacher** said he is also comfortable moving forward on those conditions. **Rebecca Wayment** said if they deny the size of lots, there is no guarantee the applicant will keep the historic home; however, she is still not comfortable approving the 9 lots.

Alex Leeman asked if the application would come back to the Commission if the historic home cannot be preserved. **Eric Anderson** said the COHA has specific guidelines for what the applicant has to do if the conditions for the certificate cannot be met. **Alex Leeman** spoke to the specific COHA process and how that may look with **Kent Hinckley's** proposed conditions. He said if the preliminary plat for 9 lots was approved at this time, the applicant could obtain a COHA by a certain date, the initial restoration would also be completed by a certain time, but if the applicant begins to move forward and discovers the restoration cannot happen, then the application would return to the Commission. He said it seems the applicant has to take a significant risk before improvements can be put in. **David Petersen** said the applicant could complete the COHA process prior to final plat, so it would be a good incentive to start the process now.

Kent Hinckley added an additional proposed condition that if the historic home cannot structurally meet the requirements for the COHA, the applicant will bring the application back to the Planning Commission. **Rebecca Wayment** asked if the Commission is asking for something that it cannot legally request. She is concerned that the Commission approves 9 lots with conditions, but then if the conditions cannot be met, then the 9 lots have already been approved. **Kent Hinckley** said the Commission can approve an item based on conditions that can be satisfied; he said he feels what he has proposed can all be satisfied. **Rebecca Wayment** suggested rewording the motion to state that the granting of the 4 additional lots is contingent on the applicant obtaining the COHA. **Alex Leeman** said he feels what is being proposed does state that because if the conditions are not met, the motion is unapproved and it will return back to the Planning Commission. **Eric Anderson** agreed, he feels it would be redundant to say the 4 lots are contingent since the additional 4 lots are on the proposed preliminary plat.

Kent Hinckley proposed the following additional conditions to the motion:

4. The restoration to meet the Certificate of Historic Appropriateness will be accomplished concurrent with the completion of the roads and sidewalks;
5. The home will be put on the City's historic register by the time the public infrastructure goes into the warranty period;
6. Developer will maintain lot 704 in an acceptable condition in accordance to City ordinances;
7. Applicant will show the two possible trail easements on final plat;
8. If the historic home cannot meet the requirements of the Certificate of Historic Appropriateness, the applicant will bring application back to the Planning Commission for reconsideration.

Eric Anderson said future homebuyers would know they were purchasing a lot next to a trail if the trail was located on the south of the Glen Rice home. He said if the trail was located on the south side of the development, it would impact existing property owners. **Alex Leeman** said he feels the location for the trail adjacent to the Glen Rice home is a better option. **Eric Anderson** said it might be a redundant condition to state two trail easements need to be shown; he said it is up to the applicant to show which trail option they want to pursue on the final plat.

Kent Hinckley said he understands the proposed condition #8 might also be redundant; however, he still wants it included.

Rebecca Wayment clarified that no lot in this phase will sell until the historical home situation is sorted out. **David Petersen** said yes, no lot will sell. **Alex Leeman** said he feels the historical home should be sorted out before final plat. **Kent Hinckley** said yes, the historical home will have to have doors and windows in place for the COHA before sidewalks are finished.

Alex Leeman asked for clarification that if the historical home has the COHA, then it could not be destroyed. **David Petersen** said he believes Commissioner Leeman is mixing up COHA and the historical landmark. He said by obtaining the COHA, it states the historical home is appropriate; however, there is more protection with the structure being a historical landmark. **Alex Leeman** asked how long it will take for the applicant to obtain the COHA to then request the historic home to be placed as a historic landmark. **David Petersen** said the home can be placed on the historic landmark registry now.

Rebecca Wayment asked for clarification on the historic landmark registry. She asked if the historic home could not be torn down if it is placed on the landmark registry. **David Petersen** said it can be torn down; however, there is a lot more to go through in order for that to be done. **Rebecca Wayment** said if the Commission is really worried about preserving the historic home, she said it may make sense to have it designated as a historic landmark prior to final plat. **Kent Hinckley** said he would like to see if a COHA could be obtained first, and then put the structure on the registry. He said the City registry is more restrictive than the national historic register. He said a property owner can do lots of things with a structure on the national register; however, a property owner cannot even “plant a rosebush without asking” with the City’s landmark registry.

Alex Leeman said he feels the COHA will improve the historic home to the point of the structure being safe and secure, but still allowing a future homebuyer flexibility. **Rebecca Wayment** said she still is not comfortable with it as the lot with the historic home may or may not be sold. She said she does not see the harm in requesting the historic home to be placed on the landmark register prior to final plat. She said the Commission would be granting the applicant 9 lots because they feel the historic home is so important to save. She feels the historic home needs the landmark registry in order to protect it.

Bret Gallacher asked if the City’s historic landmark registry needs to have a designation of the building’s use. **Alex Leeman** said it does not have to have a designation, but changes to the structure have to go through a separate process. **John Anderson** said the changes that have to be formally reviewed are mostly focused on the exterior of the building. **Rebecca Wayment** asked at what point can the historic home be restored to without giving a future homebuyer lots of extra hoops while still ensuring the home’s protection. **John Anderson** said the landmark designation does not dictate what the building can be used for, but it does provide extra protection. **Rebecca Wayment** asked if there is a certain “level” of preservation that takes place on the home for it to be placed on the historic landmark registry. **John Anderson** said it does not require a “level” that it is restored to, but dictates the materials on how it can be restored.

Kent Hinckley said with the proposed conditions, there is a two-step process. The first step is for the applicant to obtain the COHA by final plat. If the applicant obtains that, then he will have to put the structure on the historical register by the time warranty for the infrastructure starts. **Bret Gallacher** feels this process is adequate because he wants to give the applicant every opportunity to sell the lot. **Kent Hinckley** agreed; once the home is on the historical register, there is a lot of red tape to work through. **Rebecca Wayment** said she understands; however, she wants to guarantee the historic home

will stay. She is concerned that the Commission will grant 9 lots for a house that will become dilapidated. **Kent Hinckley** said the proposed conditions state that if the historic home won't work, then the application will come back to the Commission to discuss. He said the Commission will not move forward on the plans if experts say the structure won't work, which is why he felt proposed condition #8 was appropriate to keep.

Motion:

Kent Hinckley made a motion that the Planning Commission approve the preliminary plat for Rice Farms Estates PUD Subdivision Phase VII, and recommend that the City Council approve an amendment to the Final PUD Master Plan, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant continues to work with the City and other agencies to address any outstanding issues remaining with regard to the preliminary plat prior to final plat consideration;
2. The applicant shall provide a viable trail easement connecting 140 East to 200 East within Phase VII and show that easement on final plat;
3. The applicant shall work with staff and the Historic Preservation Commission to obtain a Certificate of Historic Appropriateness before Final Plat for the historic Rice home on Lot 704;
4. The restoration to meet the Certificate of Historic Appropriateness will be accomplished concurrent with the completion of the roads and sidewalks;
5. The home will be put on the City's historic register by the time the public infrastructure goes into warranty;
6. The applicant will maintain Lot 704 in an acceptable condition in accordance to City ordinances;
7. The applicant will show the two possible trail easements on final plat;
8. If the historic home cannot meet the requirements for the Certificate of Historical Appropriateness, the applicant will bring the application back to the Planning Commission for reconsideration.

Bret Gallacher seconded the motion. **Bret Gallacher**, **Kent Hinckley**, and **Alex Leeman** voted in favor of the motion; **Rebecca Wayment** voted against it. The motion passed on a 3-1 vote.

Findings for Approval:

1. The proposed preliminary plat is consistent with the previously approved Master Development Plan memorialized by the Development Agreement.
2. The proposed subdivision meets all the requirements for approval of a preliminary plat.
3. The applicant has provided a trail easement connecting 140 East with 200 East.
4. The applicant is preserving the historic home on-site.
5. The added density of 4 lots from the original approved Rice Farms Phase VII preliminary plat is being used to incentivize the developer in preserving the historic home, but still meets the low density thresholds standards set forth in the General Plan for this area.

CONDITIONAL & TEMPORARY USE PERMIT

Item #4. Mike Davey / BHD Architects (Public Hearing) – Applicant is requesting conditional use and site plan approval to build an LDS senior seminary building on 1 acre of property located at approximately 750 South 650 West in an AE (Agriculture Estates) zone. (C-10-17)

Eric Anderson said the LDS Church would like to build a Seminary building adjacent to the new high school. He showed where the previously owned Church property was on the map, and explained the Church did a land swap with the school district so the property is no longer central on the map. **Eric Anderson** showed the applicant's current site plan, and explained the City previously wanted the parking in the back of the building. Unfortunately, that was not possible unless the Church did a cross-access easement through the school district property, and the Church wanted to remain self-contained on their property. **Eric Anderson** reviewed the site plan with the Commission. He explained it is a requirement to have a fence along the residential homes adjacent to the Church's property; however, there is already an existing vinyl fence along Miller Meadows Subdivision's Phase I. The City has requested the applicant use the fence already in place, but ensuring they also fulfill the 10' buffer requirement. He said the Church has provided lots of landscaping to provide a good buffer from the Seminary building to the residential neighborhood. **Eric Anderson** said staff is recommending approval of this item.

Mike Davey, 165 Wadworth Park, SLC, said this item is pretty straight forward. He said the City has requested they use the existing vinyl fence, as well as provide a landscape buffer along it, which has been done.

Alex Leeman asked if the applicant is providing lighting screening for the single lightbulb in the parking lot. **Mike Davey** said yes, there is only one light bulb in the parking lot, and there is plenty of light screening for the residential area.

Eric Anderson also pointed out that Farmington Rock is not required for institutional buildings, so the Seminary building will not have it included on it or in the landscape.

Alex Leeman opened the public hearing at 9:45 p.m.

No comments were received.

Alex Leeman closed the public hearing at 9:45 p.m.

The Commissioners were comfortable moving forward with this items approval.

Motion:

Rebecca Wayment made a motion that the Planning Commission approve a conditional use permit and site plan for the construction of the high school LDS seminary building with the following conditions:

1. The applicant completes all requirements for site plan approvals as well as all on-site and off-site improvements requirements to comply with City Engineer, Public Works, Fire Department, Planning Department, Storm Water Official, Central Davis Sewer District, and Weber Basin Water District;
2. All landscaping shall be installed as shown on the approved site plan;
3. The chain-link fence on the north property line shall be removed or replaced with a 6' high masonry fence or other material, as approved by the Planning Commission;
4. All lights shall be full cut-off lights and shall not shine onto adjacent residential properties;
5. The applicant shall record the 650 West Church Seminary Subdivision;
6. The applicant shall enter into a reimbursement agreement with the City for improvements on 650 West.

Kent Hinckley seconded the motion, which was unanimously approved.

Findings for Approval:

1. The use requested is listed as a conditional use within the AE zone.
2. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community.
3. The proposed use shall comply with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
4. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
5. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing development.
6. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
7. The proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the vicinity and does not cause:
 - a. Unreasonable risks to the safety of persons or property because of vehicular traffic or parking;
 - b. Unreasonable interference with the lawful use of surrounding property; and
 - c. A need for essential municipal services which cannot be reasonably met.

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-11-17)

Eric Anderson said it is the time of year again when the City receives a few temporary use requests for firework stands. He said the applicant is proposing a stand near the corner of Glover Lane and the Frontage Road. He showed the site plan that was submitted by the applicant, as well as reviewed the provided narrative. **Eric Anderson** said the applicant is proposing to open the tent from June 29th – July 4th and July 21st – July 24th with hours of operation from 10 a.m. to 9 p.m. He said there are a few other conditions included to the motion, including review of the temporary use by the City's Fire Marshal, and no "piggybacking" any other types of sales not directly related to fireworks. **David Petersen** added that a few years ago, the City approved a corn maze where the now Rice Farms Subdivision is located. The conditional use permit (CUP) was approved for 6 years; however, there were unforeseen things that occurred, and the City regretted their decision to grant the CUP for 6 years. **David Petersen** referenced Condition #8 to the motion and stated that he feels it is wise to allow the CUP for one year, and then the applicant can reapply next year if they choose to do so.

Kent Hinckley asked if the current corn stand close to this location can still sell corn. **David Petersen** said the corn stand does not have to apply for a temporary use permit since the corn is grown on site; the corn stand is a "use by right."

Ben Peterson, 1557 Boulder Creek Lane, Layton, reiterated the dates he plans to have the firework tent open, which is June 29th – July 4th and July 21st – July 24th. **Alex Leeman** pointed out on the application that the applicant has a designated area for parking; he asked if the applicant would do anything to make that area more "parkable." **Ben Peterson** said the parking area will be recycled wood chips and the location of the firework stand is road base. **Rebecca Wayment** asked if there will be an "enter" and "exit" lane of the parking lot and if those will clearly be marked since there is a downward

slope. She also asked if the parking area will be large enough to accommodate the number of anticipated cars. **Ben Peterson** said the entrance will be approximately 28' wide so it will be large enough to accommodate two lanes. He said the entrance and exit will be very clearly marked, and that although there is room for traffic to enter and exit from both directions, he hopes people will follow the directions to enter from the north and exit from the south. He also said the parking area could accommodate close to 30 cars at a time; however, in his previous firework tent experience, there are typically 2-3 cars parked at any given time. He said he anticipates similar results. **Rebecca Wayment** asked if the applicant's stand would move the corn stand. **Ben Peterson** said the corn stand has its own area on the north end of the tree. He said he will be located in a different area. **David Petersen** added that he likes the idea of recycled wood chips for the parking area, as road base mixed into top soil is not the best thing. **Ben Peterson** also added that the City Fire Marshal has already reviewed the location once, but will review it again for final approval, but previously said everything was ok.

Alex Leeman opened the public hearing at 9:56 p.m.

No comments were received.

Alex Leeman closed the public hearing at 9:56 p.m.

There was no further discussion at this time.

Motion:

Bret Gallacher 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, 2017 to July 24, 2017.

Rebecca Wayment 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.

ADJOURNMENT

Motion:

At 9:56 p.m., **Kent Hinckley** made a motion to adjourn the meeting, which was unanimously approved.

Alex Leeman
Vice-Chair, Farmington City Planning Commission

WORK SESSION: A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. The work session will be to answer any questions the City Council may have on agenda items. The public is welcome to attend.

FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, June 20, 2017, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

Meetings of the City Council of Farmington City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

The agenda for the meeting shall be as follows:

CALL TO ORDER:

7:00 Roll Call (Opening Comments/Invocation) Pledge of Allegiance

Minute motion adjourning to the Redevelopment Agency meeting.

(See RDA Agenda)

Minute motion to reconvene the City Council Meeting.

PUBLIC HEARINGS:

7:10 Resolution Amending the Annual Budget for Fiscal Year ending June 30, 2017;
and Adopting the Annual Budget for Fiscal Year ending June 30, 2018

PRESENTATIONS:

7:15 Children's Trail Program

ACTION ITEMS:

7:25 Approval of Kilgore Contracting to Construct the FY2018 Road Maintenance Project

7:35 Proposed Motion to Reconsider – Lowell Johnson Annexation Request

7:40 Ordinance Amending Regulations relating to the Licensing of Home Occupation Businesses

7:45 Resolution Amending the Consolidated Fee Schedule regarding Business License Fees

7:55 Amendment to Rice Farms Development Agreement and related PUD Master Plan

SUMMARY ACTION:

8:05 Minute Motion Approving Summary Action List

1. Approval of Minutes from June 6, 2017
2. The Meadows at City Park Subdivision Improvements Agreement Recommendation
3. Avanti Apartments Improvements Agreement
4. Amendment to Lease Agreement with Verizon Wireless (American Tower)

GOVERNING BODY REPORTS:

8:10 City Manager Report

1. Fire Monthly Activity Report for May

8:15 Mayor Talbot & City Council Reports

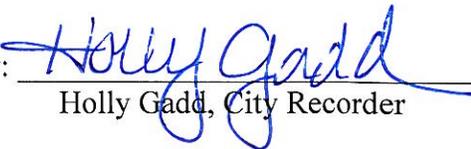
ADJOURN

CLOSED SESSION

Minute motion adjourning to closed session for property acquisition.

DATED this 15th day of June, 2017.

FARMINGTON CITY CORPORATION

By:  _____
Holly Gadd, City Recorder

***PLEASE NOTE:** Times listed for each agenda item are estimates only and should not be construed to be binding on the City Council.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting, should notify Holly Gadd, City Recorder, 451-2383 x 205, at least 24 hours prior to the meeting.



Planning Commission Staff Report June 22, 2017

Item 3: Zoning Ordinance Amendments to Chapter 18, Section 140

Public Hearing:	Yes
Application No.:	ZT-3-17
Property Address:	NA
General Plan Designation:	NA
Zoning Designation:	NA
Area:	NA
Number of Lots:	NA
Applicant:	Farmington City

Request: *Applicant is requesting a recommendation of approval of a zone text amendment updating Chapter 18, Section 140.*

Background Information

As part of the North Station Mixed-Use Office Project, proposed by Chartwell Capital, it has always been expected that the applicant would invoke Section 140 of Chapter 18 in order to allow for a residential component in the OMU zone. Currently, residential uses are not allowed in the OMU zone, which is the underlying zone for the North Station Project area, and rather than performing a zone text amendment allowing for residential uses in the OMU zone, staff felt that it would be more prudent for any developers in the OMU zone proposing residential to utilize Section 140, and enter into a development agreement, if they meet the minimum Section 140 application standards to be considered. The reason for this is twofold: first, because residential is quicker and easier to build than office or commercial, Section 140 would prevent a proliferation of residential in the area that would be otherwise reserved for office uses; and second, using Section 140 would give the City control and discretion with any residential component proposed within the OMU zone as to intensity, location, amount, types, and additional design standards.

On May 16, 2017 the City Council approved the North Station Small Area Master Plan as an element of the General Plan, but at that time, it was brought to our attention that the deviations allowed under the alternative approval process, as set forth in Section 140, explicitly excludes uses as an allowed for deviation from Chapter 18. In order for the North Station Project to move forward, the City either needs to amend Section 140 to allow a deviation from uses as well as any development standards, OR amend Section 050 of Chapter 18 allowing residential uses in the OMU zone. Staff is recommending the former, for the above mentioned reasons, and the recommended zone text amendment to Chapter 18, Section 140 is as follows:

11-18-140: ALTERNATIVE APPROVAL PROCESS; DEVELOPMENT AGREEMENTS:

- A. Alternative Development Agreement Approval Process: Projects within the TOD mixed use districts involving the development of at least twenty five (25) acres of land may elect the alternative approval process described in this section, resulting in the approval, execution and recordation of a development agreement. An approved development agreement shall govern the specific uses, densities and intensities of use proposed for the project area and the specific development standards to be applied in the development of any necessary public infrastructure and the private improvements to be located on the project site. A development agreement must be consistent with the provisions of sections [11-18-030](#), "Definitions", and ~~11-18-050, "Uses", of this chapter~~ and the provisions of section [11-18-080](#), "Project Master Plan", of this chapter, to the extent not inconsistent with this section, but may supersede and be inconsistent with the provisions of sections [11-18-120](#), "Master Development Guidelines", and 11-18-130, "Common Area Management Plan", of this chapter, and with the provisions of section [11-18-060](#), "Building Form And Site Envelope Standards", of this chapter, where the city council determines an alternative development standard proposed by the project developer is appropriate for the development of the project and the council finds there is appropriate consideration, in the form of monetary, tangible or intangible consideration of benefit to city or the public from the proposed development and/or other appropriate reasons that justify the determination of the city to alter generally applicable standards. The development standards of an approved development agreement shall also govern over any conflicting development standards contained in any other provisions of Farmington City ordinances, including, without limitation, provisions relating to site development standards in [chapter 7](#) of this title, off street parking in [chapter 32](#) of this title, supplementary and qualifying regulations in [chapter 28](#) of this title, and signage standards in [title 15](#) of this code.
- B. Approvals: The processes for approval of a development agreement and subsequent approvals for a project covered by a development agreement shall be governed by the provisions of this section and any supplemental procedural provisions agreed by the parties in an approved development agreement.
- C. Application For Development Agreement: Simultaneously with the application for a PMP, an applicant for a PMP involving at least twenty five (25) acres may apply for approval of a development agreement. In addition to the application requirements for a PMP, the applicant shall provide in narrative form a proposed development agreement including a specific description of the proposed uses and intensities of use proposed for the project area and a statement of the specific development standards proposed by the applicant to be applied in the development of any necessary public infrastructure and the private improvements to be located on the project site. The proposed uses, densities and intensities of use shall be consistent with the ~~requirements and~~ purpose of the TOD mixed use districts, but the other proposed development standards may vary from those development standards set forth elsewhere in this chapter, this zoning title or this code. However, nothing herein shall be construed to allow any deviation from uniform construction codes or standards as set forth in this code. Any application information required by this section may be waived by the zoning administrator on the basis that the information is not necessary to review the proposed PMP and development agreement. (Ord. 2008-61, 12-9-2008)
- D. Consideration And Approval Of Development Agreement: The development agreement shall be considered at the same time as the PMP and following the same approval process described in section [11-18-080](#) of this chapter. The criteria for review of a PMP and development agreement

application by the planning commission and city council shall consist of the following criteria in lieu of the criteria set forth in subsection [11-18-080](#)I of this chapter:

1. Consistency with the Farmington City general plan;
 2. Compliance with applicable city codes, rules, regulations and standards applicable to the proposed PMP, except that **uses and** development standards specifically included in the development agreement may be different from **those development standards** contained in the Farmington City ordinances;
 3. Consistency with any development standards determined by the city to be applicable to all development within the TOD mixed use districts;
 4. Establishment of a mix of uses in locations that will promote and encourage the goals of the TOD mixed use districts and be consistent with the objectives of section [11-18-050](#), "Uses", of this chapter; and
 5. Establishment of circulation and transportation features sufficient to meet the requirements of section [11-18-040](#), "Regulating Plan", of this chapter, to coordinate with anticipated off site circulation and transportation features and to further any applicable community wide transportation objectives.
- E. Final Development Agreement: The final development agreement shall incorporate the terms of the approved PMP, and shall contain development standards for the development of the project site and any public infrastructure required to be improved, the duration of the agreement and the rights granted pursuant thereto and such conditions of approval as may be imposed by the city council and agreed to by the applicant. In addition to addressing uses, densities and intensities of use and development standards governing the project, the final development agreement shall include a common area management plan, and processes for future approvals and amendments to the terms of an approved development agreement consistent with the provisions of subsection F of this section. The common area management plan, development standards and architectural review provisions in the development agreement shall be applicable to the project site only and not to the balance of the land within a TOD mixed use district, but the foregoing shall not limit the discretion of the city to require other developers to implement development standards adopted in the development agreement through the master development guideline provisions of section [11-18-120](#), "Master Development Guidelines", of this chapter. The final development agreement may contain such other agreements between the city and the applicant as may be agreed by such parties and necessary for the development and financing of the project, including, without limitation, agreements regarding the phasing of development, the vesting of development rights and approvals, the terms and conditions for the extension of public infrastructure, the extension by developer of infrastructure, and any payment or repayment obligations associated therewith, the donation of any land or any other agreement reflecting an agreement between developer and the city, not covered within the description of the approved PMP.
- F. Controlling Provisions: The terms of a development agreement shall be binding on the city and all successors in the ownership and occupancy of any portion of the project site covered by the development agreement. The provisions of the development agreement shall control over any inconsistent provision in the zoning ordinance. Upon approval and recordation of a development agreement, the property covered by the development agreement shall be deemed to be established as a

separate district for purposes of establishing and enforcing the development regulations contained in the development agreement.

G. Approval Processes After Approval Of Development Agreement:

1. Site Plan Review: Notwithstanding any inconsistent provision of this title, a final development agreement may contain such site plan review processes as may be agreed between developer and the city, including such application requirements and review processes.
2. Amendment: Notwithstanding any inconsistent provision of this title, a development agreement and a PMP for a project covered by a development agreement may be amended on such terms and following such processes as is provided in the final development agreement. A PMP shall be deemed amended by any changes to the PMP approved at the time of final site plan review. No amendment of a PMP or a development agreement shall be required to reflect normal adjustments to the locations of improvements that occur as a result of the development of more specific plats, plans and specifications.

H. Existing Development Agreements: Notwithstanding any inconsistent provision of this section relating to the approval of development agreements or any other provision of this chapter, the development of the Station Park area shall be governed by the terms of that certain development agreement for Station Park dated January 27, 2007, between Farmington City and Station Park CenterCal LLC (the "Station Park Development Agreement"), which Station Park development agreement was adopted by the city pursuant to the provisions of this chapter in existence on January 27, 2007. The Station Park development agreement contains all applicable development standards and approval processes for the Station Park development and further describes the extent to which other Farmington City ordinances apply to the Station Park area. The development standards and processes in the Station Park development agreement remain effective even though such provisions may be materially different from the current provisions of this chapter. The current provisions of this chapter may apply to the Station Park area only after termination of the Station Park development agreement and then only to the extent not inconsistent with any continuing rights granted by the Station Park development agreement. (Ord. 2008-61, 12-9-2008)

Suggested Motion:

Move that the Planning Commission recommend that the City Council approve the proposed zone text amendment to Section 11-18-140 of the Zoning Ordinance as set forth in the staff report above.

Findings:

1. The City has expressed a desire for Chartwell Capital's proposed project when the North Station Small Area Master Plan was approved as an element to the City's General Plan on May 16, 2017.
2. In order for the North Station Project to move forward, one of two zone text amendments is required, either a) Amending Section 11-18-050 allowing for residential uses in the OMU zone or b) Amending Section 11-18-140 allowing for the alternative approval process to include uses through a development agreement and related PMP.
3. The City has explicitly stated that they would not be interested in pursuing a) because it could lead to the uncontrolled proliferation of residential in the OMU zone, hamstringing the City's ability to develop a mixed-use office district.

4. As such, the proposed zone text amendment still allows for Chartwell Capital to move forward with their proposed North Station Project, and gives the City comfort with the level of control and discretion with any project in the OMU zone, including the North Station Project.
5. Amending the Zoning Ordinance as proposed, still requires that any application within the OMU zone proposing residential go through Section 140, and the determination of such a project's validity can be determined on a case-by-case basis at the time of PMP application, and memorialized through development agreement.

Applicable Ordinances

1. Title 11, Chapter 18 – Mixed Use Districts



Planning Commission Staff Report June 22, 2017

Item 4: Zone Map Amendment for the Memmott Property

Public Hearing:	Yes
Application No.:	Z-1-17
Property Address:	314 South 650 West
General Plan Designation:	RRD (Rural Residential Density)
Zoning Designation:	AE (Agriculture Estates)
Area:	.5 Acres
Number of Lots:	1
Property Owner:	Kyle and Diane Memmott
Agent:	Kyle and Diane Memmott

Request: *Applicant is requesting a recommendation to rezone .5 acres of property from AE to R-4, and a general plan designation amendment from RRD to MDR related thereto.*

Background Information

The applicants desires to build a 4-plex townhouse complex on their half acre of property located at 314 South 650 West, but in order to do so, they will need to rezone the property from AE (Agriculture Estates) to R-4 (Multi Family Residential). The subject property abuts the new Farmington Gymnasium on 650 West, and is Lot 2 in the McBride Subdivision. A letter explaining the applicant's reason for requesting the rezone has been attached. The applicant would like to sell the property, but feels that because of the impact from the gym, they will not be able to sell the property without rezoning to a higher density, one that would allow for the construction of four townhomes. The reason they are requesting a rezone to the R-4 instead of the R-2 zone is so the applicant could do a 4-plex without having to subdivide the property.

Because the General Plan designation does not conform to the requested rezone, staff has also included a General Plan amendment from RRD (Rural Residential Densities) to MDR (Medium Density Residential) as part of this application. The MDR designation specifies densities with minimum lots sizes of 8,000 s.f. and no greater than 15,000 s.f. The densities proposed by the applicant would meet these standards. The greater policy question is whether the Planning Commission feels that a rezone is warranted. On the one hand, single family residential west of the freeway has always been zoned agriculture, but on the other, there is a lot of high intensity development happening near the subject property, including Station Park, the Avanti Apartments, the Charter School, Farmington City Park and Gym, and the future High School to the south. The rezone would amount to a spot zone, but it is possible that in the future,

much of the surrounding properties will be rezoned to higher intensities than what the area is currently zoned. Both rezones and general plan amendments are both legislative decisions, giving the governing body a considerable amount of discretion that do not bind future City Council's to future decisions to approve similar applications in the future. However, such decisions could be used to justify similar applications, particularly the General Plan, as it is a guiding document.

Staff has proposed two alternative motions, one for approval and one for denial, with findings for each; the reason for this is that there are good arguments for each, and ultimately it is the City Council's decision to make.

Suggested Alternative Motions:

- A.** Move that the Planning Commission recommend that the City Council approve the zone map amendment of .5 acres of property located at 314 South 650 West from AE (Agriculture Estates) to R-4 (Multi Family Residential), and amend the General Plan designation from RRD (Rural Residential Density) to MDR (Medium Density Residential) related thereto, as identified on the attached map, subject to all applicable Farmington City ordinances and development standards.

Findings for Approval:

1. The proposed rezone and general plan amendment would allow the applicants the highest and best use of their property.
 2. By building the Farmington Gym abutting the Memmott property, the City impacted the property with a high intensity use, regardless of whether an offer was made to purchase the property by the City or not.
 3. Rezones are reviewed on a case-by-case basis, and are a legislative decision; therefore, by rezoning one property it does not bind the City to do the same for a future property owner that may wish to do the same for their property. The City reviews all rezone applications on their own merits.
 4. While it is true that this area was intended to be rural residential density, the area around the subject property is changing. With the proximity to Station Park, the new high school, the park and gym, the Davis County Complex, etc., medium density residential may be appropriate for this area in the future.
 5. The proposed rezone would allow the applicant to lessen the impact caused by the construction of the gym.
- B.** Move that the Planning Commission recommend that the City Council deny the zone map amendment of .5 acres of property located at 314 South 650 West from AE (Agriculture Estates) to R-4 (Multi Family Residential), and deny the General Plan designation from RRD (Rural Residential Density) to MDR (Medium Density Residential) related thereto.

Findings for Denial:

1. The proposed rezone is inconsistent with the general plan.
2. The proposed rezone is inconsistent with the majority of surrounding properties and adjacent neighborhoods.
3. The City has a long-standing policy that all single family residential to the west of I-15 be designated as Rural Residential Density.

4. While rezones are reviewed on a case-by-case basis, are a legislative decision, and do not bind future City Council's to a similar decision, the General Plan is a guiding document and could be used to make similar rezones in the future, in an area of the city that was never intended to be multi-family.
5. The proposed rezone would essentially be a spot zone, although spot zones are not illegal per se, this particular rezone would create an island of R-4 surrounded by agriculture densities. Additionally, as part of the McBride Subdivision, this rezone would be inconsistent with the other two lots on that plat.

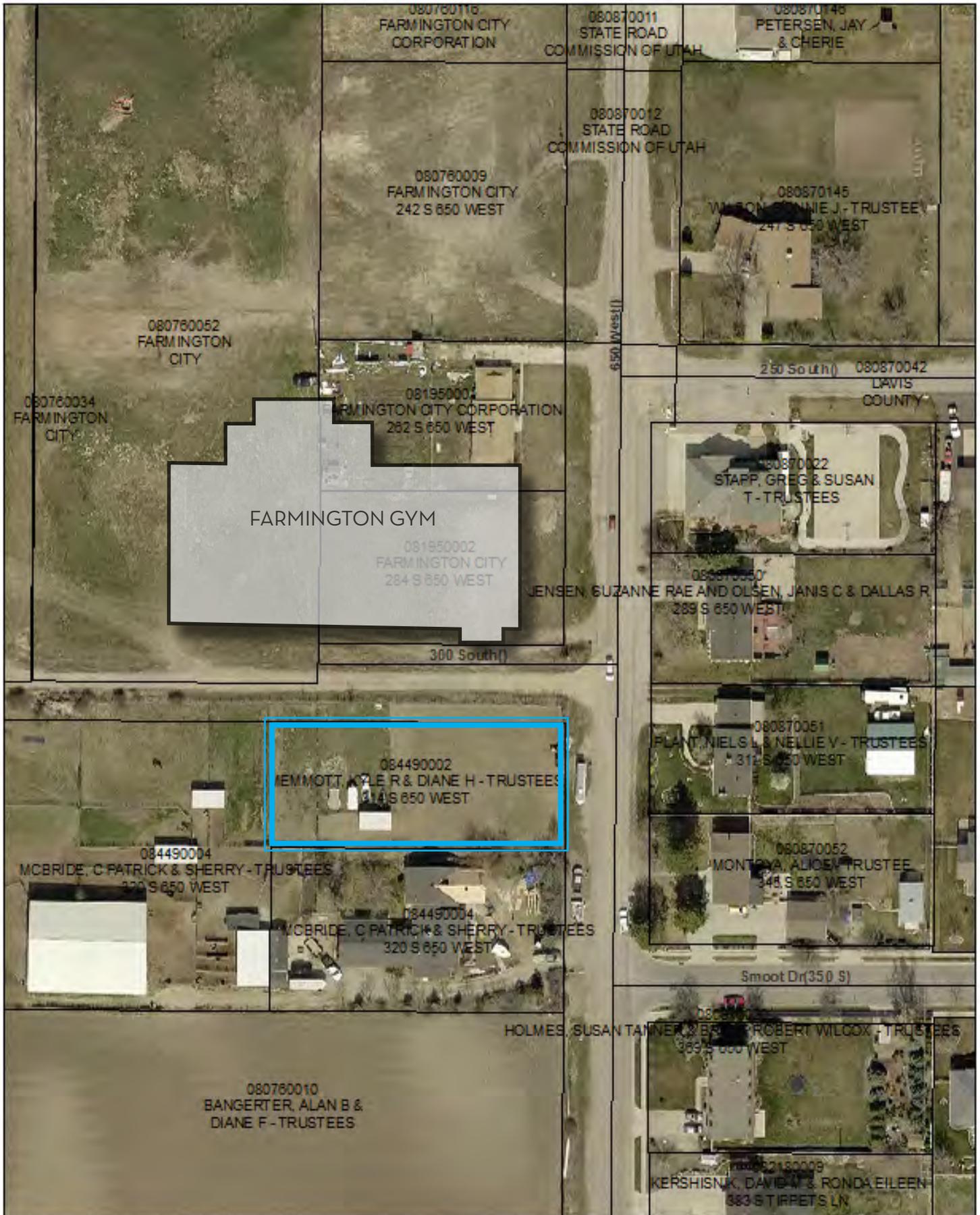
Supplemental Information

1. Vicinity Map
2. General Plan Map
3. Zoning Map
4. Letter from Applicant, with Photos
5. McBride Subdivision

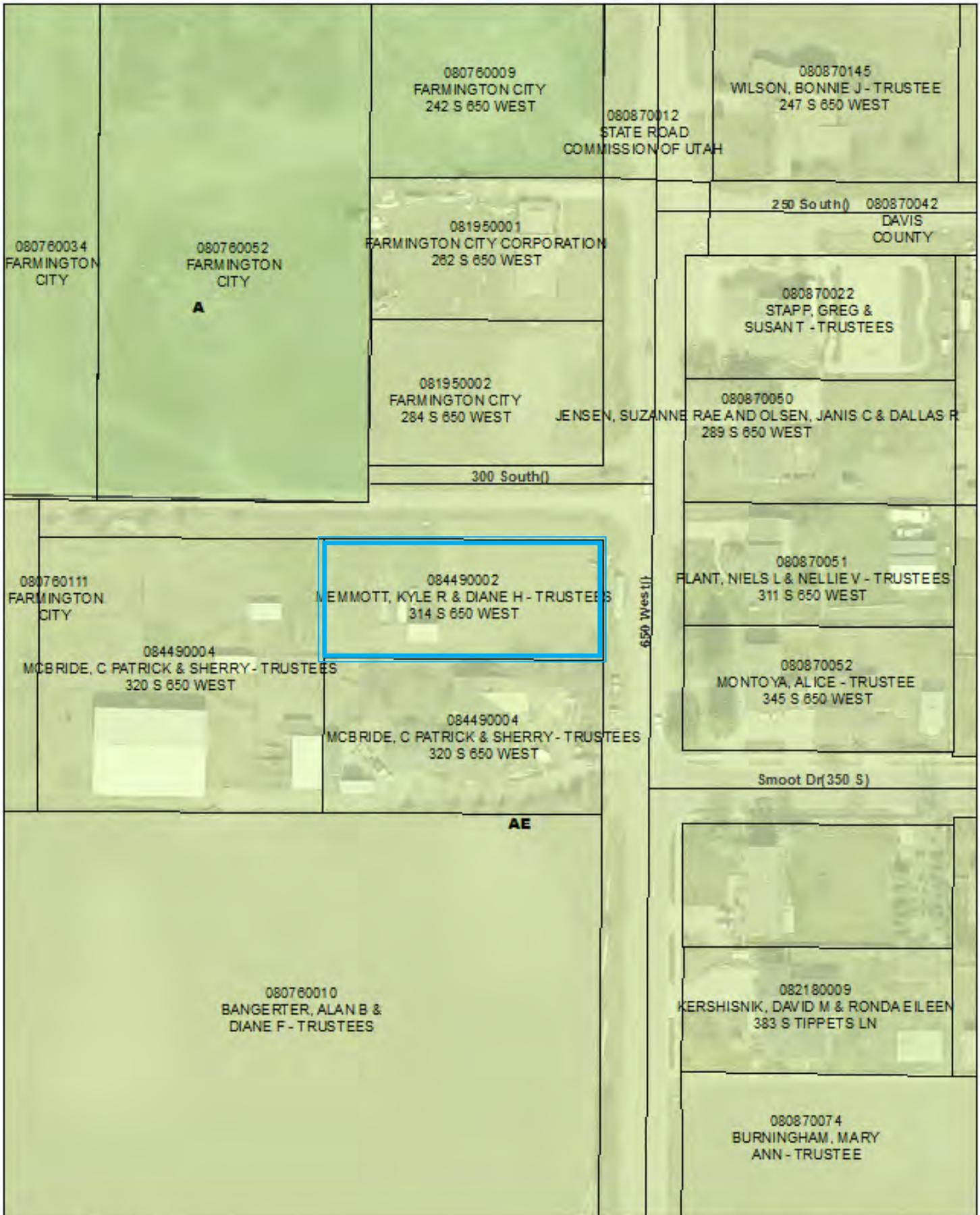
Applicable Ordinances

1. Title 11, Chapter 10 – Agriculture Zones
2. Title 11, Chapter 13 – Multi Family Residential Zones

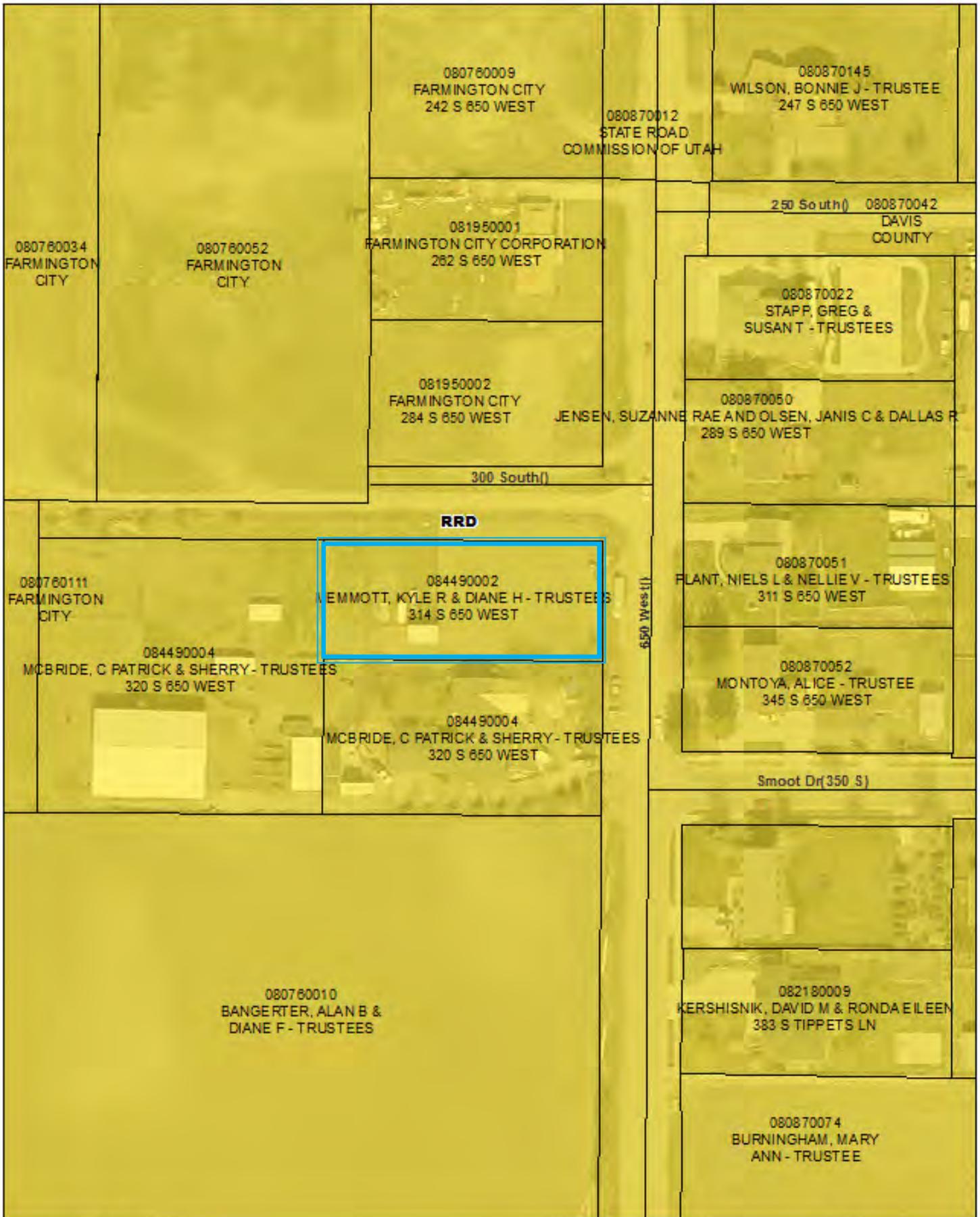
Farmington City



Farmington City



Farmington City



We have a ½ acre lot in west Farmington next to the new Farmington Gym. We have been trying to sell it without success and would like to market it as a multiple family lot. The current zoning is one acre lots. We purchased the lot in 2008 and were eventually going to put a home there. Most of the lots in the surrounding area are ½ acre.

We would specifically like to change the zoning to either two smaller lots or multi family. We don't believe anyone is going to want to purchase a half acre lot for a home there. The new Farmington gym is within feet of this lot. It has fundamentally changed the neighborhood. When we purchased our lot it was a beautiful rural setting with homes and horse pastures and was zoned as a residential neighborhood. There were no plans for a park there, except the sellers told us they had just sold one acre of their land to the city for a small park down the lane. A few years later the city offered to buy our lot for a very large park, but at a price that was only ¼ of the price we paid for it. They purchased the other homes next door and tore them down. We know that parks, etc. are legally allowed to be in these areas. However, with a 43-acre park the city chose to put the gym right next to our lot, despite our requests. It literally could not be any closer. We were told it needed to be there because of the sewer to save money. We then requested a buffer so that the building was not right on top of it. There is no buffer. We contacted the city multiple times over a period of a year before construction started. Nobody at the city seemed to care about the financial impact on us.

We have attached some photos to show how large and how close the building is. Would anyone want to pay for a ½ acre lot to live there? The building runs more than the entire length of the lot and is at least two stories tall. We have attached photos of what the view would be, and what it used to be. We believe that some nice town homes would work well in this area, similar to the ones on the east side of the freeway around 600 South, or a four-plex building. We have attached photos of the townhomes.

The original plans for the park showed the gym on the opposite end of the park near the charter school. But just before construction began it was changed to the south end. We spoke to the Planning Commission in April 2016 before the gym was started and asked that there be something done to help with our situation. After we left the meeting, it was asked if the city offered to buy our lot. Someone said yes but we weren't interested in selling. **WE WERE INTERESTED. WE WOULD HAVE SOLD IT IF THE PRICE WASN'T 25% OF WHAT WE PAID FOR IT!**

The committee is invited to come to the area and decide if any of you would personally want to live there. We also invite you to look at the town homes we mentioned above. We don't believe there would be any negative impact in having four townhomes there. We cannot afford to lose the money we paid for this lot. We have had it for sale since June but there has been no interest, even though the housing market is hot. If the zoning cannot be changed, and we cannot sell it for at least what we paid, we believe the city should buy it at a fair price.

Thank you for your consideration.

Kyle and Diane Memmott

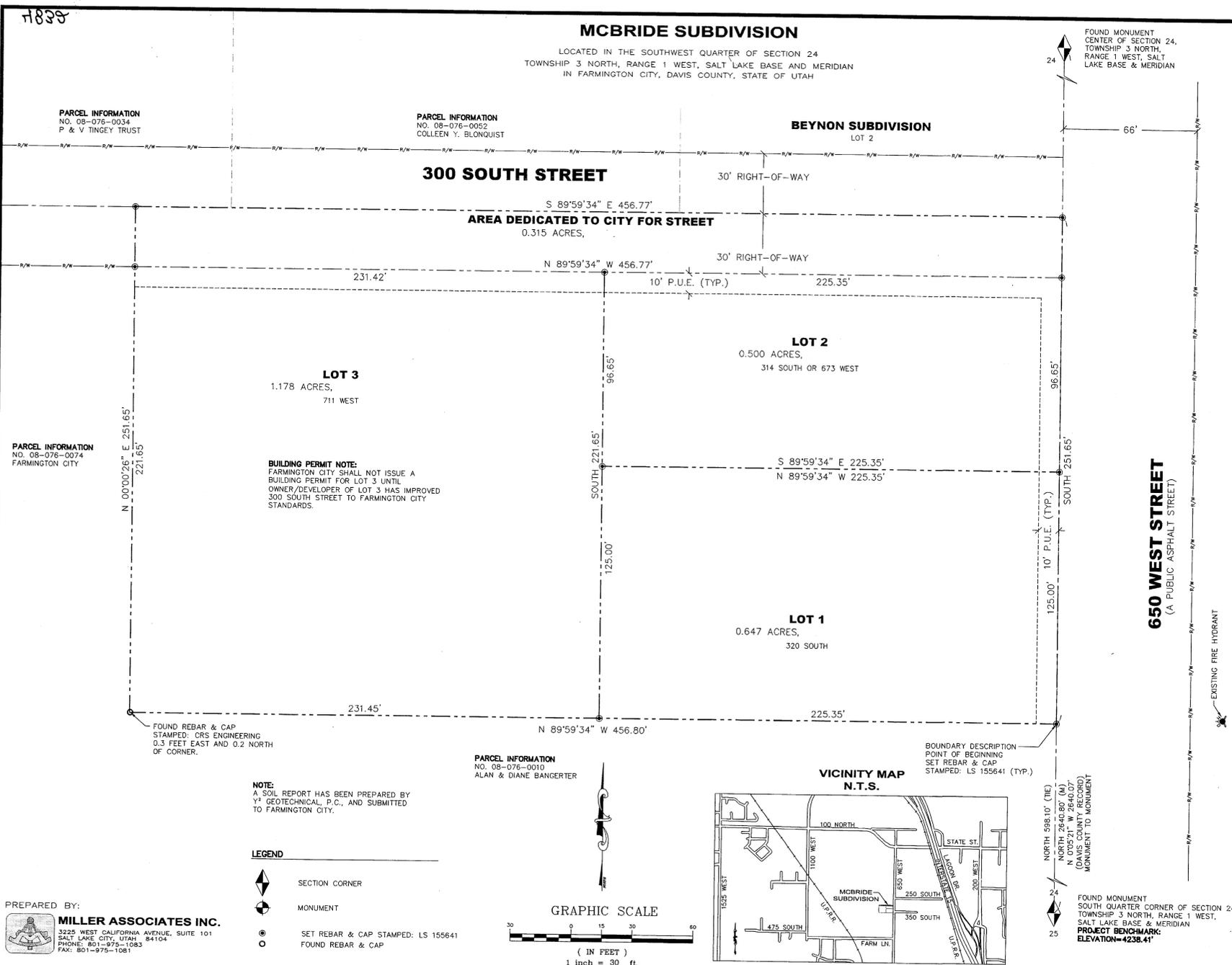
Memmott Property







4832



SURVEYOR'S CERTIFICATE

I, RICHARD W. MILLER, A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NO. 155641 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE AN ACCURATE SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS 'MCBRIDE SUBDIVISION' AND THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

DATE: APRIL 3, 2008

RICHARD W. MILLER, L.S. NO. 155641

BOUNDARY DESCRIPTION:

COURSE	DISTANCE	REMARKS
		BEGINNING AT A POINT NORTH 598.10 FEET ALONG THE QUARTER SECTION LINE FROM THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE
NORTH 89°59'34" WEST	456.80	FEET; THENCE
NORTH 00°00'26" EAST	251.65	FEET; THENCE
SOUTH 89°59'34" EAST	456.77	FEET; THENCE
SOUTH	251.65	FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Contains 2.639 Acres

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO HEREAFTER BE KNOWN AS:

"MCBRIDE SUBDIVISION"

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND DO WARRANT, DEFEND, AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON THE DEDICATED STREETS WHICH WILL INTERFERE WITH THE CITY'S USE, OPERATION, AND MAINTENANCE OF THE STREETS AND DO FURTHER DEDICATE THE EASEMENT AS SHOWN FOR THE USE BY ALL SUPPLIERS OF UTILITY OR OTHER SERVICES. IN WITNESS WHEREOF, WE HAVE HERETO SET OUR HANDS THIS 30TH DAY OF APRIL 2008.

C. PATRICK MCBRIDE AND SHERRY MCBRIDE, TRUSTEES OF THE PAT AND SHERRY MCBRIDE REVOCABLE TRUST 3-1-2002
 320 SOUTH 750 WEST, FARMINGTON, UTAH

C. Patrick McBride *Sherry McBride*

ACKNOWLEDGMENT

STATE OF UTAH)
 COUNTY OF DAVIS) SS

ON THIS 30TH DAY OF APRIL 2008, PERSONALLY APPEARED BEFORE ME, PAT & SHERRY MCBRIDE, WHO BEING BY ME DULY SWORN, DID SAY THAT THEY ARE TRUSTEES OF SAID TRUST.

NOTARY PUBLIC FOR THE STATE OF UTAH
 MY COMMISSION EXPIRES 11-4-08

Paul Call

- NOTES:**
- (1) LOT CORNERS WILL BE LOCATED AND MARKED ON THE GROUND BY SET REBAR & CAP, UNLESS OTHERWISE NOTED.
 - (2) ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON ARE 10' FEET WIDE UNLESS OTHERWISE NOTED.
 - (3) DRAINAGE: STORM WATER RUNOFF SHALL BE CONTAINED ON EACH LOT OR A MASTER STORMWATER PLAN MUST BE APPROVED BY FARMINGTON CITY.
 - (4) ZONING: PROPERTY IS CURRENTLY IN ZONE AE-AGRICULTURAL ESTATE, ANY CHANGES TO ZONING MUST FOLLOW FARMINGTON CITY ZONING PROCEDURES.

MCBRIDE SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24
 TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN
 IN FARMINGTON CITY, DAVIS COUNTY, STATE OF UTAH

CONTAINS: 2.639 ACRES 3 LOTS

IRRIGATION COMPANY APPROVAL

APPROVED THIS 24th DAY OF April 20 08
 BY THE WEBER BASIN WATER CONSERVANCY DISTRICT.

BY: *Scott Felt* 5594

SEWER DISTRICT APPROVAL

APPROVED THIS 7th DAY OF April 20 08
 BY THE CENTRAL DAVIS COUNTY SEWER DISTRICT.

BY: *Heidi W. Myers*

PLANNING COMMISSION APPROVAL

APPROVED THIS 15th DAY OF April 20 08
 BY THE FARMINGTON CITY PLANNING AND ZONING COMMISSION.

BY: *Paul Call*

CITY ENGINEER'S APPROVAL

APPROVED THIS 16th DAY OF April 20 08
 BY THE FARMINGTON CITY ENGINEER.

BY: *Paul Call*

CITY ATTORNEY

APPROVED THIS 16th DAY OF April 20 08
 BY THE FARMINGTON CITY ATTORNEY.

BY: *Paul Call*

CITY COUNCIL APPROVAL

APPROVED THIS 15th DAY OF April 20 08
 BY THE FARMINGTON CITY

Paul Call
 FARMINGTON CITY RECORDER

RECORDED #

STATE OF UTAH, COUNTY OF DAVIS, RECORDED AND FILED AT THE REQUEST OF Entry # 2367195

DATE: 5/22/2008 TIME: 12:57 pm BOOK: 4539 PAGE: 291

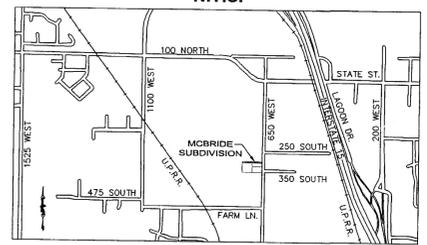
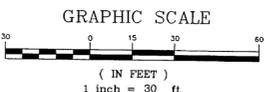
\$33.00 FEE

BY: DEPUTY COUNTY RECORDER: *Richard T. Maughan* 5594

PREPARED BY:
MILLER ASSOCIATES INC.
 3225 WEST CALIFORNIA AVENUE, SUITE 101
 SALT LAKE CITY, UTAH 84104
 PHONE: 801-975-1083
 FAX: 801-975-1081

NOTE:
 A SOIL REPORT HAS BEEN PREPARED BY V+ GEOTECHNICAL, P.C., AND SUBMITTED TO FARMINGTON CITY.

- LEGEND**
- SECTION CORNER
 - MONUMENT
 - SET REBAR & CAP STAMPED: LS 155641
 - FOUND REBAR & CAP



FOUND MONUMENT SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN
 PROJECT BENCHMARK: ELEVATION=4238.41'



Planning Commission Staff Report June 22, 2017

Item 5: Paul Allen Accessory Dwelling Conditional Use Permit

Public Hearing:	No
Application No.:	C-8-17
Property Address:	307 South 1100 West
General Plan Designation:	RRD (Rural Residential Density)
Zoning Designation:	A (Agricultural)
Area:	1.55 Acres
Number of Lots:	1
Property Owner:	Paul Allen
Agent:	Paul Allen

Request: *Applicant is requesting a conditional use permit for an accessory dwelling unit above a garage.*

Background Information

This item was on the April 20th Planning Commission meeting and was tabled. However, because the public hearing was held and closed, this item is not a public hearing and was not re-noticed.

Paul Allen is requesting approval for a conditional use permit for an accessory dwelling unit above a large detached garage located on property (1.55 acres) at 307 South 1100 West in an A Zone. The applicant is proposing to build a two-story detached garage with a dwelling unit on the upper floor.

Section 11-10-020 of the Zoning Ordinance states that all accessory dwelling units are conditional uses in the A zone. Chapter 10 of the Zoning Ordinance goes on to specify regulations and standards for accessory buildings in the A zone, specifically Section 11-10-040(H) states:

"H. Accessory Buildings And Structures:

1. Accessory buildings, except those listed in subsection H2 of this section, shall be located in the rear yard, shall be separated from the main building by a distance in compliance with applicable building codes, shall be at least five feet (5') from all property lines and shall be fifteen feet (15') from a dwelling on an adjacent lot. Accessory buildings shall not be built over utility easements that may run along the side and rear property lines. (Ord. 2014-33, 10-7-2014)

2. No farm animal structure, hay barn, stable, silo, coop, corral or other similar building or structure which is accessory to the agricultural use of land may be located closer than ten feet (10') to any side or rear boundary line or fifty feet (50') to any public street or to any dwelling on adjacent properties. This provision shall not apply to pastures. (Ord. 2015-16, 5-26-2015)"

Unlike most residential zones in the City, the agriculture zones do not have a provision whereby accessory buildings must be subordinate in height and area to the main building. However, the garage and ADU shall not exceed 25' in height as set forth in Section 11-10-050; the proposed garage is in compliance with the height restriction as measured by the Building Ordinance (Title 10 of the Farmington City Ordinance), at 24'11 1/16" (or 15/16" below the maximum). The Zoning Ordinance does not allow for ADUs to be rented, per Section 11-2-020 of the Zoning Ordinance, which states:

DWELLING, ACCESSORY: A dwelling unit within an accessory building which is subordinate to a single-family dwelling located on the same lot and which, together with the single-family dwelling, is used exclusively for the occupancy of one family. A maximum of one accessory dwelling shall be allowed per lot and no rent or other compensation may be charged for occupants of the accessory dwelling. Any conditional use permit issued hereunder shall be recorded with the Davis County recorder's office.

At the April 20, 2017 Planning Commission meeting, this item was tabled to give staff time to find a "resolution of possible related concerns with this request and alleged code violations." The alleged code violations were in response to some complaints received stating that the applicant was storing equipment and materials for his business in his yard. Additionally, there was some question on whether Mr. Allen had received approval for a home occupation for his business. It was discovered that the applicant did indeed have permission for a home occupation, but it was for an office in his home. Therefore, the equipment used for his business that was being stored in his yard was not covered by his home occupation permit. Since the time of that meeting, the applicant has cleaned up his yard and moved all the equipment into an off-site storage unit. By doing this, the applicant is now in compliance with his home occupation permit, and has met the requirements of the city in relation to any possible code violations.

Policy Question: Over the last 20 years the City has approved less than a half dozen ADUs. However, this application, which relates to property in an Agriculture Zone, represents the first time the accessory building itself is not subordinate to the single-family home. The first phrase of the ADU definition referenced above states "A dwelling unit within an accessory building which is subordinate to a single-family dwelling". Before considering the motion question below, perhaps the Planning Commission should determine whether this part of the ADU definition for the AE zone means: 1) the dwelling unit must be subordinate to the single-family dwelling, OR 2) the accessory building must be subordinate to the single family dwelling. The suggested motion presumes that the former is the case, not the latter. [Note: "dwelling unit" is also a defined term in Chapter 2 of the Zoning Ordinance as follows: "One or more rooms connected together, but structurally divided from all other rooms in the same building and constituting a separate independent housekeeping unit which may be used for permanent residential occupancy by humans, with facilities for such humans to sleep, cook and eat"; and the term "Dwelling" means: "Any building or portion thereof which is designed for use for residential purposes, except hotels, apartment hotels, boarding houses and/or rooming houses, tourist courts and automobile house trailers (Section 11-2-020)]

Suggested Motion:

Move that the Planning Commission approve the conditional use subject to all applicable codes, development standards and ordinances and with the following condition: the applicant may not rent the accessory dwelling unit.

Findings for Approval:

1. The height of the proposed accessory dwelling unit and detached garage is below the height restriction.
2. The proposed accessory dwelling unit and detached garage is at least 15' away from any dwelling on an adjacent lot.
3. The proposed accessory dwelling unit and detached garage is at least 5' from all side and rear property lines.
4. The proposed accessory dwelling unit and detached garage is in the rear yard.
5. Accessory dwelling units increase density without adding rooftops, and is a good use to maximize land without having to go through the subdivision process.

Supplemental Information

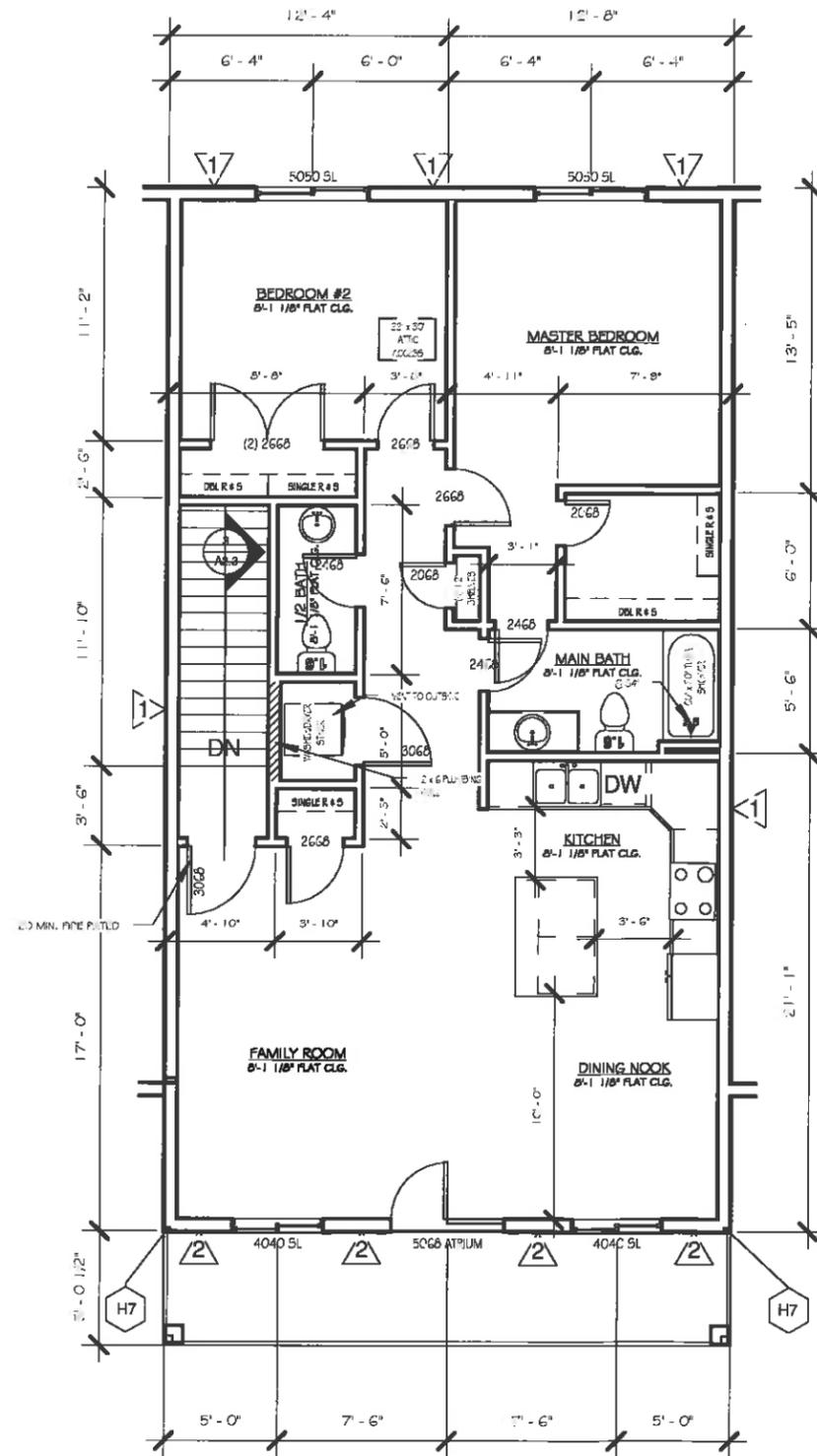
1. Vicinity Map
2. Site Plan
3. Floor Plans
4. Building Elevations
5. Excerpt of Minutes from April 20, 2017 Planning Commission Meeting

Applicable Ordinances

1. Title 11, Chapter 8 – Conditional Uses
2. Title 11, Chapter 10 – Agricultural Zones

Farmington City





1 UPPER LEVEL FLOOR PLAN
1/8" = 1'-0"

GENERAL NOTES

- 1) FIELD VERIFY ALL MEASUREMENTS
- 2) INDICATES A SHEAR WALL. SEE THE SHEAR WALL SCHEDULE ON PAGE 52.1 FOR SPECIFICATIONS ON EACH TYPE OF WALL.
- 3) ALL EXT. FRAMED WALLS AND BRICK VENEER ARE DETAILED @ 4" WIDE. ALL INT. FRAMED WALLS ARE DETAILED @ 3-1/2" WIDE.
- 4) ALL WINDOW WELLS SHOWN SHALL HAVE A CLEAR OPENING OF 9" AND A MIN. DIMENSION OF 3'-0". IF VERT. DEPTH IS MORE THAN 44" IT SHALL ALSO HAVE A STAIR OR APPROVED LADDER.

HAND & GUARDRAIL NOTES

- 1) STAIRWAYS WITH 4 OR MORE RISERS SHALL HAVE AT LEAST ONE HANDRAIL. HANDRAILS SHALL BE PLACED 34"-36" ABOVE THE NOSE OF THE TREADS VERTICALLY TO THE TOP OF THE RAIL. THEY SHALL BE CONTINUOUS TO FULL LENGTH OF THE STAIRS. THE HANDGRIP PORTION SHALL NOT BE LESS THAN 1'-10" NOR MORE THAN 2" IN CROSS-SECTIONAL DIMENSION. HANDRAILS PROJECTING FROM A WALL SHALL HAVE A SPACE OF NOT LESS THAN 1-1/2" BETWEEN THE WALL AND THE HANDRAIL. ENDS SHALL BE RETURNED TO THE WALL, TERMINATE IN NEWELL POSTS OR SAFETY TERMINALS.
- 2) GUARDRAILS SHALL BE PROVIDED TO PROTECT UNENCLOSED SIDES OF ROOMS, CORRIDORS, RAMPS, ETC. WHICH ARE MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW. THE GUARDRAIL SHALL BE AT LEAST 36" HIGH AND SHALL HAVE INTERMEDIATE RAILS OR ORNAMENTAL PATTERN SUCH THAT A SPHERE 4" IN DIAMETER, CANNOT PASS THROUGH THE TRIANGULAR SPACE CREATED BY THE STAIR AND THE BOTTOM RAIL MUST BE CONSTRUCTED SO A SPHERE 17" IN DIAMETER WILL NOT PASS THROUGH.

WINDOW FRAMING NOTES

- 1) WHILE INSTALLING WINDOW, FRAMER IS TO PUT A 1/4" DEAD END SHOCKE SPACER AROUND ENTIRE FLANGE (WALL SIDE) BE CARE NAILING INTO PLACE.
- 2) STICK & STAPLE 6" BITUTHANE AROUND ENTIRE WINDOW STARTING @ A STRIP AT THE BOTTOM, THEN THE SIDES AND LASTLY AT THE TOP. THESE STRIPS SHOULD EXTEND OVER THE FLANGE - DO NOT TOUCH THE FRAME w/ BITUTHANE, IT WILL DISCOLOR.

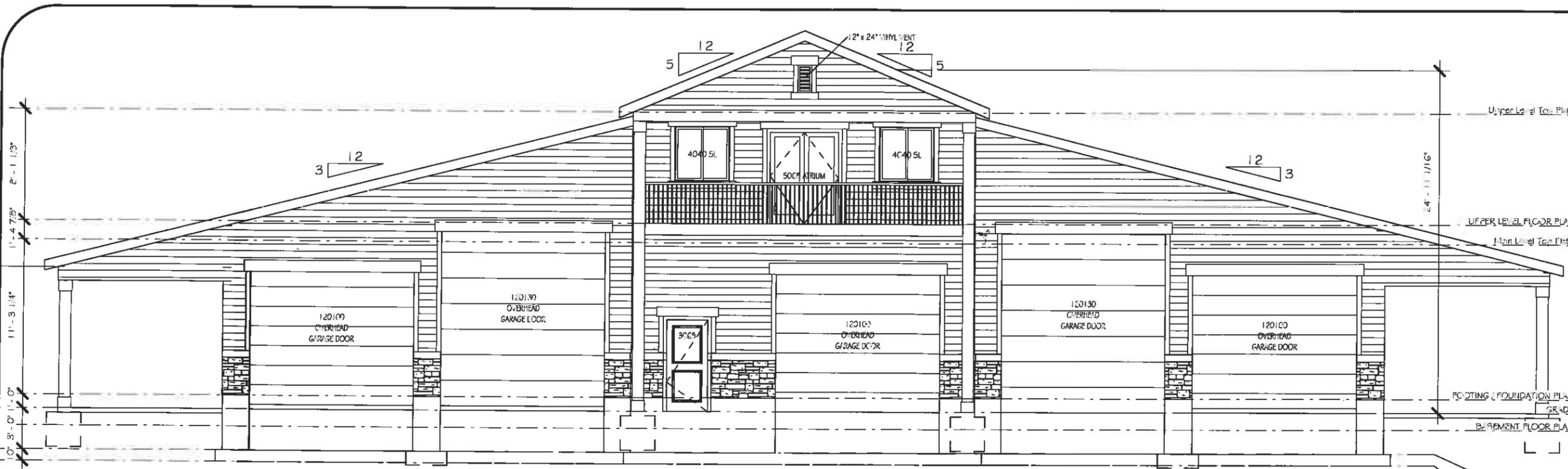
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DB Author CB

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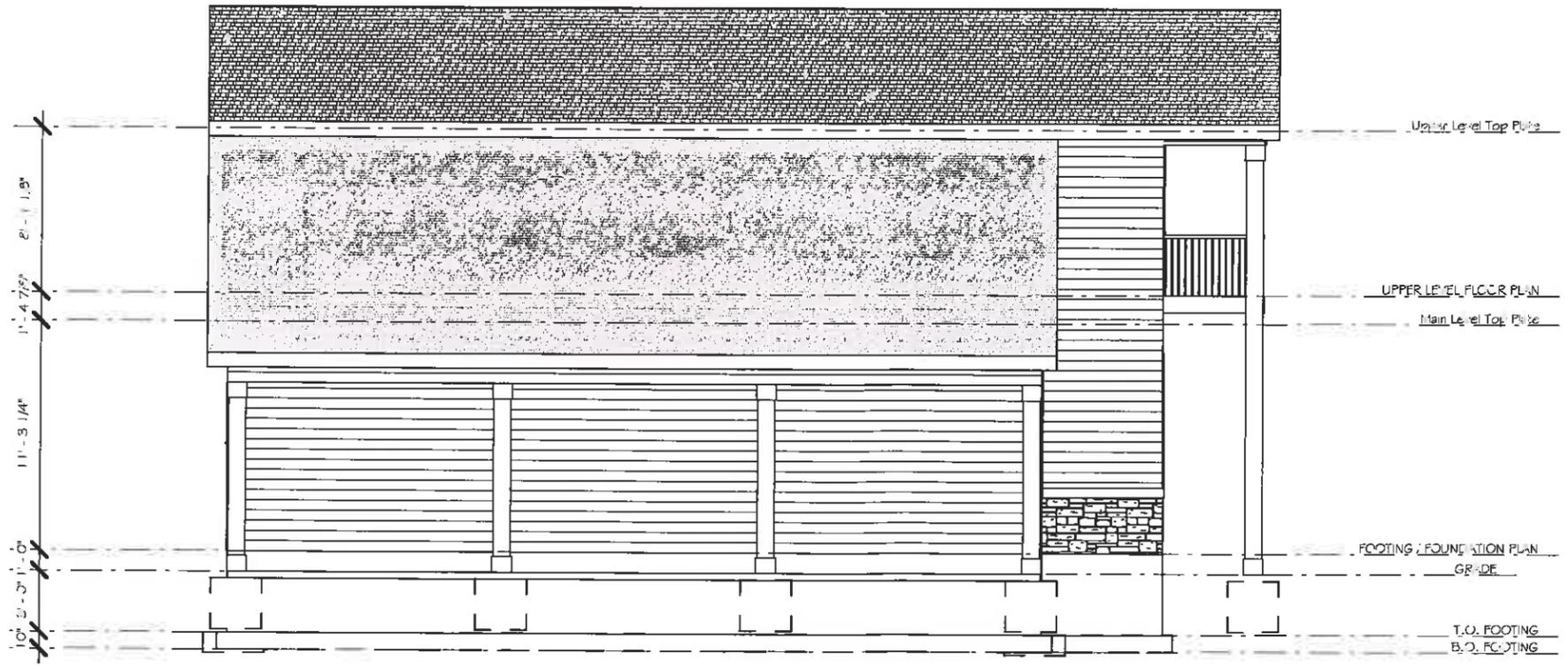
RESIDENCE FOR:
PAUL ALLEN
Allen Garage
307 S 1100 St
Farmington UT

Upper Level Floor Plan	A1.3
Issue Date	
As indicated	



2 FRONT ELEVATION
1/8" = 1'-0"

EXTERIOR WALL FINISHED MUST
BE LISTED, LABELED, & INSTALLED
AS PER THE MANUFACTURER. ALL INSTALLERS
MUST BE APPROVED BY THE MANUFACTURER



3 LEFT ELEVATION
1/8" = 1'-0"

GENERAL NOTES

NOTES:

- 1) ALL EXTERIOR STAIRS AND STEPS WITH MORE THAN 3 RISERS SHALL HAVE A HANDRAIL PLACED NOT LESS THAN 34" NOR MORE THAN 38" ABOVE THE STAIR nosing.
- 2) ALL OPEN SIDES OF STAIRS AND BALCONIES WHICH ARE MORE THAN 30" ABOVE GRADE SHALL BE PROTECTED BY A GUARDRAIL NOT LESS THAN 36" HIGH AND SHALL HAVE INTERMEDIATE RAILS AT 4" MAX. SPACING.
- 3) BRICK OR STONE VENEER SHALL HAVE CORROSION RESISTANT ANCHOR TIES OF NOT LESS THAN 22 GA. x 3/4" No. 9 GA. WIRE SPACED NOT MORE THAN 16" o.c. HORIZONTAL AND 18" o.c. VERTICAL. ANCHOR TIES SHALL HAVE A UP OR HOOK ON THE EXTENDED LEG THAT WILL ENGAGE OR ENCLOSE THE No. 9 GA. HORIZONTAL JOINT REINFORCEMENT WIRE.
- 4) NET FREE VENTILATING AREA TO BE 1/300th OF TOTAL ATTIC AREA w/ MORE THAN 50% OF IT IN THE UPPER PORTION OF THE ATTIC AND THE REMAINDER TO BE PROVIDED BY EAVE OR CORNICE VENTS, EAVE OR CORNICE VENTS TO HAVE INSULATION DAMP.
- 5) ENERGY STUCCO SYSTEM (ECS) #4004.
- 6) ALL WINDOWS TO BE CAULKED & FLASHED.
- 7) ALL EAVES & VALLEYS TO HAVE A MIN. 3" DEPTH OF ICE & WATER SHIELD.
- 8) ALL EAVE & CORNICE OVERHANGS TO BE 1'-0" UNLESS NOTED OTHERWISE.
- 9) MODEL ENERGY CODE REQUIREMENTS:
 - a) WINDOWS = .5 U-VALUE
 - b) EXT. FRAME WALLS = R-15 INSULATION
 - c) ROOFS = R-30 INSULATION
 - d) EXT. BEAM WALLS = R-13 INSULATION
 - e) FLS OVER UNHEATED SPACES = R-19 INSULATION
 - f) FLS OVER OUTSIDE AIR = R-30 INSULATION
- 10) INSULATION DEPTH MARKERS REQUIRED AT 300 P.O. FT. INTERVALS MAXIMUM.
- 11) 26 GAUGE FLASHING REQ. FROM FOUNDATION UP THE 1ST 3 COURSES & 3/16" WEEP HOLES AT 33" o.c. AT ALL MASONRY VENEER.

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DB Author CB

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EMAIL: peakplans@gmail.com

RESIDENCE FOR:
PAUL ALLEN
Allen Garage
377 S 1100th
Farmington UT

Front & Side Elevations	A2.1
Issue Date	
As indicated	

Connie Deianni seconded the motion, which was unanimously approved.

Findings for Approval:

1. The site plan for this application shows parking removed from 650 West and to the rear of the dwelling.
2. The property is a large parcel and tennis courts in the rear yard of the property is the highest and best use.
3. Because the proposed use is removed from abutting residences and 650 West, it will have minimal impact in traffic, noise, etc.
4. The proposed use is complimentary to the regional park and gym, which is directly across 650 West.

Item #5. Paul Allen (Public Hearing) – Applicant is requesting conditional use permit approval for an accessory dwelling unit above a detached garage on 1.55 acres of property located at 307 South 1100 West in A (Agriculture) zone. (C-8-17)

Eric Anderson showed the applicant's property on the vicinity map. He explained the applicant already built the garage, an allowed use that conforms to all City standards. The conditional use permit that is before the City is for the Accessory Dwelling Unit (ADU), which would be a dwelling unit located on the second floor above the garage. **David Petersen** said the City has received some emails regarding this item, as well as people contacting the City regarding alleged violations of zoning laws, including debris/junk on the property and a potential illegal renter in the basement. He said the City is reviewing the allegations. Staff talked with the City Attorney regarding how to move forward on this item tonight. The City Attorney suggested that the public hearing be held, but that the item be tabled to review alleged violations to see if any are related to this request.

Paul Allen, 307 S. 1100 W., said he does not have a renter in the basement, but does have a good friend living with him free of charge. He said this friend came upon some challenging times in his life so he allowed him to move in, but he has never received money from him. He said the ADU above the garage would be for his children and their families to stay in when they come to town to visit. He said he understands the back pasture is an eye sore, but that he built the garage so he can move equipment into the garage and clean up the backyard. He also said that he would not rent the ADU above the garage, but would use it strictly for family.

Heather Barnum opened the public hearing at 7:29 p.m.

Heather Barnum entered emails received from **Don and Cindy Hart** and **Greg Black** into the record.

Cheryl Farnsworth, 287 S. 1100 W., said she lives directly north of the property. She said shortly after the applicant started building the garage, she realized it was not a little garage, but was easily the size of his home. She feels he has a large home so there is no need to have anyone else living in the large garage. She said she bought their property so there would not be anyone behind them, and now they are looking at a large garage. She also said his back pasture has at least 12 vehicles located there. She is unsure how all of those will fit in the garage. She said the property is zoned agriculture; she feels he is using his property as a business and not as an agricultural use. She feels the City should not allow any renters into that space, and that his house is big enough for his family to stay in when they come to visit. She said she takes great pride in her yard and that she would appreciate if the applicant did too.

Greg Black, 321 S. 1100 W., said he lives in the property directly to the south. He said he already sent an email, which was entered into the record, but that he wanted to ensure the Commission received it and the photos. He said he knows Mr. Allen well having had family, friends, and himself work for his snow plow business. He said the applicant's friend has been there for 5 years. He said the zoning previously only allowed for a home to be located on at least a 2 ½ acre lot; however, he talked with all the neighbors about requesting it to be 1 acre lots. He said he was able to receive that, and eventually sold Mr. Allen's lot to its previous owner. He feels Mr. Allen's did not talk to any neighbors about building this garage, and that he feels the plan all along was to have a dwelling unit put in because of the balcony. He said the balcony looks directly into his and Don and Cindy Hart's backyards. He feels further review needs to be done by the City before approval takes place. He also said he taught his children to get married and move on to their own life; he does not see a reason Mr. Allen's family would need to stay in an ADU when there are 3-4 rooms located in his home.

David Horne, 297 S. 1150 W., said he lives directly west of this property. He said he is a new resident of Farmington, and that most of his questions have been answered. He asked what an accessory dwelling unit is and what limit and boundaries are associated with it. **David Petersen** said an ADU is located in a detached building, meets all the standards of an accessory building, and that the same family (anything related by blood, marriage, and adoption) occupying the single-family home can occupy the dwelling unit. He said it is used exclusively for family, and that no renter can live there.

Heather Barnum closed the public hearing at 7:38 p.m.

Bret Gallacher thanked those residents that came before the Commission. As per recommendation from the City Attorney, he feels this item should be tabled for more information regarding alleged violations.

Rebecca Wayment said she heard a couple concerns that she would like more information on. She said the applicant is allowed to build an accessory building, or garage; however, she has concerns about him running a business from his home. She feels that is a different concern than others that have been presented. She is concerned that the business may not be a permitted use, and that he cannot run it without approval. She expressed concerns that the dwelling unit could also be used as office space for the business. She said she is comfortable tabling the item to find answers to ensure the use is conforming. **David Petersen** said that concern can be further reviewed. **Heather Barnum** expressed concern on what more can be determined if the applicant says it will be used for a specific purpose, i.e. a place for his family to stay. **David Petersen** said the City will investigate, and he recommended the item be tabled. **Heather Barnum** said she feels tabling this item due to a lot of discussion regarding concerns regarding things that are not before the Commission did not seem reasonable; however, she feels tabling the item to investigate concerns with the use of the ADU is more convincing.

Motion:

Kent Hinckley made a motion that the Planning Commission table this recommendation for resolution of possible related concerns with this request and alleged code violations. **Alex Leeman** seconded the motion, which was unanimously approved.

Item #6. Farmington City (Public Hearing) – Applicant is requesting conditional use permit approval for a water tank on 1.34 acres of property located at approximately 500 East and 200 North in an LR-F (Large Residential – Foothill) zone. (C-9-17)

Eric Anderson showed the aerial map of the location proposed for the upsized City water tank and the location of Jerry Preston's Residences at Farmington Hills Subdivision. He said the City is the



Planning Commission Staff Report June 22, 2017

Item 6a: Special Exception for Mountain America Credit Union Drive-Thru

Public Hearing:	Yes
Application No.:	M-2-17
Property Address:	NW Intersection of Station Parkway and Cabela's Drive
General Plan Designation:	TMU (Transportation Mixed Use)
Zoning Designation:	GMU (General Mixed Use)
Area:	1.14 Acres
Number of Lots:	1
Property Owner:	Mountain America Credit Union
Agent:	David Tyson / EMA Architects

Request: *Applicant is requesting a special exception of a drive-thru for a financial institution in the GMU zone.*

Background Information

On May 16th, the City Council approved a zone text amendment to Chapter 18 allowing for financial institutions in the GMU zone to have drive-up windows through special exception, as set forth in Section 11-3-045 of the Zoning Ordinance, which has been attached in its entirety.

According to Section 11-3-045: *"A special exception has less potential impact than a conditional use but still requires careful review of such factors as location, design, configuration, and/or impacts to determine the desirability of authorizing its establishment on any given site."* A special exception, therefore is to be treated similarly to a conditional use, and must be a public hearing. The approval standards, as set forth in Section E specify that:

"Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the city as a whole, or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion authorizing the special exception."

Of specific concern is the location and design of the drive-thru, whether or not the drive-thru is being properly screened, and other related matters as found in Chapter 18, which includes several ancillary issues including the required building frontage in the build-to-range for a building on a principal street in the mixed use district, and whether the proposed site plan meets that requirement, and whether the drive-thru can be counted as building frontage if considered a *porte cochere*.

The City's Site Plan and Architectural Review Committee (SPARC) met on May 12th to discuss this project. The majority of the conversation focused on having a door face the street, as the ordinance requires. Since that meeting, the applicant has redesigned the building to have a door facing Station Parkway, and to connect the drive-thru with the building using a trellis. The applicant hoped that this design feature would bring the building into conformity with the frontage requirement by considering the trellis and the covered drive-thru windows as part of the building, or a *porte cochere*. Section 11-18-070(B)(3)(c) states the following: "*Required building frontages shall be the percentage of the total width of the lot that is required to be used as a building wall. A covered drive-through (porte-cochere) may be counted as a building wall even though it has no front or rear wall*". Although the issue before the Planning Commission tonight is specific to the drive-thru windows, because the applicant is hoping to count the covered drive-thrus as part of their building frontage, the question of whether the drive-ups fit the standard set forth in Chapter 18 is germane to the special exception, particularly in light of the sentence taken from Section 11-3-045 above, that states: "*These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this title.*" It is within the Planning Commission's purview to consider applying conditions that ensure the drive-thru windows conform to the intent and purpose of Chapter 18, which is stated as follows:

"The regulating plan, mixed use districts, plan review and development standards and guidelines are enacted to provide and encourage a compatible mix of uses, rather than a separation of uses, that is consistent with the objectives of the Farmington City general plan. Flexibility in design and the uses allowed is provided to encourage a diversity of uses that can respond to market forces while being consistent with a design that promotes a transit and pedestrian oriented pattern of development."

At question is whether the drive-up windows encourage a pedestrian oriented pattern of development, and if not, what reasonable conditions can be applied to ensure that any adverse effects from the drive-thru to pedestrians be mitigated. Staff has included a condition for approval that addresses proper screening for this property. Additionally, the Planning Commission may consider the scale, design, character, and location of the drive-thrus and determine if any reasonable conditions may be applied to mitigate any potentially adverse effects related to the stated purpose of Chapter 18. Staff is recommending approval of this, and recommending that the drive-thru count as a building frontage as a *porte cochere* as allowed per the ordinance.

Suggested Motion:

Move that the Planning Commission approve the special exception, subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. The applicant shall screen the drive-thru with sufficient plantings and a screen wall between it and the sidewalk;

2. The building shall have an entrance located off Station Parkway, as shown in the site plan dated 6-7-2017.

Findings for Approval:

1. The SPARC reviewed the site plan and had no concerns with considering the drive-thru as a *porte cochere*, and by extension, as a portion of the building frontage. When considered in this way, the building does have enough frontage to comply with the Zoning Ordinance.
2. The most recent site plan submitted by the applicant depicts an entrance off Station Parkway, which beings that portion of their plan in conformity with Chapter 18.
3. A drive-thru is an essential part of any modern day financial institution, and in order for Mountain America Credit Union to realize its full potential, and service its customers, a drive-thru is necessary.
4. By approving the zone text amendment allowing for drive-up windows in the GMU zone through special exception review, the City was implicitly allowing this use, similar to a conditional use.
5. The current landscape plan does exhibit screening with plantings and a small fence.

Supplemental Information

1. Vicinity Map
2. Section 11-3-045 of the Zoning Ordinance
3. MACU Site Plan
4. MACU Elevations
5. MACU Landscape Plan

Applicable Ordinances

1. Title 11, Chapter 3 – Planning Commission
2. Title 11, Chapter 18 – Mixed Use Districts

Farmington City



11-3-045: SPECIAL EXCEPTIONS:

- A. Purpose: A special exception is an activity or use incidental to or in addition to a principal use permitted in a zoning district or an adjustment to a fixed dimension standard permitted as an exception to the requirements of this title or an adaptive reuse of a building or structure eligible, or that may be eligible, for the national register of historic places so long as the adaptive reuse does not compromise such eligibility. A special exception has less potential impact than a conditional use but still requires careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site. This section sets forth procedures for considering and approving special exceptions to the provisions of this title. (Ord. 2011-18A, 9-20-2011)
- B. Authority: When expressly provided for under the provisions of this title, the planning commission is authorized to approve special exceptions to the provisions of this title in accordance with the terms and provisions set forth in this section.
- C. Initiation: A property owner, or the owner's agent, may request a special exception to the provisions of this title in accordance with the procedures set forth herein.
- D. Procedure: An application for a special exception shall be considered and processed as follows:
 - 1. A complete application shall be submitted to the zoning administrator in a form established by the city along with any fee established by the city's fee schedule. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant and the applicant's agent, if any.
 - b. The address and parcel identification of the subject property.
 - c. The zone, zone boundaries and present use of the subject property.
 - d. A complete description of the proposed special exception.
 - e. A plot plan showing the following:
 - (1) Applicant's name;
 - (2) Site address;
 - (3) Property boundaries and dimensions;
 - (4) Layout of existing and proposed buildings, parking, landscaping and utilities; and
 - (5) Adjoining property lines and uses within one hundred feet (100') of the subject property.
 - f. Such other and further information or documentation as the zoning administrator may deem necessary for a full and proper consideration and disposition of a particular application. (Ord. 2002-48, 12-11-2002)

2. After the application is determined to be complete, the zoning administrator shall schedule a public hearing before the planning commission. Notice of public hearings shall be given as required by law and according to policies established by the commission. The planning commission shall take action on the application within a reasonable time after the filing of a complete application.
3. A staff report evaluating the application shall be prepared by the zoning administrator.
4. The planning commission shall hold a public hearing and thereafter shall approve, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform to the special exception to approval standards.
5. After the planning commission makes a decision, the zoning administrator shall give the applicant written notice of the decision.
6. A record of all special exceptions shall be maintained in the office of the zoning administrator. (Ord. 2016-23, 2-16-2016)

E. Approval Standards: The following standards shall apply to the approval of a special exception:

1. Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the city as a whole, or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion authorizing the special exception.
2. The planning commission shall not authorize a special exception unless the evidence presented establishes the proposed special exception:
 - a. Will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
 - b. Will not create unreasonable traffic hazards;
 - c. Is located on a lot or parcel of sufficient size to accommodate the special exception.

F. Effect Of Approval: A special exception shall not authorize the establishment of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any approvals or permits that may be required by this title or other applicable provisions of this code.

G. Amendments: The procedure for amending a special exception shall be the same as the original procedure set forth in this section.

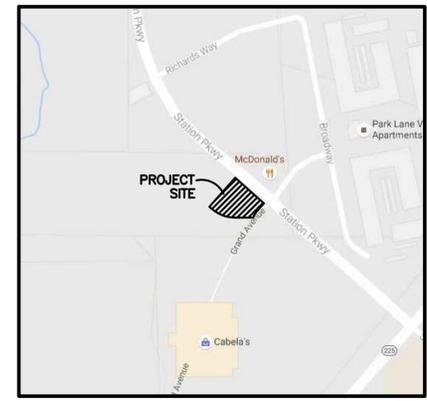
H. Expiration: Subject to an extension of time, a special exception which is not exercised within one hundred eighty (180) days shall expire and have no further force or effect. (Ord. 2002-48, 12-11-2002)

Project Narrative/Notes/Revisions

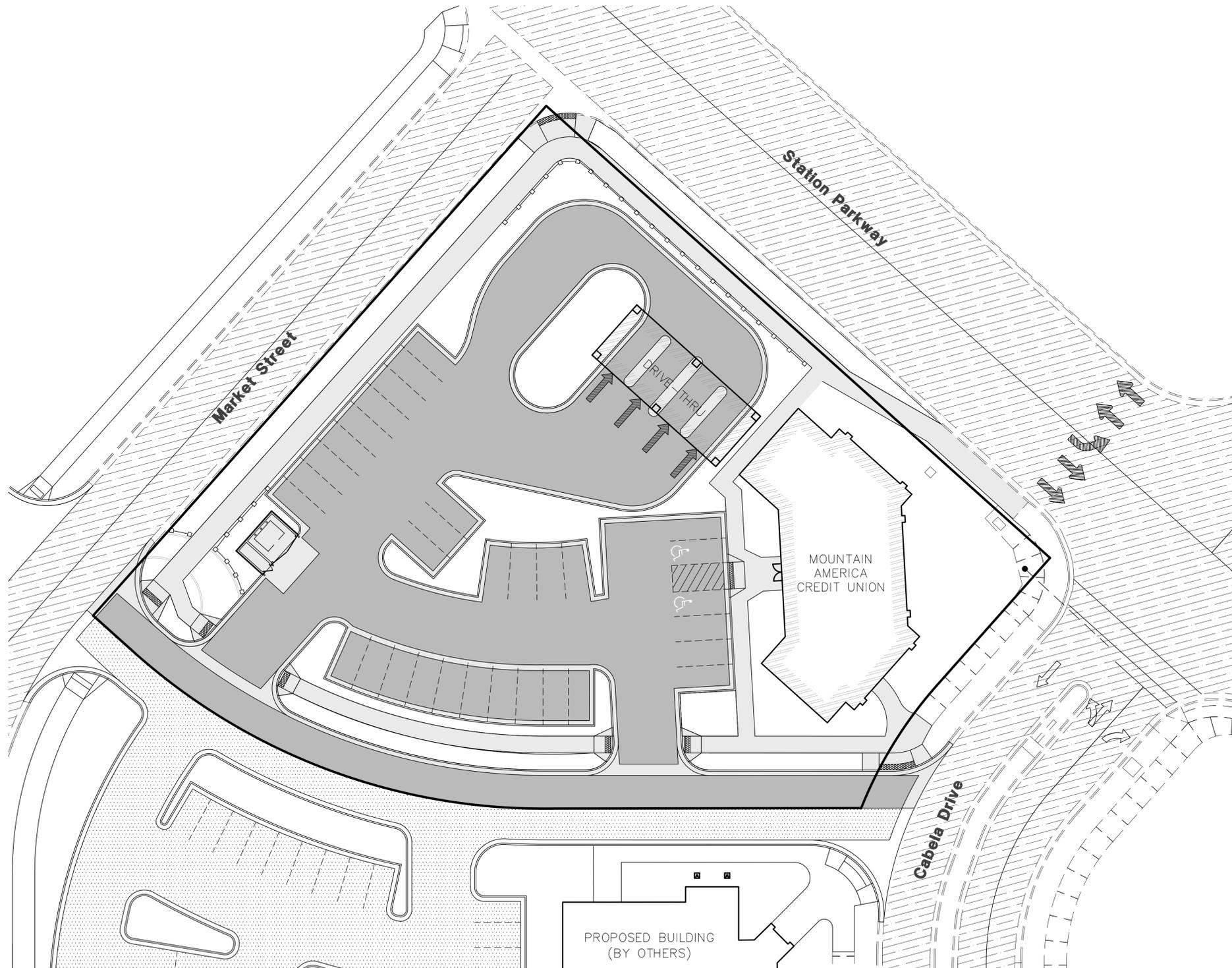
- 1) 9/12/16 TP - COMPLETED DESIGN FOR CLIENT & CITY REVIEW.
- 2) 05/23/17 TP - DESIGN REVISED PER CLIENT.
- 3) 05/25/17 EF - DESIGN REVISED PER INTERNAL REVIEW.
- 4) 06/06/17 TP - SIDEWALK ENTRY ADDED.

Mountain America Credit Union Construction Plans

CITY OF FARMINGTON, DAVIS COUNTY, UT
MAY, 2017



Vicinity Map
NOT TO SCALE



Sheet Index

- Sheet 1 - Cover/Index Sheet
- Sheet 2 - Notes/Legend
- Sheet 3 - Existing/Demolition Plan
- Sheet 4 - Proposed Site Plan
- Sheet 5 - Grading Plan
- Sheet 6 - Utility Plan
- Sheet 7 - Civil Details
- Sheet 8 - Storm Water Pollution Prevention Plan Exhibit
- Sheet 9 - Storm Water Pollution Prevention Plan Details
- Sheet L1 - Landscape Plan
- Sheet L2 - Irrigation Plan

SITE TABLE

Lot Size	: 49,685 SQ. FT (1.14 ACRES)
Bldg Size	: 4,312 SQ. FT
Hard Surface	: 29,323 SQ. FT (.68 ACRES)
Landscape	: 16,050 SQ. FT (.37 ACRES)
Parking Stalls	: 32 STALLS PROVIDED

Engineer's Notice To Contractors

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED FROM AVAILABLE INFORMATION PROVIDED BY OTHERS. THE LOCATIONS SHOWN ARE APPROXIMATE AND SHALL BE CONFIRMED IN THE FIELD BY THE CONTRACTOR, SO THAT ANY NECESSARY ADJUSTMENT CAN BE MADE IN ALIGNMENT AND/OR GRADE OF THE PROPOSED IMPROVEMENT. THE CONTRACTOR IS REQUIRED TO CONTACT THE UTILITY COMPANIES AND TAKE DUE PRECAUTIONARY MEASURE TO PROTECT ANY UTILITY LINES SHOWN, AND ANY OTHER LINES OBTAINED BY THE CONTRACTOR'S RESEARCH, AND OTHERS NOT OF RECORD OR NOT SHOWN ON THESE PLANS.

Developer Contact:

John Wetendorf
EMA - Project Manager
2909 Washington Blvd
Ogden, UT 84401
PH: (801) 618-3463

Blue Stakes Location Center

Call: Toll Free 1-800-662-4111

Two Working Days Before You Dig

Revised: 5-25-2017

**Mountain America Credit Union
Construction Plans**

CITY OF FARMINGTON, DAVIS COUNTY, UT
Cover/Index Sheet



Project Info.

Engineer: J. NATE REEVE
 Drafter: T. PRIDEMORE
 Begin Date: SEPTEMBER 6, 2016
 Name: MOUNTAIN AMERICA CREDIT UNION
 STATION PARK | FARMINGTON
 Number: 6411-04

Sheet **9**
1 Sheets

Reeve & Associates, Inc.
 5160 SOUTH 1500 WEST RIVERDALE, UTAH 84405
 TEL: (801) 621-3100 FAX: (801) 621-2666 www.reeve-assoc.com
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 LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
 TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS

DATE	REVISIONS	DESCRIPTION
9-9-16	TP	DESIGN COMPLETED
5-23-17	TP	DESIGN REVISED PER CLIENT
5-25-17	EF	INTERNAL REVIEW
6-06-17	TP	SIDEWALK ENTRY



1 SITE PLAN
SCALE: 1" = 20'



EMA
PLANNING • ARCHITECTURE • INTERIORS

REVISIONS
REV. DATE DESCRIPTION
0 PRELIMINARY ORIGINAL ISSUE
PRELIMINARY DRAWING/
NOT FOR CONSTRUCTION!

PROJECT: MOUNTAIN AMERICA CREDIT UNION
FARMINGTON BRANCH
495 STATION PARKWAY
FARMINGTON, UT 84025
EMA ARCHITECTS 2909 WASHINGTON BLVD - CODEN, UT 84401 | PH: 801-688-3463

SHEET TITLE:
SITE PLAN
DIAGRAMS
SHEET NUMBER:
A1

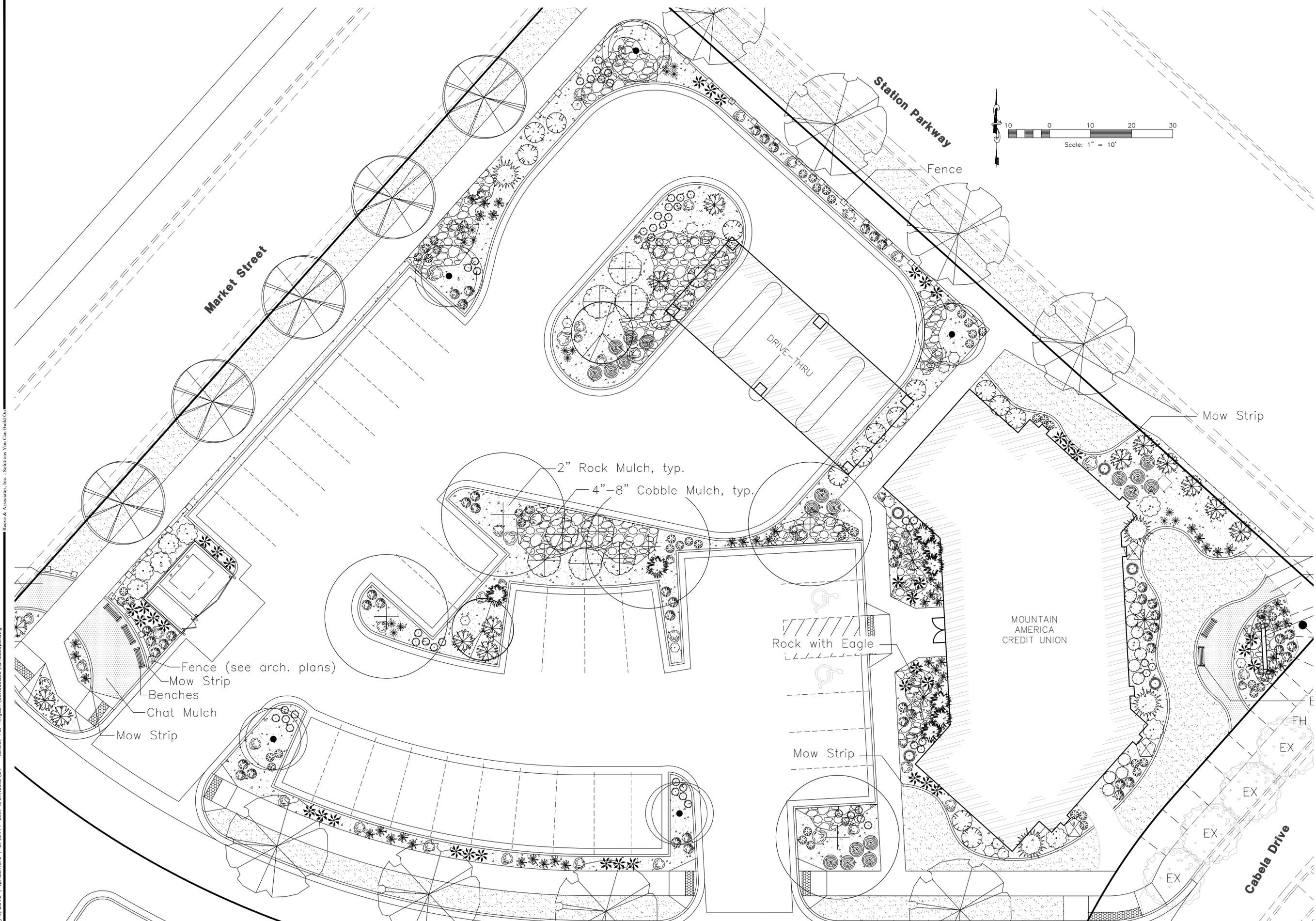
DO NOT SCALE DRAWING



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Market Street

Station Parkway

Fence

DRIVE-THRU

Mow Strip

2" Rock Mulch, typ.
4"-8" Cobble Mulch, typ.

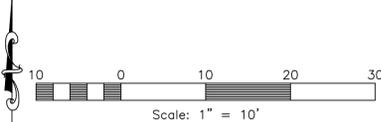
Rock with Eagle

Mow Strip

MOUNTAIN AMERICA CREDIT UNION

Cabela Drive

Fence (see arch. plans)
Mow Strip
Benches
Chat Mulch
Mow Strip



1/4/2016 | Ipridemore | G:\6411_EMA_Architects\04 - MACU_Landscape\landscape.dwg

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REVISIONS	DESCRIPTION
DATE	

Mountain America Credit Union
Construction Plans
 CITY OF FARMINGTON, DAVIS COUNTY, UT

Landscape Plan



Project Info.

Landscape Architect:	D. REYNOLDS
Drafter:	PRIDEMORE/REYNOLDS
Begin Date:	SEPTEMBER 6, 2016
Name:	MOUNTAIN AMERICA CREDIT UNION
STATION PARK FARMINGTON	
Number:	6411-04