

**FARMINGTON CITY  
PLANNING COMMISSION MEETING  
December 3, 2015**

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**STUDY SESSION**

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

**Item #3. John Wheatley/Symphony Homes – Requesting Preliminary Plat Approval for Chestnut Farms Phase IV Subdivision**

**Eric Anderson** said an error occurred when the applicant previously applied for approval of Phase III. It appeared as though the other following phases were also approved for Preliminary Plat and the rezone; however, the approval that happened was the Preliminary PUD Master Plan. As a result, the subdivision's Phase IV was submitted through for final plat approval without the approval of schematic plan, preliminary plat and a rezone. Since the applicant has received approval for the Preliminary PUD Master Plan, and public opinion was received during the Master Plan's public hearing, staff is proposing that the Commission treat this item as approval for the preliminary plat. If approved, the rezone of the property from A (Agriculture) to AE (Agriculture Estates) will happen concurrently with the approval of the final plat. He said the applicant expressed concerns about the requirement to improve 1525 W. as the portion that touches the road is the proposed regional detention basin and park and not actual lots. **Eric Anderson** said staff consulted with the City Attorney and the request is reasonable as the detention basin and park go toward the applicant's open space requirement for the PUD in order to obtain the density they requested.

**Item #4. Nick Mingo/Ivory Development – Requesting Recommendation of Zoning Map and General Plan Amendment from LM&B zone to an AE zone.**

**Eric Anderson** reviewed the summaries provided in the staff report. He said the biggest thing that has changed from last meeting is that the concept plan has been amended to 90 lots. He reviewed the yield plan and explained additional lots along 650 W. may need to be removed; however, that is all something that can be revised at another time. **Eric Anderson** said the biggest discussion point with this item is deciding if the City wants to remove the LM&B zone in favor of residential. The Commissioners and staff discussed how the property has currently been marketed and developed. Staff feels it may be appropriate to wait and see if the LM&B zone will continue to grow before approving it for residential uses. **Bret Gallacher** feels that no one is developing the area for LM&B as it currently stands. **David Petersen** showed the areas that have slowly been developed on an aerial map. Staff and the Commissioners also discussed the possibility of the West Davis Corridor (WDC) being approved for this area and the distance requirements surrounding sexually orientated businesses (SOBs).

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**REGULAR SESSION**

***Present:** Chair Rebecca Wayment, Commissioners Brett Anderson, Heather Barnum, Bret Gallacher, Alex Leeman and Dan Rogers, Community Development Director David Petersen,*

*Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Commissioner Kent Hinckley was excused.*

**Item #1. Minutes**

**Heather Barnum** made a motion to approve the Minutes from the December 3, 2015 Planning Commission meeting. **Bret Gallacher** seconded the motion which was unanimously approved.

**Item #2. City Council Report**

**David Petersen** gave a report from December 1, 2015 City Council meeting. He said the City Council discussed the conservation easement over 300 acres near Buffalo Ranch. Viking Real Estate (the owners of Buffalo Ranch) are exploring other options the property may be used for, including residential. He said the City Council approved the 650 West street cross-section. He also mentioned the City may join with a developer to participate in a marketing study to determine if the 85 acres near Shepard Lane could support a business park.

**SUBDIVISION APPLICATION**

**Item #3. John Wheatley/Symphony Homes – Applicant is requesting preliminary plat approval for the Chestnut Farms Phase IV Subdivision consisting of 21 lots on 13.98 acres of property located at approximately 600 South and 1525 West in an A (Agriculture) zone. (S-18-15)**

**Eric Anderson** said in past phases of the subdivision, the applicant requested and received approval to rezone the property to AE for the phase currently under development; however, receiving the rezone for Phase IV was erroneously overlooked. In 2013, the applicant received approval for the Preliminary PUD Master Plan for phases II, III, IV and V. Phase IV is currently being considered, but when preparing the staff report, it was discovered the property has not yet been rezoned or received schematic plan approval. Since the applicant received PUD Master Plan approval, which consisted of showing lot layout, lot sizes, street layout and holding a public hearing, staff feels it is appropriate to now consider this item for preliminary plat approval. Staff is recommending approval of this item subject to the rezone of the property from A to AE. If this item is approved, the applicant will apply for the rezone and the final plat concurrently. **Eric Anderson** also added that the improvements on 1525 West and the property that abuts it are included as a condition to the motion.

**John Wheatley**, 526 N. 400 W., North Salt Lake, said this is Phase IV of the project. When reviewing the Master Plan, Phase V is adjacent to Phase III; however, without 475 South coming through, completing Phase V would result in a dead-end longer than 1000'. To avoid the non-conforming dead-end, Mr. Wheatley said they are completely Phase IV now. **John Wheatley** asked for a reconsideration on the requirement by City Engineer that the applicant rip out half of the existing street and put in new asphalt; he feels this standard surpasses what other developments have been required of in the area. He also said that the regional detention basin is part of the project, but that they are paying for a service that will benefit other developments in the area. He feels adding extensive costs to rip out half of the road for their length of the property seems unreasonable.

**Dan Rogers** asked staff the reason the City Engineer made the request. **David Petersen** said there is some merit to the applicant's concern as the requirement was not made when the LDS church was built adjacent to the subdivision. At a minimum, the applicant will be required to do an asphalt extension and curb and gutter; however, **David Petersen** suggested discussing the request with legal counsel to see if it can be required.

**David Petersen** also stated that the applicant does have to provide open space as part of the PUD, but he is also right that the detention basin will also be servicing other projects so the detention basin may be viewed as a system improvement. It is appropriate for the applicant to pay the project costs for his own development and to reimburse him for the other costs based on others' usage.

**Bret Gallacher** asked who would be responsible for 1525 W. if the applicant is not required to improve half of the road for the length of his property and there's problems later on. **David Petersen** said the City would be responsible to improve the road.

**Heather Barnum** said she feels things with this item are happening out of order. She feels it is important to consider rezoning the property prior to making a recommendation on preliminary plat. **David Petersen** said that in this specific phase, it was an error that the rezone has not been completed yet as staff thought it was previously done.

**Rebecca Wayment** asked if the City Engineer's request is above and beyond what is normally required or if it was a reasonable request. She feels 1525 W. is in need of improvements. **David Petersen** explained the City Engineer's request is not what the City has required in the past. For example, the City did not require the church to tear out and replace half of the road's existing asphalt for its length of the property, nor does the City require it when extension agreements have been called upon. It is typical protocol to ask that the current asphalt be extended. **David Petersen** also said that just because it hasn't been done doesn't mean it can't be required so staff would like to discuss the request with the City Attorney.

**Rebecca Wayment** suggested tabling the item until the next meeting to give staff the opportunity to talk with the City Attorney and to possibly run the item concurrent with the rezone request. **Heather Barnum** also suggested that tabling the item will give staff time to clearly define what reimbursement may or could take place for the detention basin to ensure it is appropriately resolved.

**Dan Rogers** asked if tabling the item may unnecessarily hold up the applicant for an additional two weeks. **David Petersen** explained the timing of postings and the City Council meetings. He said even if the item is tabled until the next meeting, the applicant may still reach approval by the City Council at the same time.

***Motion:***

**Heather Barnum** made a motion that the Planning Commission table Item #3 based on the following reasons:

1. Clarification from the City Attorney on road improvements that are being asked of the applicant;
2. Clarification on the condition for reimbursement of system improvements with the detention basin;
3. And, to intend to do the rezone concurrent with the preliminary plat.

**Alex Leeman** seconded the motion which was unanimously approved.

**REZONE/GENERAL PLAN AMENDMENT APPLICATION**

**Item #4. Nick Mingo/Ivory Development (Public Hearing Continued from 11.19.15) – Applicant is requesting a recommendation of zoning map and general plan amendment for 56.68 acres of property**

**located at 1269 South 650 West from an AE (Agriculture Estates) and LM&B (Large Manufacturing and Business) zone to an LR (Large Residential) zone and an LM (Light Manufacturing) to a RRD (Rural Residential Density) designation. (Z-5-15)**

**Eric Anderson** showed the aerial map of 650 West and Glovers Lane. He said the applicant is wanting to rezone a large portion of the property from LM&B to AE so he can complete a project similar to the concept plan found in the staff report. **Eric Anderson** said the big question is whether or not the Planning Commission is comfortable losing a significant portion of the LM&B zone to residential. He said the item was previously tabled two meetings ago so the applicant could complete a traffic study, determine the exact location of the flood plain and ensure the ability to provide sanitary sewer and culinary water to the project. All the information was provided by the applicant. The item was tabled at the last meeting so the applicant could submit an updated concept plan to the staff and Commission for review. Staff is recommending denial of the application for reasons listed in the staff report, including allowing more time for the City to determine its needs before drastically reducing the LM&B zone.

**Heather Barnum** asked about sexually oriented businesses (SOBs) and if that may affect the decision tonight. **David Petersen** said based on the plans the applicant submitted, there is enough area to allow for SOBs that will still meet ordinance requirements.

**Nick Mingo**, 978 Woodoak Ln., Salt Lake City, said he is happy to review the results from the studies and reports that have been completed per the Commission's request. He said he also wanted to point out that the concept plan submitted is subject to change based on comments submitted by the residents and the Planning Commission. He said they have left enough LM&B zone along 650 W. to ensure there is a 400' buffer for SOBs based on the ordinance requirements. He wanted to ensure the Planning Commission does not feel frustration surrounding the concept plan as they are happy to make any adjustments to it. He explained property to the north is currently zoned AE so a rezone of this property would be congruent with surrounding areas. He also feels that the remaining 43 acres of LM&B that is not part of the development is adequate for the City's needs.

**Rebecca Wayment reopened the public hearing at 7:40 p.m.**

**Eva Gisseman**, 465 W. 1025 S., is here representing her property as well as her in-laws that are located on 650 W. She said they are not opposed to and actually prefer that the property remains LM&B. She said the concept plan presented by the applicant causes significant concern for her based on the location of the cul-de-sac and location of her driveway and garage on her property. She said the presented concept plan places a huge hardship on her. She said she tried to discuss with the applicant the possibility of buying her property, but was harshly denied. **Brett Anderson** explained he understands her concerns with the layout of concept plan and the proposed streets, but was curious her opinion on leaving the property surrounding her lot as LM&B versus residential homes. **Eva Gisseman** said she previously lived in an area where a subdivision was built surrounding her 3 acres. She said she received many complaints and was forced out of the area. She does not mind the industrial zone around her as they have business hours and then are gone the rest of the day.

**Jackie Hardy**, 325 W. Glovers Lane, said the proposed subdivision would be adjacent to her property. She prefers the LM&B zone over residential. She also expressed concern that the traffic study may not have taken into account the increased amount of traffic the new high school may bring as well as all the houses on the west side of Glovers Lane.

**Brad Pack**, 580 E. 400 N., Bountiful, said his family has owned property throughout several cities in the County. He said he often hears the same request from adjacent property owners that they want

the property to remain the way it is. With regards to traffic, he said light industrial traffic includes large trucks frequently accessing the area through residential areas. The problem with developing this area as LM&B is that there is no easy freeway access to the property. He said he has only been able to develop 12 acres since 2002. He feels even if they double their speed, it could potentially be 20 years to develop 40 acres of LM&B property. He feels the application for this to be residential is a reasonable request and feels Ivory has done a great job at listening to and addressing residents' and the Commissions' concerns. He asked that if the Commission does choose to deny the application that they then be reasonable with LM&B applications he may bring to the table in the future. **Dan Rogers** asked the applicant what he previously farmed on this property and what he currently does to attract businesses to his LM&B property. **Brad Pack** said he previously farmed alfalfa hay and pumpkins, and it would be his choice to continue to farm it, but financially it won't be the case. As for attracting businesses to the property, he has worked with realtors. He said his biggest draw is to those that currently live in Farmington and Centerville; however, his biggest problems are that the building permit process and fees are more expensive than other surrounding cities and freeway access to the property is challenging. The competition from the surrounding cities with lower fees and better freeway access make the LM&B build-out in Farmington very difficult.

**Marvin Hill**, 616 S. 950 W., said he feels this property should remain LM&B. He said the reason he was attracted to west Farmington was the large lots and lots of agriculture property. He feels approving small lots and high density will take away from the rural atmosphere.

**Chet Barber**, 260 N. Redwood Rd., North Salt Lake, said he is a commercial real estate broker specializing in industrial real estate. He has worked with Pack family for some time. He said, as Mr. Pack explained, there is limited access to I-15 from this property. He said a truck will have to pass through 2 school zones and residential areas to access the property which is less than ideal. Based on the concerns, he does not feel upscale tenants would choose to be located here compared to other LM&B areas located in Kaysville, Centerville, Bountiful and North Salt Lake. He also said LM&B helps to bring jobs to Farmington. He feels the property is currently Class C which results in tenants that do not provide a large number of jobs to the City. **Heather Barnum** asked if the tax revenue the City obtains is higher with LM&B versus residential property. **Chet Barber** said the City will gain revenue from LM&B property; however, ill placed LM&B is not as good of an idea as having a viable residential development. He said he feels the amount of LM&B that is planned for this area is "over kill."

**Rebecca Wayment closed the public hearing at 8:05 p.m.**

**Brett Anderson** said he keeps going back and forth as to what is the best use of this land. He said he feels businesses are out to make a profit and that the fact that businesses are not coming to this area makes him feel that they are making an informed decision to locate elsewhere because other places are better fits. He said he understands that residents are requesting the property remain LM&B, but he feels what residents are really saying is that they don't want the property to be developed.

**Bret Gallacher** said he also keeps going back and forth. He said he does not like the current concept plan, but feels the applicant is willing to change things to make it work. He also is not sure what will change in 5 years with this property and feels this property may still be sitting stagnant. **Brett Anderson** agreed; he said the ultimate decision is whether or not the Commission feels residential is an appropriate use of this land.

**Alex Leeman** said he feels cities typically put LM&B in places where people don't want to live and looking at the map, he understands why LM&B was placed in the far bottom area of the City. He feels though that when you drive this area, the property does not fit LM&B as it is property where

people want to live. He does not feel LM&B is the right use for this area; he feels the land is more fitting for residential.

**Rebecca Wayment** agrees that residential is a good use, but at some point there must be LM&B located somewhere in the City. She said Station Park was previously zoned LM&B, but was then moved to this area. She feels putting residential adjacent to the LM&B zone knowing that no one wants to live next to the LM&B zone does not make sense. She feels it must have a location somewhere in the City, and there's not any place to now move it.

**Heather Barnum** expressed concern that this situation could introduce zone creep to the area. She said if some of the property is zoned residential and future residents do not want to live next to the LM&B zone, additional requests to rezone the property come in and the LM&B zone could disappear. She feels that perhaps the applicant may not have pushed for sales of the area as LM&B knowing they were going to pursue the property as residential. **Brett Anderson** feels that it should not matter how much the applicant has pushed; if the area was cut out to be LM&B, businesses would easily come.

**Rebecca Wayment** said she has seen lots of changes in the Glovers Lane area over the years. She feels it would be nice to have houses across from the proposed high school, but she also feels houses can be built at any time. She is concerned that there may be future LM&B needs that cannot be considered at this time. She does not want to be short sighted by approving residential for this area when it could become a lucrative LM&B spot for the City based on changes in the area in the next 5-10 years.

**Bret Gallacher** expressed concern that changes, like the future high school, will not further attract LM&B uses to this area. **Dan Rogers** also expressed concern that if LM&B is ever going to flourish in this area, additional roads need to be built for better access.

**Alex Leeman** pointed out that the Commissioners keep asking where else LM&B could be located; however, he feels the question to be asked is if the City needs the additional 30 acres that is being proposed for the development. He also feels considering the tax revenue LM&B generates versus residential property is not an appropriate consideration as the City manages itself for the residents. He also added LM&B might be an appropriate use in the event the WDC is approved.

**Nick Mingo** said they have worked closely with UDOT regarding the WDC. In the event the WDC is approved, there will still be 25 acres of LM&B still available. Also, in discussing the proposed development with UDOT, UDOT's response was they could not tell us not to do something, but are happy to work with us in event something does happen.

**Dan Rogers** said as the LM&B property currently stands, he feels the property is unattractive and looks as though many properties are unkempt. He feels approving residential may create a nicer looking community in the long run. He feels the proposed amount of remaining LM&B will last for years to come.

**Brett Anderson** asked how much property is planned to be annexed into Farmington on the south border. **David Petersen** said there is approximately 35 acres; however, that does include large portions of wetlands.

A motion to deny the zoning map amendment was made, but was voted down by the majority of the Commissioners. The following motion was then made.

**Motion:**

**Brett Anderson** made a motion that the Planning Commission recommend that the City Council approve the zoning map amendment based on the following findings:

1. Rezoning the LM&B to AE would not reduce the area for this necessary zoning designation and would not hamstring the City in the future regarding enough space for these types of LM&B uses to develop in the future;
2. Rezoning the property still provides sufficient LM&B areas including warehousing, self-storage, heavy machinery storage yard, etc., and other permitted and conditional uses stated in the code;
3. Rezoning to AE is an appropriate use for this area given the surroundings and the desirability of LM&B that we've seen historically that is predictable as to what will come in the future based on the information that is before us;
4. In approving this recommendation not to deny, the Commission is in no way giving approval to any part of Ivory's presented concept plan, including size of lots, street layouts, etc.;
5. The proposed rezone to AE is still east and north of the 4218 elevation line;
6. It leaves sufficient acreage for SOBs under the code;
7. It is anticipated that additional LM&B may be acquired should the City desire to zone it as such through annexation in the future.

**Bret Gallacher** seconded the motion. **Dan Rogers, Bret Gallacher, Brett Anderson** and **Alex Leeman** voted in favor of the motion; **Heather Barnum** and **Rebecca Wayment** voted against the motion. The motion passed on a 4-2 vote.

## **OTHER BUSINESS**

### **Item #5. Miscellaneous – Discussion on Farmington Rock and the Historic Commission Presentation**

**David Petersen** said as he worked on what to propose to the Commission regarding the use of Farmington Rock, he said he had too many questions that needed clarification prior to moving forward.

**David Petersen** said he originally thought about having the Farmington Rock requirement in certain areas like Old Town Farmington (or the OTR) zone. He explained a brief history of the use of Farmington Rock by the pioneers. When the pioneers settled, they first built dugouts to live in. Eventually, families would upgrade to rock homes, then the homes were eventually replaced by brick homes. He said there are more historic buildings in Old Town Farmington that are brick than there are rock. He said the use of Farmington Rock was what families used when their income was growing, but it was not something they aspired to live in. He also pointed out that except for a few buildings within the City, most historic nonresidential buildings did not use it.

**David Petersen** said he is unsure why the application of Farmington Rock became so prevalent. It does not go back to the National Historic Register standards as it is not a standard at all because it is not historic. He said it's important to step back and determine what we are trying to create as a City. He said he understands the desire to create a theme within the City; however, there are many key commercial and institutional buildings within Farmington that do not have Farmington Rock on it.

**David Petersen** presented the following number of nonresidential buildings with Farmington Rock as a consideration within the area of Park Lane on the north, 200 South/200 West area on the south, the freeway on the west, and the mountains on the east:

- Buildings that have an element of Farmington Rock: 17
- Buildings with a kind of Farmington Rock: 5
- Businesses that started as a home, or barn, with Farmington Rock but were converted into a business: 2
- Buildings that do not contain any Farmington Rock: 39

**David Petersen** asked the Commission if they feel it is worth having the Farmington Rock a requirement. He asked if having an element of rock as a requirement within the ordinance is worth it, what percentage of rock should be required to meet the requirement. Or, what subjective standard is needed and who will enforce it. **David Petersen** asked for the Commission's thoughts and if they want to pursue it.

**Heather Barnum** said she would like to preserve the historic feel of Old Town Farmington, but is open to other consistent historic elements found within the City. **Rebecca Wayment** would like the historic district to flow and to preserve the gateway areas of the City.

**Dan Rogers** said he understands the importance and is in favor of a theme for the City. He said he feels Rexburg, ID had an opportunity to create a beautiful city, but ruined it with lack of appropriate planning. **Bret Gallacher** agreed; he said he understands that Farmington Rock began to be pushed in the 80's, but does not want to dismiss the fact that the City has been trying for 35 years to create a theme.

**Alex Leeman** asked how Station Park was able to obtain approval of its development without being required to include an element of Farmington Rock. **David Petersen** said it was approved by the City Council as an "ordinance" by development agreement. **Alex Leeman** said that is something that has always stuck out to him about requiring an element of Farmington is that the most prominent development and many of the most prominent buildings do not include Farmington Rock. He suggested looking at stylistic themes within the City to create something that unifies the City, like park strip trees. **Rebecca Wayment** expressed concern that property owners located in areas with the large trees may express concern of the damage and maintenance the trees require.

**Alex Leeman** explained the trees were an example, but he feels unified cities have less to do with a theme and more to do with equal quality of buildings. He asked if there is a way to create better buildings within the City. He used the Harmon's building compared to Smith's Marketplace as an example.

The Commissioner discussed how a theme standard could be dictated within the City. The Commissioners discussed percentages that could be applied, waivers that could be granted and approval of building designs by the Planning Commission and City Council.

**David Petersen** explained that after the creation of Station Park, the developer, CenterCal, wanted to ensure the development's standard was maintained in surrounding properties. The Master Development Guidelines ordinance was created in 2008 for the mixed use areas. Each time a development comes in, adjacent developments can comment as everyone wants to ensure new projects are of the highest quality. He suggested that perhaps a set of guiding principles for the east side could be created; if residents and businesses live within a certain radius, an invitation to comment on the appearance of the proposed building is extended. He feels it may be an appropriate way to ensure quality buildings on the east side.

The Commissioners discussed this option, as well as using the Site Plan Architectural Review Committee (SPARC) to develop appropriate design guidelines to maintain quality buildings and remodels

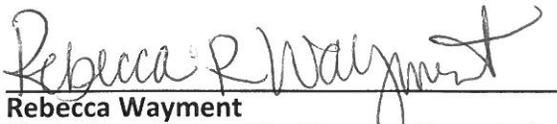
within the east side of Farmington. **David Petersen** suggested having a committee, which includes 2-3 members of the Planning Commission and possibly a consultant, to create the guidelines. The Commissioners agreed this is an appropriate way to move forward.

**David Petersen** also asked that, if possible, the Commissioners attend the City Council's Study Session on December 15, 2015 at 6 p.m. A geologist professor from the University of Utah will be attending to comment on Jerry Preston's proposed Farmington Hills subdivision and the potential of a slide factor.

## **ADJOURNMENT**

### ***Motion:***

At 9:53 p.m., **Dan Rogers** made a motion to adjourn the meeting which was unanimously approved.

  
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**Rebecca Wayment**  
**Chair, Farmington City Planning Commission**