

**FARMINGTON CITY**  
**PLANNING COMMISSION MEETING**  
June 8, 2017

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**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 Deianni 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 3<sup>rd</sup> 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.

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## **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 29<sup>th</sup> – July 4<sup>th</sup> and July 21<sup>st</sup> – July 24<sup>th</sup> 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 29<sup>th</sup> – July 4<sup>th</sup> and July 21<sup>st</sup> – July 24<sup>th</sup>. **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:**

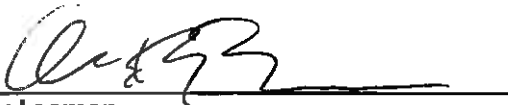
1. Other similar uses have been approved at this location in previous years with no reported issues.
2. If the conditions of approval are met, the proposed use will comply with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.

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**