

**FARMINGTON CITY  
PLANNING COMMISSION MEETING  
June 22, 2017**

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**STUDY SESSION**

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

**Item #4. Kyle and Dianne Memmott – Requesting a recommendation for rezone approval on .5 acres of property**

David Petersen provided the submitted letters from residents to the commissioners for review, and said the letters need to be entered into the public hearing. He explained the applicants are stating the nature of the neighborhood has changed since the opening of the City's new gym. David Petersen said there could be potential negative side effects if this property is rezoned to R-4, as many other homes near City buildings, schools, office buildings, etc. could argue that the nature of their neighborhoods have also changed and also request for a rezone of their property for higher-density housing.

**Item #5. Paul Allen – Requesting conditional use permit approval for an accessory dwelling unit above a detached garage**

David Petersen said this item had some pending questions so it was previously tabled. Those questions have now been answered, so it is before the Commission again. Heather Barnum asked for confirmation that the public hearing has been opened and closed, so there is no public hearing tonight. David Petersen said yes, since the public hearing was closed at the last meeting, no additional public comment will be taken for this item.

**Item #6. David Tyson / EMA Architects – Requesting special exception approval for a drive-thru as part of a Mountain America Credit Union**

David Petersen said drive-thru windows are now allowed as special exceptions, but must seek Planning Commission approval for it; this item will be further discussed in the meeting.

**Training by Shaunna Burbidge – President, Active Planning**

Shaunna Burbidge said she has been doing transportation planning for many years, and has loved what is going on in Farmington. She feels the City is ahead of the curve, and that is getting back to the basics of creating safe pedestrian environments. She said in the 1970s-1990s, there was a movement to big box stores, strip malls, planning for vehicles, etc., and it became less commonplace to think about human interaction. She feels the essence of making a good community is creating a good pedestrian environment.

Shaunna Burbidge said in the research that has been done, a good pedestrian environment can be boiled down to safety. She said areas that may "check all the boxes" by having wide sidewalks and

buildings built to the street, it may still not create a safe environment for pedestrians. **Shaunna Burbidge** discussed many things that contribute to this safe environment, including infrastructure and planning, road diets, traffic calming and other special treatments, signals and signage, and more.

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## **REGULAR SESSION**

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

### **Motion to Amend the Order of Agenda Items**

**Alex Leeman** made a motion that the Planning Commission move Item #4. Kyle & Dianne Memmott's rezone request after Item #6A. David Tyson's special exception for drive-thru windows. **Bret Gallacher** seconded the motion, which was unanimously approved. Note: The numerical order of agenda items have been amended to reflect the change.

### **Item #1. Minutes**

**Kent Hinckley** made a motion to approve the Minutes from the June 8, 2017 Planning Commission meeting. **Alex Leeman** 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 the last phase of the Rice Farms PUD was approved with 9 lots. Also, Lowell Johnson previously requested that property he owns near Russon Brothers Mortuary be annexed into the City from Kaysville; however, he came late to the City Council meeting and the item had been denied as the City Council was unsure what he wanted to do with the property. The applicant brought in his plans for two single-family homes the next day. **David Petersen** said the City Council voted in favor of reconsidering the annexation request during the June 6<sup>th</sup> meeting.

## **SUBDIVISION**

### **Item #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)**

**David Petersen** said this item is a "clean-up" item. He said the City has planned for the mixed-use area to stand tall against residential development, so it does not take over all planned office areas. The City planned for developers to use Section 140 for any proposed residential, as a way to guide the development on a case-by-case basis to ensure what is being approved is an appropriate use. It was brought to the City's attention, however, that the deviations allowed under the alternative approval process, as set forth in Section 140, explicitly excludes uses as an allowed deviation from Chapter 18. **David Petersen** said the proposed change amends Section 140 to allow a deviation from uses as well as any development standards, as outlined in the staff report.

**Heather Barnum opened the public hearing at 7:13 p.m.**

No comments were received.

**Heather Barnum closed the public hearing at 7:13 p.m.**

There was no additional discussion among the commissioners.

***Motion:***

**Bret Gallacher** made a motion 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. **Alex Leeman** seconded the motion, which was unanimously approved.

**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.

**CONDITIONAL USE PERMIT**

**Item #4. 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)**

**David Petersen** said when the applicant previously came before the Planning Commission, there were many neighbors that raised code enforcement issues, including the applicant operating a business out of his home and lots of vehicles and other junk and debris on the property. The Planning Commission tabled the item to ensure things were appropriately dealt with, and to ensure if any cross over from code enforcement issues and the applicant's request had been resolved. **David Petersen** said since that time, the applicant has cleaned up his property. He said the vehicles that were part of his business are no longer located on the property, as well as other old vehicles and debris have been cleaned up.

**David Petersen** said the last remaining issue was regarding a policy question that was raised at the previous meeting. He said in the last 20 years, there have been less than half a dozen Accessory Dwelling Units (ADU) approved, but this is the first time a proposed ADU is not subordinate to the home. He explained ADUs in Farmington must be subordinate to the home in area and height; however, in west Farmington, a barn can be bigger in square feet and taller than a single-family home.

**David Petersen** reviewed the first phrase of the ADU definition, which states, “A dwelling unit within an accessory building which is subordinate to a single family dwelling.” He thought it may be wise for the Planning Commission to first 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.

**David Petersen** said staff then consulted with the City Attorney regarding this policy question. The City Attorney agreed with staff that it could mean either interpretation of the definition; however, case law supports that a “tie” should go to the property owner. He said after talking with the City Attorney, a policy question is no longer on the table, but that the Planning Commission should approve the ADU as suggested in the staff report, and that staff will come back with this item to be later “cleaned up.”

**Heather Barnum** asked that this policy question be added to staff’s “white board” of things that need to be cleaned up. She also pointed out that she is glad that the motion includes the condition that the applicant cannot rent the ADU, as it was a previous concern raised by neighbors.

**Kent Hinckley** said he appreciated that the applicant moved all his business equipment to off-site storage. He said there is some equipment still in his backyard; he asked for the nature of the equipment still located on the property. **David Petersen** said the applicant does still have equipment that is associated with his single-family dwelling, which is allowed.

***Motion:***

**Alex Leeman** made a motion 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. **Bret Gallacher** seconded the motion, which was unanimously approved.

**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.

**OTHER**

**Item #5. Miscellaneous: 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)**

**David Petersen** said on May 16<sup>th</sup>, the City Council approved a zone text amendment to Chapter 18 allowing for financial institutions in the GMU zone to have drive-thru windows through special exception, as set forth in Section 11-3-045 of the Zoning Ordinance. **David Petersen** reviewed the special exception, as included in the staff report. He explained that the Commission is not reviewing the site plan at this time. The Commission is deciding if the applicant should be granted a special exception to allow for drive-thru windows. **David Petersen** said if approved, the applicant would still have to meet all setbacks and build-to-lines in order to move forward with this project.

**Heather Barnum** asked if the number of bays can be limited as part of the special exception process. She feels 4 bays seems unnecessary. **David Petersen** said he does not think the applicant can obtain site plan approval without locking in the number of bays. He reviewed Chapter 18 of the Zoning Ordinance, which discussed build-to-lines for the GMU zone on a collector road, as well as the percentage of building frontage needed. He said it may be necessary for the applicant to adjust the number of bays to meet the Ordinance requirement. **Heather Barnum** asked if this point, approval of the special exception, is the step to limit the number of bays, or if the Commissioners should wait until site plan approval. **David Petersen** said the applicant will only come before the Commissioners with site plan approval if they do not like what staff says, so yes, now is the time to make suggestions regarding the number of bays, if the Commission chooses to do so.

**Bret Gallacher** said he agrees with limiting the number of bays in principle; however, he feels the Commission does not know enough about traffic patterns or the number of bays that is appropriate for a financial institution. He feels limiting the number of bays may be over-reach on the Commission’s end. **Kent Hinckley** said he agrees; he feels 4 bays seems excessive, but the Commission does not know their criteria for the number of bays that will make their business successful for them.

**Cynthia Argle**, 2109 Washington Blvd., Ogden, with EMA Architects, said Mountain America Credit Union (MACU) is looking to be a strong presence within the community of Farmington, and this site was chosen because of his uniqueness of shape. She said drive-thru windows is a strong portion of their business, but that this location will also allow for easy pedestrian access. She said their preference is to have 4 bays, which will include 3 drive-thru windows with one ATM only lane. She said their desire is to keep all 4 bays; however, in order to keep requirements for setbacks as discussed, they may be able to eliminate one bay. **Heather Barnum** asked if there is enough traffic to use all 4 bays at other locations. **Cynthia Argle** said traditionally, their bays remain extremely busy and they want to ensure members are not “stacking up.” She said they typically maintain 2 tellers for 3 drive-thru lanes with one ATM only lane. She said all lanes are busy during certain times of the day. She said they may be able to redesign it, but they would prefer to keep the 4 bays.

**Heather Barnum** opened the public hearing at 7:35 p.m.

**Matt Bird**, 555 Lakeview Dr., Bountiful, said he would like the Commission to take into consideration the number of parking stalls and the layout of it. He said his major concern is the amount of congestion and back-up traffic MACU could cause during busy times of day. He feels if the bays were decreased to 3, additional traffic could back-up onto the main road. He feels more bays might maintain a better flow for the lot.



**Lara Johnson**, 1656 Farm Meadow Rd., said she feels this use may not be the best fit for this location since the applicant is having to obtain a special exception for drive-thru windows. She said perhaps a different location may be a better fit for MACU within our community. She said her other concern is with the number of parking stalls proposed by the applicant. The applicant stated their main traffic comes through the drive-thru windows, but the applicant is still providing what seems to be an excessive amount of parking stalls. She said many credit unions and banks, including the American First Credit Union on 500 W. in Bountiful, have a lot of pavement surrounding the buildings. She expressed concern that this location will already be near the Cabela's parking lot, which also has a large parking lot.

**Heather Barnum closed the public hearing at 7:39 p.m.**

**Heather Barnum** asked about the number of parking stalls this size of building should have. **David Petersen** said in Chapter 32 of the Zoning Ordinance discusses this, and it has not been amended in a long time. He said offices (financial institutions fall under this) are required 3 parking spaces per 1,000 sq. ft. of building; the applicant meets that requirement. **Alex Leeman** said that is 32 parking spaces for MACU, and it seems most financial institutions' parking lots are comparable to that.

**Alex Leeman** asked if special exceptions are to be treated similar to conditional uses in that reasonable impacts must be mitigated by conditions, and that there must be very good reason to deny. He said he could not find standards within the Ordinance that discuss the special exception process. He is concerned that the Commission may not have the ability to deny the special exception, but if there is concerns regarding the impact, then maybe conditions could reign in some of the negative characteristics. **Heather Barnum** said she feels the Commission may have more discretion with a special exception because it may not be as tied to the Ordinance, unless there is a definition further explaining special exceptions. **David Petersen** said there is not a definition. He suggested consulting with the City Attorney before moving forward. **Heather Barnum** feels that should be determined, and is open to tabling the item to find out more information.

**Alex Leeman** said he has concerns regarding the impact of the special exception's approval. **Kent Hinckley** said he has concerns trying to modify someone else's business plan or stating what the plan ought to be, so he is not sure how to go about the discussion. He said he feels 3 drive-thru windows and an ATM only lane seems like a lot. He said it is common for financial institutions to have drive-thrus, so actually approving the special exception to allow for drive-thru windows does not bother him. **Kent Hinckley** said the number of parking spaces seems like a lot to him. He said employees will only fill a few of the 32 parking spaces, and there are rarely many people that frequent the inside of a financial institution at a time. He feels 32 parking spaces seems excessive. **Heather Barnum** asked if the parking is a "done deal." **David Petersen** said it is the way the ordinance is written, and the applicant has to meet the minimum requirement. **Heather Barnum** said the applicant may not want to have to pay for more concrete, but that they have heard the concerns regarding it and are now aware. **Alex Leeman** pointed out that it is a big lot, and it still has to be filled. **David Petersen** said the applicant is proposing a very robust landscaping plan that may help mitigate all the concrete.

**Alex Leeman** said in reviewing the code, conditions can be imposed to special exceptions to ensure the special exception is not detrimental to health, safety, general welfare, will not create unreasonable traffic hazards and is located on a lot or parcel of sufficient size. He feels this lot is a sufficient size to accommodate. He said he does not see a concern with a queuing of car into the street so he does not feel this special exception would create a traffic hazard. He also does not see this special exception being detrimental to the health and safety welfare of the community. He said he is an opponent of 4 drive-thru lanes because he does not like the look of it, but he does not feel that is a basis for denial. He said he feels conditions can be imposed on are things like screening, which has already been included by staff as a condition to the motion. He feels additional measures for screening may

need to take place since car headlights in the drive-thru lanes will be facing the street and the apartments across the street. He said he would maybe include something to the motion about how the screening must have a certain amount of density to block headlights and light pollution. **Kent Hinckley** pointed out that financial institutions often close by the time lights come on. **Heather Barnum** said she feels light pollution is still something to take into consideration.

**Bret Gallacher** asked a competitor credit union, Utah First Credit Union (UFCU), about their drive-thru traffic. He asked how often the UFCU's Farmington location uses all 4 of their drive-thru bays. His contact at UFCU said they use all 4 bays on Saturday because people get impatient and move to another bay; however, this contact felt they could easily get away with 3 bays without inconveniencing anyone.

**Alex Leeman** asked if the applicant could combine the 3<sup>rd</sup> lane with the ATM only lane. **Cynthia Argyle** said no, because they do not want to make a person wait. **Heather Barnum** said she feels like there would be more demand for 2 ATM only lanes over 3 teller-serviced lanes. **Cynthia Argyle** said people still prefer to talk with someone. She also added that they have added a lot of landscaping, including a large green space. She said they recognize there will be a lot of asphalt and concrete, so they have designed the space with pedestrian access for easy walkability with benches and trees. She said they did the same in front of the building with a water fountain, and landscaping throughout the parking lot to break up the asphalt. She said they also tried to design a fence like McDonald's to shield from the light pollution, but can amend the fence however the Commission sees fit.

**David Petersen** said he feels tabling this item is a good option. He said he thinks the applicant can meet the lot frontage requirements, but is unsure if they will be able to meet the build-to standards, which will directly affect the drive-thru bays. He said the applicant could work with staff to ensure they can meet the building placement standards, as set forth in Chapter 18. He said special exceptions are similar to the conditional use approval process, but he does not think special exceptions are the same as conditional use approvals. **Kent Hinckley** asked if the special exception is approving having a drive-thru and/or the number of bays in the drive-thru. **David Petersen** said the City Attorney can be consulted on whether or not the Commission can set the number of drive-thru lanes. He said conditional uses are approved with conditions to mitigate concerns; he said staff can also consult with the City Attorney on if the same standard is also applied to special exceptions.

**David Petersen** also reviewed the frontage standards and build-to requirements for the building. He said the applicant might have to modify their plans in order to meet those standards. He also pointed out the drive-thru lanes would not compromise the future development of the site. He said there is excessive parking due to the position of the proposed building; however, the parking can act as a good "placeholder" for future development. He said with this lot being zoned for General Mixed Use, there is the potential of other uses for the building or continued growth on the lot. The parking and drive-thru lanes will not limit the development potential of the lot.

**Heather Barnum** said she feels there are multiple reasons to recommend tabling this item.

The applicant said they are here for special exception approval to have the ability of drive-thru windows. She said she feels the discussion is more for the site; however, the whole site plan is not what is before the Commission. **Alex Leeman** said he understands the whole site plan is not before the Commission, but with the special exception consideration for drive-thru windows, he feels it is important to consider factors of the area to determine conditions that may need to be in place, which requires looking at the whole plan.

**Kent Hinckley** asked the applicant if a two-week delay would be difficult for the applicant's timeline if the item were tabled. The applicant said no.

**Bret Gallacher** said his background is within the pharmaceutical industry. He said most pharmacies that do not have a drive-thru are going out of business. He said he feels it is similar to the banking industry in that drive-thrus are essential for their business. **Kent Hinckley** said he is not opposed to drive-thrus, but does have questions on the building meeting the City standards and the legal considerations of special exceptions. He is in favor of tabling the item; **Bret Gallacher** and **Alex Leeman** also agreed to table the item.

**Heather Barnum** expressed frustration that this site and the developer continues to bring more conditions and special exceptions than any other developer has for developments within the City. She said she feels a lot of these challenges and discussions could be avoided if the developer would stick to what the plan is for the City. She said she wishes the City would not have to keep revisiting some of these challenges on the same property because the City's master plan is being discounted by the developer. She also noted that she understands this is not MACU, but the overall developer of the property.

**Motion:**

**Kent Hinckley** made a motion that the Planning Commission table this item for the following two reasons:

1. Staff needs to determine what the right site plan is for this lot that meets all the City's requirements;
2. Clarification from legal as to how to treat special exceptions.

**Bret Gallacher** seconded the motion, which was unanimously approved.

## ZONING MAP AMENDMENT

**Item #6. 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)**

**David Petersen** said the applicant's property is located adjacent to the City's new gym. He said the applicants are asking that their lot be rezoned to R-4. He showed an aerial of the surrounding zones, which include Agriculture and Residential zones. He said there are very few R-4 zones found in the City; the ones the City does have are found on the east side of Farmington. He explained the "4" is how many units you can build to in the zone. He said the current R-4 zones were approved back when the R-4 zone thresholds were different. He said the current requirements for the R-4 zone is for the first 10,000 sq. ft. of a lot, someone can have two family dwellings (or two units), and for each 4,000 sq. ft. thereafter an additional unit is granted, up to 4 units per building. He said someone would need 18,000 sq. ft. to have 4 units. He said a true half-acre, which is the Memmott's property, is 21,720 sq. ft., but in order to obtain a 5<sup>th</sup> unit in the R-4 zone, at least 22,000 sq. ft. is required.

**David Petersen** said the applicants are not proposing the traditional 4-plex, but townhomes similar to what is being built by Kestrel Bay. He showed the footprints of what the applicant would like to pursue, which are 4-cell units that are attached in a row.



**David Petersen** said the applicants are suggesting in their request that the neighborhood has changed enough with the regional park and the community to the north of the charter school that higher density housing should be allowed on a case-by-case basis. He reminded the Commissioners that two letters from the McBrides, and a second letter from the Memmotts, which is an addendum to the letter found in the staff report, were previously provided and reviewed during the Study Session. He said staff provided two options for the motions, one for a recommendation of denial and the other for a recommendation for approval with corresponding findings.

**Heather Barnum** asked if R-4 could be elevated apartments. **David Petersen** said it would only be allowed 2-stories, but not to exceed 4 units. He said single-family homes are also permitted in the R-4 zone, so 2 single-family homes could be built on the lot. He said in the staff report it was mentioned that the City has never approved density, like what is being proposed, outside of a mixed-use zone. He said the General Plan does not call for R-4 zoning, so the General Plan would have to be amended. He said if the Commissioners want to move forward with the proposal, a recommendation to amend the General Plan would have to be approved. **Heather Barnum** asked if that was part of one of the provided motions. **David Petersen** said yes, it is included.

**Bret Gallacher** asked if staff agrees with the applicant's postulation that putting the park and gym at its current location has changed the area enough that they cannot sell their property as a single-family home. **David Petersen** said from a pure planning standpoint, this type of proposal makes him nervous. He said face value of the proposal states the gym and park have impacted this property owner, so the City will make it right by granting a rezone to R-4 so the property owner can make a profit on their land. **David Petersen** said the potential long-term impact of this decision is that another property owner could say that an elementary school came in and changed the impact of their land so they want a rezone to R-2 to make a profit on their land. Another hypothetical example is that the City receives an office proposal on Main St. requesting more than two stories and surrounding property owners want to rezone as well because their view was impacted, so they now want to profit off of their land by increasing their density or ability to build up. **David Petersen** said it is not a reason to rezone a property because the use next door comes with impacts. **Bret Gallacher** asked if staff is concerned with the precedent this sets, even if each request is reviewed on a case-by-case basis. **David Petersen** said yes, and that the zone should run consistent with the General Plan. He said this kind of density in west Farmington is not consistent with the area.

**Dianne and Kyle Memmott**, 954 S. 250 E. Farmington, said they have been trying to sell their single-family home on a half-acre lot next to the Farmington Gym for over a year and are not having any success. They are seeking to rezone the property to R-4. They reviewed their letter that was previously submitted and distributed to the Commission members. They said they do not think 4 townhomes would have a negative impact of the area, as the neighborhood has significantly changed since they bought their property ten years ago. She said with the new gym, the fields, the new high school, Station Park, etc., the rural lifestyle of west Farmington is a thing of the past. They said having a few townhomes, as a transition from the Gym to the single-family homes would be a good use for the lot. They said they cannot afford to lose the money they have already lost with this house. They asked why it is ok to penalize them financially with the new gym. They also said they were invited to come to the first discussions regarding the park and gym. They provided recommendations to place the gym closer to the charter school, but that was never considered. The gym was placed directly across from their lot.

**Heather Barnum** opened the public hearing at 8:25 p.m.

**Heather Barnum** said three emails are entered in the record, two emails from Pat and Sherry McBride and one additional email from Kyle and Dianne Memmott.

**Marty Nielsen**, 783 W. 500 S., said he drives by the Memmott's property often and thinks about what a disservice the City did to them. He also feels the City would also do a big disservice to the residents of west Farmington that have invested so much in their property if higher density housing was allowed to come in. He feels the City should rectify the problem they created for the Memmotts; however, he does not think the City should chose to destroy more of the current residents' rural lifestyle. He said the Planning Commission and City Council cannot justify that placing the gym in its current location was right; ball fields would have been a much better use to be adjacent to the Memmott's property. He asked that the City leave the rest of west Farmington alone.

**Brent Holmes**, 369 S. 650 W., said that he appreciates those willing to serve on the Planning Commission because it is a difficult assignment. He said he wanted to make a point that in driving around downtown Salt Lake, Bountiful, or other small communities where 4-plexes have been allowed, there are some nice, well-kept properties; however, there are also very many unkempt 4-plexes. He asked why anyone that would be planning ahead for the future of a city allow for 4-plexes. He said he has sympathy for the property owners, but he feels the Commission is making a decision for the property's future and its effect on the entirety of the neighborhood.

**Paulette Hewitt**, 541 W. 250 S., said she used to live on the best street in a rural city with all lots at least a half-acre or more. She said they have taken in the gym, the jail, Ascent Charter School, 50 homes, the new high school, and so much more. She said 650 W. is a horrible mess. She said if one person does not want to live on the applicant's lot, why would 4 be any better. She said she feels the City has destroyed the Memmotts, and the City should do something about it.

**Brach Nelson**, 694 W. Cottonwood Dr., said that he is interested in purchasing the property if it is rezoned to R-4. He said as previously mentioned by staff, he is not interested in building a 4-plex and does not want to do anything that would disrupt the neighborhood. He said he would build something that looks good and would fit within the surrounding community. He said there is a lot of growth with the park and gym, so he feels 4 townhomes would be a good fit. He said he would have to get approval through a PUD Master Plan, so he would work closely with the City. He said the market for townhomes is young families, and this location is great for a young family that wants to be near the growth, while enjoying the openness of the park.

**Jim Checketts**, 576 W. 350 S., said he lives 3 houses to the west of this property. He said he loves the area and wanted to live here because of what it is. He said he also feels the Memmotts have been greatly wronged, and he understands their position on this proposal. He feels it was a horrible disservice to them as the gym is a narrow 80' from their property. He feels just because there is room, it does not make it right to build something. He said the gym has had a huge impact of the area. He said he has concerns, however, with the proposal being presented. His biggest concern is the precedent it sets. He said residents love the farmland, and the residents don't want a bunch of higher density housing coming in to take it. He asked that the commissioners "stand tall" and do what is right for the residents, as well as for the Memmotts, as they have very few options left.

**Karl Asay**, 850 S. 650 W., said he was the first one to buy on 650 W. He said it was previously a cow trail. He said they moved from Bountiful to Farmington, and it was a time before water and sewer came in from the City. He said they fought annexation because he was ok with the County government. He said he built his home before his property was annexed. He said he is angry with the City's government and how the City has treated the Memmotts. He said they recently got through a "battle" last fall over the curb and gutters in their area. He feels the Memmotts have been "royally shafted," and that the City needs to apologize and provide compensation for the wrong. He said he does not agree with higher-density housing on 650 W. He said he feels the City already has more than enough apartments. He feels if higher-density housing is allowed, it won't be long until the entire area is filled

with it. He said he feels the Memmotts have been poorly treated, and he would like to see something done for them so they can be compensated.

**Rulon Homer**, 586 W. 250 S., said he moved to west Farmington in 1987, and his property couldn't support a septic tank and wells, so the landowners asked to be annexed into Farmington City. He said the City did not want to adopt the property owners, but finally did after 9 years. He said west Farmington has the infrastructure to handle volumes of traffic, but as an educator of teenagers for 47 years, he knows it will become very busy and will be a major change. He said in regards to the request for more density, there are enough apartments. He said the zoning for the area is at least half-acre lots so they can have animals and other things they want to do. He asked that the City let them have their piece of west Farmington that they deserve and have earned. He asked that they do not allow for higher-density housing, as he feels enough is enough.

**Tony Hall**, 706 W. 500 S., said he appreciates the service of the Commission members as it often goes unrecognized at times. He said he moved to west Farmington in 1994, and he came for the rural atmosphere. He said he knew development would come, but he had no idea it would be as big as it is. He said half-acre lots were the minimum lot size; however, developers have been allowed to pay for smaller lot sizes if money is paid for open space somewhere else. He said he feels this devalues what they paid for their open space, and he does not feel that is fair. He said he feels higher-density housing is a cancer, and it will continue to come closer and closer. He asked that the commissioners respect the west Farmington property owners that have bigger lots; he feels approving this request would set a precedent that this area is open for more developments like this. He asked that the commissioners shut down this request and give the residents a break by showing them support.

**Natalie Hogan**, 417 S. 650 W., said she feels this rezone request goes against the City's Master Plan. She said the City's master plan talks about exploring the potential for open space and using open space as a buffer zone in developed areas. She said she feels the Memmott's property is a perfect lot to act as a buffer from the gym and the rest of the surrounding residents. She said the master plan also talks about fostering an environment within the City that allows for agriculture can co-exist in urbanized areas. She expressed frustration that this area is becoming more and more urbanized; she feels the need to protect some of this open area to protect the agricultural area so that it can properly co-exist. She said the master plan also talks about using the open space conservation to preserve the agricultural lands. She said Chair Barnum previously mentioned how the Master Plan is so easily discounted; **Natalie Hogan** said she hopes this does not become another situation where the master plan is discounted. She said if you review 650 W. on the master plan, it calls for trails. She said she has an extension agreement that says there may be possible trails; however, no trails are happening for this area. She said she feels the City is taking too many farms out of Farmington. She said many have moved to west Farmington because of the farmland. She said she is concerned about the gym being the access point to a 4-plex because there is no way 4 families could access their homes from 650 W. She is also concerned an approval of this item would set a precedent that others could sell their property for higher-density housing. She feels the City has enough apartments in their plans for Station Park North; she asked that the City leave this side of the City alone.

**Ted Alexander**, 418 S. 650 W., said he wants to make two contradictory statements. He said he hopes the Commissioners approve this item because he would also like to rezone his 2.84 acres in order to have a 6-plex in its space. He sarcastically said doing so would allow him to retire early. He said he has lived in west Farmington for 25 years. He said he appreciates the service of the Commissioners, but he feels the City has been decimated by staff, the City Council, the Mayor, and more. He said the City has put enough in their backyard. He does not want 4-plexes, or any other higher-density housing. He said he had to put a well and septic tank in his property, but he was willing to do so because he liked the area. He asked that the Commissioners "give them a break." He feels all that was previously promised

by former mayors has been taken away. He said if this is approved, he will soon be requesting to rezone his property to R-4 so he can afford to move somewhere else so he can live the way he wanted to live here.

**Heather Barnum closed the public hearing at 8:52 p.m.**

**Alex Leeman** said he understands and empathizes with the frustration that is continually heard by the Commissioners regarding the growth of Farmington and the need to “keep the farm in Farmington.” He expressed frustration though that if people wanted to keep the farmland, they should keep their farmland and stop blaming the commissioners and the City. He said the City is not the one selling the property; the farmers are the ones selling their property to developers. He said people have their own property rights as a property owner. He said he understands the residents’ frustration; however, the City cannot stop it. He said the City can guide and control it, but the City cannot stop residents’ neighbors from developing their own land into an apartment complex or shopping center, as long as it fits within the law. **Alex Leeman** expressed frustration that people are continually pointing fingers at the City for letting people sell the land they own. He said it is every property owner’s right to do so. He said if someone wants to keep the farmland, it is also his or her right to buy it and keep it that way.

**Bret Gallacher** said this is a challenging situation, and he has sympathy for the Memmotts. He said he is hearing contradictory statements from the residents during the public hearing. The first is that the Memmotts should be made right, but the second is please don’t allow the Memmotts to rezone. He said the only thing he could guess that residents are alluding to is that the City would pay the Memmotts what they feel is just compensation for their land, but that will not happen. **Bret Gallacher** said there really are only two options that he sees. The first option would be to allow the Memmotts to rezone their property so they can recoup some of the financial loss they have experienced, or leave the zoning as is. He said he believes the City does not have any liability regarding the Memmotts land. He said his initial feeling is to not allow the property to be rezoned; however, he feels he would still have a challenging time looking the Memmotts in the eye knowing the difficult situation they are in.

**Kent Hinckley** said he has been reflecting on what has been said during the public hearing. He said whether residents live on half-acre, 2.5, or even 5 acre lots, everyone is living on someone else’s farm. If someone was not willing to sell their farm, then we would all be living somewhere else. Many people want their kids here, but everyone still wants to “keep the farm in Farmington.” He said he has seen many City Council members run for office on the platform that they want to “keep the farm in Farmington,” but it does not work, as was previously stated, because the farmer has their own property rights to sell if they choose to do so. **Kent Hinckley** said schools, rec centers, etc., are natural outgrowths of having people move to Farmington. He said although growth can change the character of the place, he is not sure there is any alternative than to move to somewhere else with lots of open land. **Kent Hinckley** said the issue being presented tonight is particularly difficult because he has a lot of empathy to what has happened to the Memmotts; however, he is not sure the Planning Commission can do much about that. He said if the City feels so inclined, the City Council can do something, but it is not within the Planning Commissions jurisdiction to entertain anything. He also said he does not feel changing the zoning on this property is a good solution to the problem. He said he is unsure what a good solution is, but he feels the City has some obligation to make something better through a landscape buffer or something else. **Kent Hinckley** said the bottom line is if any rectification could take place, it would be an action by the City Council and changing the zoning to introduce higher-density housing in this area is not a good idea.

**Alex Leeman** asked about the City’s history and why there is different zoning from one side of the freeway to the other. **David Petersen** said Farmington City was established in 1847, and 650 W.



used to be called Tippets Lane. He said it was always established that downtown was an area where people lived and others farmed out of town. He said the Denver Rio Grande came in, and then Highway 89 which created a geographic divide, but west Farmington remained rural for a long time. **David Petersen** said there wasn't water in west Farmington sufficient to have more homes than what was already annexed in 1993. He said the second annexation around 1525 West took place when residents' wells started to pump sand. Since people had to have water to live, and the City wanted to leave lower density, the legislative body decided to annex property in zoned Agriculture (A) or Agriculture Estates (AE). **David Petersen** said many things have changed in the last 20-25 years in west Farmington. The Farmington Ranches project developed 720 acres of property, but it could not have happened due to the water supply. The developer financed a large water system above Glovers Lane, which started development on the west side in a major way. **David Petersen** said even with all the growth, Farmington is still about a decade behind Kaysville because they got water to their west side in the 1980s. **Alex Leeman** asked if the applicant could move forward by pursuing a PUD on the lot. **David Petersen** said no, since the zoning is AE, the applicant's yield plan would only result in 1 lot.

**Alex Leeman** said he feels a 4-plex fits well next to the new gym; however, he is not comfortable with how it has to get there. He said he is not comfortable with an island of R-4 on a single lot, and he does not see any other way for the applicant to get there. He said he does not think this proposal is consistent with the General Plan, and in order to "get there" for this proposal, the commissioners would have to greatly divert from the main guiding document for the City, and he is not comfortable doing so. He is in favor of recommending denial of this item.

**Heather Barnum** said she feels the most poignant comment made was by Ms. Hogan. Ms. Hogan quoted the Master Plan, which stated the City's plan is to have open space areas to allow uses to cohabitate with agriculture within the City. **Heather Barnum** said she feels there will be more higher-density creep on the land, unless the governing bodies remain true to the Master Plan.

**David Petersen** suggested the commissioners request an 80' buffer of some sort to recommend to the City Council. He said there is so much that can be done with landscaping to help the view outside of the Memmott's home. He said the Planning Commission can suggest that the City Council works with the Memmotts to look at some kind of landscape plan.

**Heather Barnum** clarified that this item is a recommendation from the Planning Commission and that the Commission is not the approval body for this item. She said the ultimate decision lies with the City Council. She suggested that the residents show up for the public hearing or provide emails to the City Council regarding their wishes based on the Commission's recommendations. **David Petersen** added that after the motion passes, it will be up to the applicant if they choose to pursue the item to the next step, which is approval or denial by the City Council.

***Motion:***

**Alex Leeman** made a motion 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, and that the City Council consider options for landscape buffering along 300 S, both on side of the City's property and on the side of Memmott's property, although that is typically not what the City does, but the Commission feels in this instance it would be an appropriate recommendation. **Kent Hinckley** seconded the motion, which is unanimously approved.

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.

## OTHER

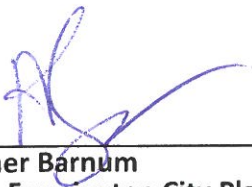
### Item #7. Miscellaneous b) Schedule for Upcoming Planning Commission Meetings

**David Petersen** said in December 2016, the Planning Commission set the Planning Commission meeting schedule for the 2017 calendar year. He said the next meeting will not happen until July 20, 2017. Some of the commissioners expressed concern that the calendar on the City's website was not up to date with what was approved last December. **Heather Barnum** set an action item for staff to ensure the City's website reflects the accurate calendar for the Planning Commission.

## ADJOURNMENT

### *Motion:*

At 9:20 p.m., **Kent Hinckley** made a motion to adjourn the meeting, which was unanimously approved.



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**Heather Barnum**  
Chair, Farmington City Planning Commission