

**FARMINGTON CITY
PLANNING COMMISSION**
September 21, 2023

WORK SESSION

Present: Commissioners Samuel Barlow, Mike Plaizier, Larry Steinhorst, Tyler Turner; and Alternate Commissioner Alan Monson. Staff: Community Development Director David Petersen, Planning Director Lyle Gibson, City Planner/GIS Specialist Shannon Hansell, and Planning Secretary Carly Rowe. Excused: Chair Erin Christensen; Vice Chair John David Mortensen; Commissioners Frank Adams and Clay Monroe.

City Planner/GIS Specialist **Shannon Hansell** mentioned the special exception request for a deck expansion that would require a rear-setback of 18 feet instead of the minimum 30 feet. The applicant wants to build a 12-foot wide deck off the back of their home. There was feedback from a resident at 492 W. Miller who was concerned about the proposal for privacy reasons.

REGULAR SESSION

Present: Commissioners Samuel Barlow, Mike Plaizier, Larry Steinhorst, Tyler Turner; and Alternate Commissioner Alan Monson. Staff: Community Development Director David Petersen, Planning Director Lyle Gibson, City Planner/GIS Specialist Shannon Hansell, and Planning Secretary Carly Rowe. Excused: Chair Erin Christensen; Vice Chair John David Mortensen; Commissioners Frank Adams and Clay Monroe.

MOTION

Mike Plaizier made a motion to elect **Larry Steinhorst** as Chair for this meeting.

Tyler Turner seconded the motion, which was unanimously approved.

Commissioner Samuel Barlow	X Aye ___ Nay
Commissioner Alan Monson	X Aye ___ Nay
Commissioner Clay Monroe	X Aye ___ Nay
Commissioner Mike Plaizier	X Aye ___ Nay
Commissioner Larry Steinhorst	X Aye ___ Nay
Commissioner Tyler Turner	X Aye ___ Nay

Chair Pro-Tem **Larry Steinhorst** opened the meeting at 7:03 PM.

SPECIAL EXCEPTION APPLICATION – public hearing

Item #1 Brandon and Michelle Harden – Applicant is requesting a special exception approval to encroach into the rear setback of the property, located at 644 S. Daniel Drive in the AE (Agricultural Estates) zone.

City Planner/GIS Specialist **Shannon Hansell** presented this agenda item. The applicant is requesting a special exception to exceed the minimum rear setback of 30 feet prescribed by FCC 11-12-090. The applicant wishes to construct a 12-foot wide deck off the back of their existing home, reducing the distance from the dwelling to the rear yard property line to 18 feet as shown on their site plan. Staff recommends approval, because the building department has already approved the building permit.

In considering the Special Exception, FCC 11-3-045 E identifies the standards of review:

11-3-045 E. Approval Standards: The following standards shall apply to the approval of a special exception:

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

Jordan Boyd (3855 Brinker Avenue, Ogden, Utah) addressed the Commission via Zoom, representing the applicants. **Boyd** is the contractor who is building the deck for the **Hardens**. He said there was a small deck there previously (same height, 6 feet) at the base of a door on the back of the home, and they are wanting to just extend the deck to obtain more use of it.

Larry Steinhorst opened and closed the public hearing at 7:07 pm due to no comments received.

MOTION

Tyler Turner made a motion that the Planning Commission approve the special exception for a reduced rear setback of 18 feet for the property at 644 S. Daniel Drive, subject to all applicable Farmington City development standards and ordinances.

Findings for Approval 1-3:

1. The building department has approved the building permit; therefore, it is reasonable to assume that the reduced rear yard will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
2. The property is of sufficient size to accommodate the special exception.
3. The existence of a deck in a rear yard is unlikely to create traffic hazards.

Supplemental Information 1-3:

1. Vicinity Map
2. Site plan
3. Information from applicant

Alan Monson seconded the motion, which was unanimously approved.

Commissioner Samuel Barlow	X Aye _____ Nay
Commissioner Alan Monson	X Aye _____ Nay
Commissioner Clay Monroe	X Aye _____ Nay
Commissioner Mike Plaizier	X Aye _____ Nay
Commissioner Larry Steinhorst	X Aye _____ Nay
Commissioner Tyler Turner	X Aye _____ Nay

CONDITIONAL USE APPLICATION – public hearing

Item #2 Farmington Flex / Andrew Hiller – Applicant is requesting conditional use approval to use space in the Farmington Flex development for Gymnasium/Indoor Sports in part of Building 3 at 1261 South 650 West in the LM&B (Light Manufacturing and Business) zone (C-10-23)

Planning Secretary **Carly Rowe** presented this agenda item. The item was tabled at the previous meeting (September 7, 2023) because the applicant was not present for questions regarding the new use. The property owner has interest from a gymnastics and tumbling business who would like to locate in Unit 4 of Building 3 at the Farmington Flex development. The building they are moving into is a new construction that has received previous approvals for the shell construction. They are working on the tenant improvements for their use and seeking a conditional use permit to complete their business license approvals.

The use is allowed with a conditional use permit and is similar to other gym/rec facilities in the immediate area previously approved by the Planning Commission. As a conditional use, the presumption is to approve the use so long as conditions can be imposed to mitigate potential detrimental impacts if necessary. In the opinion of Staff, the use does not create negative impacts that would require mitigation beyond the generation of traffic meriting consideration of the impacts due to vehicle parking.

Farmington City Code (FCC), 11-8-050 Conditional Use Standards (E), states that uses shall have adequate improvements such as parking and loading spaces. Per FCC 11-32-040: Minimum Parking Spaces Required. Such a facility would fit best as a commercial recreation use, and the parking requirement is identified as one to be determined by the Planning Commission.

The applicant has recently requested similar approvals from the Planning Commission within the development. Since review of the other user, the applicant has since obtained more interest and has a better understanding of users throughout his development. With this understanding of parking needs, a parking analysis for the site has been provided with this report for consideration. The

other indoor sports user at the site was approved at a parking ratio of 2.5 / 1,000 square feet. The applicant has based available parking of this same requirement.

Applicant **Andrew Hiller** (1268 W. Atrium Court, Farmington, Utah) is here to discuss questions that the Commission had from the previous meeting and today's as well. He said this is the third and final Conditional Use Permit he will be coming for regarding this property, as the entire site is now fully leased. Per building code and use, each business is allowed only so many people into their building. He used the maximum allowed per company to maximize parking. Even if every business was filled to maximum use at the same time, there would be enough parking. Even when Kongo has events on Saturdays, not every parking spot is filled. Most is warehouse use. The primary use would mostly be just trainings and classes for young children. Buildings 1 and 2 are occupied. Building 3 will be used as overflow for a tenant in Building 1. Building 2 has tinted windows, so it may difficult to see people in the building. Buildings 3 and 4 don't have people moved in yet. He said he understands parking problems, as he lives next to the Legacy Events Center, and there are problems with people parking along the street there.

The Commissioners heard from the applicant, who addressed their prior parking and event concerns. All the uses will not require parking at the same times. This seems to be an ideal use for this area.

Larry Steinhorst opened and closed the public hearing at 7:19 pm due to no comments received.

MOTION

Samuel Barlow made a motion that the Planning Commission approve the requested conditional use permit with the parking ratio at a minimum of 2.5 spaces per thousand as is provided on site without the need to add additional conditions.

Findings for Approval 1-3:

1. The proposed use is moving into an already approved building.
2. Potentially impacted businesses fall within the same project and parking can be further managed by the property owner.
3. At a parking ration of 2.5 stalls per 1,000 square feet, it is anticipated that the facility will be able to provide sufficient parking for its customers/users.

Supplemental Information 1-3:

1. Vicinity Map
2. Site Plans and parking counts
3. Photos of the Site

Tyler Turner seconded the motion, which was unanimously approved.

Commissioner Samuel Barlow	X Aye _____ Nay
Commissioner Alan Monson	X Aye _____ Nay
Commissioner Clay Monroe	X Aye _____ Nay
Commissioner Mike Plaizier	X Aye _____ Nay
Commissioner Larry Steinhorst	X Aye _____ Nay
Commissioner Tyler Turner	X Aye _____ Nay

OTHER BUSINESS

Item #8 Miscellaneous, correspondence, etc.

- a. Minutes Approval September 7, 2023
 - i. There was an error on attendance that Staff will review and bring back to the next meeting for approval. **Mike Plaizier** was not in attendance at the meeting.
 - ii. There were some "nays" on the Key Bank agenda item that were not recorded properly. **Mike Plaizier** wasn't available to vote and **John David Mortensen** voted "nay."
- b. City Council Report September 19, 2023
 - i. Planning Director **Lyle Gibson** provided the report. Several ordinances forwarded to the Council for simple text changes were approved as recommended. The biggest agenda item was the public hearing regarding the designation of Main Street on the Landmark Registry, a historic preservation effort. It was the first presentation to the Council

after the Historic Preservation Commission's study. The Council has not made a decision yet, and it will return to them again in the next few months.

- c. Discussion. **Gibson** said Staff has been working with a code enforcement regarding a business zoning question off of the Frontage Road. The applicants have been very cooperative. They run a business, Acer Trees, off an Agriculture Estates (AE) property. The current stance is that Staff must follow the book and they don't have flexibility, but the Commission and Council do.

Jeff Tolman (433 S. 200 W., Farmington, Utah) addressed the Commission. He would like guidance from the Commission that could lead to resolve. **Kevan Tolman** (433 S. 200 W., Farmington, Utah) said in April of 2017 he started a tree care business with a partner based out of Fruit Heights. In December of 2021, prior him buying out his business partner and moving to Farmington, he called the Farmington Planning Department to determine what was necessary to move the business from Fruit Heights to Farmington. He wanted to park his trucks and equipment on the property. No work is done on the property. It is a tree cutting business where he goes to other people's property to prune trees and grind stumps. When he called Farmington, the employee said he wouldn't need a business license since the work is not conducted on his own property. So, he did not get a business license from Farmington.

The property is directly south of the new Brookside development. The developer made a mistake and raised the sewer level too high so the home sewers couldn't drain to the street. Therefore the height of the entire lot had to be raised 4 feet. A 6-foot privacy fence was installed around the entire property. This borders his property on the north side. A drainage system was put in on the north side of his property and drains to Steed Creek. The last home that was sold in Brookside is 431, which was sold to Mr. **Clegg**, who is a Wyoming resident who visits his Farmington property a few times each month.

On July 5, 2023, the City received a complaint. The **Tolmans** were notified about the complaint regarding their driveway and carport on July 27, 2023. Their driveway has been the way it is for more than 50 years, and there was a permit issued for the carport that was built. He read excerpts from the complaint, with the complainant saying that views of the commercial trucks from **Clegg's** property are intrusive and constituted a nuisance. **Tolman** showed the Commission pictures of the complainant's views. The 6-foot fence is 4 feet below the complainant's foundation. If the fence was 4 feet higher to accommodate for the 4 foot raise, they wouldn't see the trucks. The new fence was installed along the side of the **Tolman's** established driveway. The Brookside community was advertised as a 55+ community, and residents there expect quietness. However, that doesn't extend past the property line. Loud sounds from the freeway are often heard in Brookside.

Gibson said the challenge is if the business wasn't technically licensed there, **Tolman** could technically bring his work truck home at night and park it there. Therefore, the impact could be there no matter what. There is a code conflict creating an impasse, and Staff needs help from the Commission. A rezone may be appropriate, or a text change in the agricultural zoning ordinance with the reminder that it could be broadly applied anywhere in that zone. He is looking for direction from the Commission.

Tolman said Code 11-35-010 mentions that a home occupation should not be conducted in a way that passersby would know of its existence. This is not a normal circumstance when the developer builds a property line 4 feet up from its original location. The code encourages home occupied businesses to grow, but also says that employees cannot park at a home-occupied business. This seems to be counter-intuitive. The **Tolmans** have one full-time employee and one part-time employee. They park their personal cars there in the mornings before getting in the company trucks. A tree care business fits in an agricultural zone. There are probably 25 to 30 other similar situations currently occurring throughout the City, but Staff only responds to complaints. If the law is only applied due to a complaint, that seems unfair.

Commissioners would like to look at different things that don't involve a zone text change. They understand the issue and situation, and the Commission needs to do some review.

ADJOURNMENT

Tyler Turner made a motion to adjourn at 7:55 pm.



 Larry Steinhorst, Chair Pro-Tem