

**FARMINGTON CITY  
PLANNING COMMISSION  
February 08, 2024**

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**WORK SESSION**

**Present:** Chair John David Mortensen; Vice Chair Frank Adams; Commissioners Samuel Barlow, Tyler Turner, Joey Hansen, Kristen Sherlock and George Kalakis; Alternate Commissioners Brian Shepherd and Spencer Klein. Community Development Director David Petersen, Assistant Community Development Director/City Planner Lyle Gibson, City Attorney Paul Roberts, City and Planning Secretary Carly Rowe. **Excused:** Planner/GIS Specialist Shannon Hansell.

John David Mortensen opened the study session with some items he has learned on his time with the Planning Commission in regard to voting. Don't feel like you have to vote one way if you are not comfortable with it, even if you are the only one voting that way. The other items he discussed were time, productivity, and resources that the Commissioners have if they have questions (with Staff, etc.).

Paul Roberts, City Attorney, gave a power point presentation regarding Land Use and the Open Meetings Act.

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**REGULAR SESSION**

**Present:** Chair John David Mortensen; Vice Chair Frank Adams; Commissioners Samuel Barlow, Tyler Turner, Joey Hansen, Kristen Sherlock and George Kalakis. Alternate Commissioners Brian Shepherd and Spencer Klein. Community Development Director David Petersen, Assistant Community Development Director/City Planner Lyle Gibson, City and Planning Secretary Carly Rowe. **Excused:** Planner/GIS Specialist Shannon Hansell.

Chair John David Mortensen opened the meeting at 7:02 pm.

Planning Secretary Carly Rowe administered the Oath of Office to the new commissioner, George Kalakis, who will serve through the end of the 2024 year.

**SUBDIVISION / SITE PLAN / PROJECT MASTER PLAN APPLICATIONS**

**Item #1 – Symphony Homes – Applicant is requesting Preliminary Plat approval for the proposed Eastridge Estates Phase 4, which will consist of nine lots on 3.38 acres, located at 50 W. 1500 S., in the LR (Large Residential) zone (S-1-24).**

Assistant Community Development Director/City Planner Lyle Gibson presented this item. Farmington Eastridge Estates Phase 4 is a nine-lot phase, which is part of the larger Eastridge Estates Conservation Subdivision of single-family homes. The LR Zone minimum lot size is conventionally 20,000 square feet. However, conservation subdivisions are able to access the non-conventional lot size of 10,000 square feet by providing and conserving open space. This non-conventional lot size is used to establish the base number of lots. Eastridge Estates received schematic master plan approval in 2016 for what are most recently identified as Phases 3 and 4. Phase 3 and 4 were combined on the schematic master plan as their combined size achieved the required 10 acres minimum for a conservation subdivision. The applicant met the 15% open space requirement by providing a regional detention basin to the City in lieu of “usable” open space such as parks or trails.

Phase 2 (now Phase 3), received approval in 2018, but Phase 3 (now Phase 4), could not be approved as wetland mitigation was required. Since then, the applicant has mitigated the wetlands in Phase 4 and received approval from the Army Corps of Engineers.

The major difference from schematic approval to the preliminary plat for Phase 4 is that the schematic approval for Phase 3 (now 4) contains 16 lots, instead of nine. This reduction does not invalidate the schematic plan, only an increase in lots would require another schematic approval.

According to FMC 11-12-090, LR zoned lots in a conservation subdivision may be as small as 6,500 square feet. Eastridge Estates Phase 4 contains lots no smaller than 9,369 square feet. This phase of the plan will also provide more area to the City’s detention basin, shown as Parcel A (SI #2). Today, the applicant is seeking preliminary plat approval for Phase 4, rather than schematic recommendation, because of the previously approved schematic master plan.

Gibson said the lots meet the size and design standards. Staff recommendation is to approve the preliminary plat. If approved, the final step for Phase 4 will be a final plat approval. Under the new subdivision ordinance update (2023), final plat approval will be completed by City Staff.

Russell Wilson (Centerville/Symphony Homes) said the west side retention will be used as a regional storm water detention pond for the City. The developer is responsible for assembling and dedicating the land needed. Wilson said the infrastructure is already there and built and bermed up. With each phase of the development that is built out, they have dedicated the land needed for that detention space, which is not developable land.

**MOTION**

Frank Adams made a motion that the Planning Commission approve the preliminary plat for Farmington Eastridge Estates Phase 4, subject to all applicable Farmington City development standards and ordinances.

**Findings for Approval 1-7:**

1. Farmington Eastridge Estates does not create a significant change to the roadway alignment or configuration as approved in the schematic master plan.
2. Farmington Eastridge Estates lot size and lot configuration are not significantly different than the approved schematic plan.
3. There is no increase in lots from the schematic plan to the preliminary plat.
4. The 15% open space requirement is provided in lieu by land for the City’s detention basin, as decided by agreement.
5. There is no significant change to culinary water, sanitary sewer, or storm drain plans (some of this has been installed in conjunction with prior phases).
6. The modification of the preliminary plat does not significantly alter the character of the entire subdivision.
7. An important connection between 50 West and 1500 South will be completed in this phase.

**Supplemental Information 1-4:**

1. Vicinity Map
2. Preliminary Plat – Eastridge Estates Ph 4
3. Approved schematic Master Plan
4. Staff Report from April 19, 2018 – “Final Plat for Eastridge Estates Subdivision Phase III”

**Applicable Ordinances:**

1. 12-4-080 - 120 (contained in pending Ordinance No. 2023-66)
2. 11-12 Conservation Subdivision (CS) Overlay Zone and Development Standards
3. 11-11 – Single Family Residential Zones
4. Updated Title 12 (Pending Ordinance No 2023-66)

Samuel Barlow seconded the motion, which was unanimously approved.

Chair John David Mortensen	X Aye ___Nay
Vice Chair Frank Adams	X Aye ___Nay
Commissioner Samuel Barlow	X Aye ___Nay
Commissioner Tyler Turner	X Aye ___Nay

Commissioner Joey Hansen  
Commissioner Kristen Sherlock  
Commissioner George Kalakis

X Aye \_\_\_Nay  
X Aye \_\_\_Nay  
X Aye \_\_\_Nay

**Item #2 – CW Urban – Applicant is requesting a recommendation for a Project Master Plan / Development Agreement, Schematic Subdivision Plan, and Concept Site Plan for the Charlotte, a mixed residential and commercial subdivision covering 11 acres at approximately 1293 West Burke Lane in the OMU (Office Mixed Use) zone (PMP-1-23). – PUBLIC HEARING**

Commissioner Samuel Barlow recused himself from this item, and he left the meeting.

Gibson presented this item. The Subject property is on the southwest corner of Burke Lane and Maker Way, on the west of the creek, south of the barn. The property is part of an overarching Project Master Plan wherein 30+ acres of property received approval from the City Council to be eligible for use of Section 11-18-140 and supplemental master plan approvals as long as projects within the area include at least 2.5 acres.

Use of Section 140 referenced above means that an application may deviate from the standards of the OMU zoning district at the discretion of the City. Deviations are to be recommended by the Planning Commission and those which are found to be acceptable by both the City Council and Developer are memorialized in a Development Agreement.

Notably, the OMU zoning district does not allow residential development. However, the Farmington Station Area vision includes a large amount of residential development. Section 140 is used by the City as a means to allow for residential development or other deviations while ensuring that it does not crowd out desired non-residential development. The [Farmington Station Area Plan](#), which was adopted in 2022, shows the subject property having part office, residential, and open space elements. The property is located within the Recreation Neighborhood identified by the plan.

Projections from the plan indicate that within this neighborhood, the City might anticipate some 460 townhome units and 948 multi-family units (apartments). Currently entitled are 790 apartment units and 263 townhomes. The proposed 92 townhome units within this project would bring the total to 355. Overall, the unit count is below what has been anticipated as actual projects have come in, while some sites envisioned to be residential are commercial uses and vice-versa.

The Charlotte is proposing the townhome neighborhood development on the south end of the project closest to the park. It isn't known at this point whether or not the townhomes will be sold or rented, but they would be platted individually for potential owner occupancy.

The Commercial portion of the property includes four restaurant pads and a large future phase where a user is in discussion with the developer. However, the current deal is still in the works before a user can be identified. With no firm commitment, the applicant is simply indicating that they will ensure non-residential development on that site. No specific tenants are identified for the restaurant sites, but the applicant is looking for approval to allow two of the restaurant sites to include drive-thru service, which requires specific approval through Section 140. The developer is committing to certain architectural elements and design components on the restaurant spaces to help promote and maintain the form base them sought in the mixed-use area.

**Architectural design for the housing would be honed in on for the preliminary approval phase of the project if the overall layout and use types are approved by the City. Other than the specific design elements that are identified in an agreement by the developer, the architecture of the commercial would be tenant-driven. Without an exception or allowance indicating otherwise, the architecture and form would have to meet the design requirements of the OMU district.**

**The Planning Commission is tasked with sending a recommendation to the City Council regarding the project. The recommendation would indicate whether or not the Commission believes the proposal is appropriate at the subject location and in harmony with the vision for the North Station Area. The Commission may request additional details from the applicant to help make this determination and may recommend conditions that should be part of the Development Agreement to ensure certain outcomes.**

**Colton Chronister (426 W. Meadow Drive, Kaysville, Utah), a representative of CW Urban, addressed the Commission. This was originally submitted in 2023. The Council saw this last year and wanted CW Urban to work with Tod Jones, the property owner there, to make a great mixed-use area. It is a collaboration between CW Urban, who owns 5 acres, and Jones, who owns an additional 5 acres. These were the two properties in the area that do not yet have entitlements. The developer plans to continue the trail that is there, too, and make it available to the public. They want to encourage connectivity via trails from that curve in Burke Lane to the new City Park.**

**Commissioner Joey Hansen asked if the City would be responsible for maintenance of said-trail; CW Urban noted that they are happy to work out an appropriate solution. They are willing to dedicate the trail to the City.**

**Community Development Director David Petersen noted how the trails work now, the transportation plan and also the future greenway that is being installed in future developments and with that – how they would connect. The City doesn't want mixed use areas totally overrun by residential uses. Typically, 60% of the development is not residential. This project is surrounded by Weber State University, Lifetime, a commercial node, and more proposed commercial uses.**

**Commissioner Kristen Sherlock questioned what the gray area is on the concept plan. The answer right now is the developer unsure but are committed to ensure a commercial area. They have non-disclosure agreements (NDAs) with two companies right now and are unable to talk about it further. She likes seeing the commercial is along Burke, and the residential is further in close to the park. She likes that the proposal is less dense than the original 790 units. Sherlock asked if they would be rentals only, and Chronister responded that they wish to plat all townhomes separately so they can be sold individually. However, if the owner chooses to rent it out, that is their decision.**

**Chronister said off Maker Way there are two points of ingress/egress, with an additional one up top for the drive-thru restaurants. They want to make sure the traffic flows and works. Vice Chair Frank Adams doesn't want to see traffic backed up on the public road while trying to get to the drive-thrus. Regarding Cook Lane, a through from Maker to Park Lane, Chronister said he understands that the City has funds in an escrow account to install a culvert and bridge to go over Shephard Creek. That actual construction would be included in the developer's scope of work, and it would be a priority to get it installed. Adams asked if Chronister if he was O.K. with obtaining a traffic study regarding the restaurants. Chronister indicated that they have no issue with that. Chronister also noted that if the**

townhomes are rented, it would be professionally managed by a property management company and if they are for sale, a Homeowner's Association (HOA). Chronister understands their responsibility to provide moderate-income housing.

Commissioner Tyler Turner asked about a timeline. Chronister hopes to have a tentative start for construction for Quarter 2/Quarter 3 of this year, depending on markets, approvals, etc.

Chair John David Mortensen asked why the Commission has not been able to see the Development Agreement yet. Chronister noted that working with multiple property owners is one aspect but also, the applicant wanted to gain a concept idea if this was a project the Commission would like to see and/or receive any feedback. It is in mature draft form, so is close to being ready. Mortensen asked about the drive thrus and if they have tenants yet. They do not right now, but Chronister noted that they intend to make it nice and shield it with landscaping and a pergola. They will be intentional about separating the street from the drive-thru lanes, much like the nearby McDonald's and Sticky Bird.

Commissioner Joey Hansen asked about the BBQ area. The developers intend to have the green space be a quasi-public area, used by those who are using the public trail. For the BBQ pits etc., they are intending that to be used for the residents of that project since they do not have a yard. It will not be fenced in, so it won't be a private space. Behind the existing tree line, the space between the trail and water will be public space.

John David Mortensen opened and closed the public hearing at 7:49 pm due to no comments received.

Chair Mortensen opened the time to talk amongst the Commission, going in order of seating.

Turner noted he wants to see a traffic study and he would prefer ownership versus rentals only. He wants time to review the proposed agreement.

Hansen said that he wants to know who is maintaining the trails.

Vice Chair Adams would like to see this tabled so they can obtain information such as traffic studies, etc. He is curious about the traffic patterns for the drive-thru restaurants. He would like to see the Development Agreement, and know the plans for moderate-income housing. He thinks a lot of the proposed nine substantial conditions would be eliminated if this was tabled. He also asked about speed bumps on Cook Lane, which is public, and Gibson indicated Public Works could be consulted on that.

Sherlock said she likes a lot about this project such as the concept of the BBQ area, but ambiguity should be eliminated regarding the concern of "is this public or private for residents only?" She would also like to know if this is for purchase or rental. She mentioned she wanted more information on the drive-thru also.

Kalakias has a concern about the area between Cook Lane and the townhomes. Would this be the "front" yard, backyard, drive ways, with sidewalks and a fence, etc. The developer said it would have a park strip and sidewalk, being considered the front yard of the townhomes.

Chair Mortenson said that he is interested in moderate income housing, the Development Agreement, and drive-thru flow. He said he likes it, and residential near a park is complementary. He is interested in the commercial aspect. He would like the townhomes to be purchasable. He just wants to see the

details, but understands those are being worked through. Mortensen said that he, too, would probably like to see this tabled.

**MOTION**

Frank Adams made a motion that the Planning Commission **TABLE** this item for consideration at a future meeting to allow review of a proposed agreement and to see any changes discussed by the Commission. The commission would like to see when the applicant returns, at minimum:

- Development Agreement
- Traffic pattern study for residential and commercial pads
- Address how the trail would be maintained
- Disclosure of future commercial tenants, or type of tenants, if possible considering NDA
- HOA or Property Management – i.e. rental or ownership?

Kristen Sherlock seconded the motion, which was unanimously approved.

Chair John David Mortensen	X Aye ___Nay
Vice Chair Frank Adams	X Aye ___Nay
Commissioner Tyler Turner	X Aye ___Nay
Commissioner Joey Hansen	X Aye ___Nay
Commissioner Kristen Sherlock	X Aye ___Nay
Commissioner George Kalakis	X Aye ___Nay

**Item #3 – Tucker Nipko – Applicant is requesting Concept Site Plan approval for a proposed Medical Office Building covering 1.16 acres at approximately 775 N. Innovator Drive, in the OMU (Office Mixed Use) zone (SP-1-24).**

Commissioner Barlow rejoined the meeting. Gibson presented this item. This property is the northeast corner off Innovator Drive, north of Burke Lane. The City has previously approved a Project Master Plan (PMP) for the subject property and the subdivision plat for the site of the proposed office building. The PMP and applicable Development Agreement for this property allowed for residential development on Lot 2 in the form of townhomes and a large apartment building. Lot 1, on which this proposal is located, was identified for non-residential uses as permitted in the OMU zone including commercial and hotel uses.

Section 11-18-050 identifies uses permitted in the OMU zoning district. Among the permitted uses are “Business, professional offices, outpatient medical facilities.” The applicant has submitted a proposal for a new three-story office building, identifying it as a medical office building. Conversations with City Staff indicate that medical users are most likely to occupy the space, with the possibility of other professional office users. The current proposal does not have specific tenants slated to use the building, as is evident in the provided floor plan. Essentially the applicant would look to build the building shell and later finish tenant specific improvements based on their needs. It could host legal, business, insurance, or medical tenants.

While the proposed use is already allowed in the zone, the site plan review is subject to approval by the Planning Commission due to the size of the building (11-18-070 4a1). The review of the site plan is an administrative action where the Planning Commission is determining whether or not the project meets applicable standards. While the residential development is subject to specific size and height controls in the applicable Development Agreement, the non-residential lot where this building is proposed is not restricted beyond the regulations of the OMU zone and other site design requirements of the city ordinance.

The proposed building fronts Innovator Drive (1525 West) with parking to the rear and side of the building to the west and north. The building has a 12,000 square foot footprint and is three stories tall, for a total of 36,000 square feet of office space. It essentially looks like the Arbringer Building, the office building close to the Red Barn site. The lot that the building is located on includes 78 parking stalls. Access in and out of the property as well as utility service has been previously approved and accounted for with the subdivision approvals given to the site.

Following are the design requirements as reviewed by City Staff for the consideration of the Planning Commission:

**Use:** Permitted by OMU zoning 11-18-050 – **COMPLIES**

**Height:** Maximum allowed – 6 stories per 11-18-060 A; requested 3 stories – **COMPLIES**

**Siting:** Building required to address the street – **COMPLIES**

Building within 20 feet of sidewalk – **COMPLIES**

Side Setback minimum – 0' – actual is 5' or greater - **COMPLIES**

Rear Setback minimum – 10' – actual is 90' or greater – **COMPLIES**

Lot frontage minimum - 60% - Building covers 60%- **COMPLIES**

Building within 20 feet of sidewalk 75% – as proposed 43% - **REQUIRES PC APPROVAL**

- Average distance based on curve of lot would place more than 75% of building with RBR
  - o Planning Commission may approve as designed or require change.
  - o May need to include 11-18-070 (3) courtyard or entryway features to door which currently faces east. **THIS CAN BE MET WITH UPDATED PLANS TO BE VERIFIED AT FINAL SITE PLAN APPROVAL.**

Open Space minimum 10% - 21% provided - **COMPLIES**

**Parking:** Required parking - Office – 3 parking spaces/1,000 square feet – Medical 6/1,000 (a higher rate based on projected use) – 78 stalls provided on site. Access to 69 additional stalls per shared parking agreement with the Trail property to the west. An office and apartment building are compatible for a shared parking arrangement, as more parking is needed in the daytime by the office use, and alternately more parking is needed in the evening by the residential use. With the addition of the shared parking stalls, the total 147 stalls would equate to 4 parking stalls/1,000 square feet. **REQUIRES PC APPROVAL**

- Review by the City's traffic engineer indicated that access to 165 stalls under the shared parking scenario (18 more than currently contemplated would be ideal). The proposed allocation may work, but would benefit from time-limited parking for the residence in the shared parking area. i.e.: "2-hour parking limit for residents and their guest between 8am and 5pm Monday through Friday."
- Planning Commission may approve shared parking and can accept parking ratios or may require additional parking or deny shared parking use.

**Parking Analysis:** Urban Land Institute (ULI) Shared Parking Model assessment, based on proposed used below:

**Residential:** Apartment Building and Townhomes:

29 – studio / 185 - 1 bdrm / 169 - 2 bdrm / 34 - 3 bdrm (includes the townhomes)

407 total residential units

**Medical Office Building = 36k sf**

Total planned parking spaces - +/-856

Apartment building structured parking garage = +/-553 spaces (4 levels)

Apartments and townhomes surface parking = +/-154

Medical office surface parking = +/-78 spaces

Shared surface parking (Apart + Med Office) = +/-71 spaces

\*\*The surface parking count came from count of spaces on the overall site plan.

**Summary:** Total parking on site for both residential and office use is adequate. The opinion of the traffic engineer is that parking provided for medical office site with shared parking is O.K. as provided; it may be worth adding a few additional parking stalls to the shared arrangement, or putting time limited parking in place.

Gibson said the proposal clearly meets requirements for the OMU zone. The City likes to see buildings, rather than parking lots. The Commission can expect to see this again. Staff will complete a full technical review and analysis in the future.

Colby Anderson (2176 W. 800 S., Layton) representing CIR Civil Engineering, addressed the Commission. The proposal is in line with the master plan.

Commissioner Turner clarified if the Commission would see this if it weren't for the parking questions and building within 20 feet of the sidewalk. Gibson answered yes, but only as a final site plan, as the square footage is over 30,000.

Vice Chair Frank Adams mentioned the elevator and one bathroom, and asked if there was a possibility of adding another bathroom if needed. Anderson said bathroom facilities could be added. Adams said he is concerned with parking, and asked if there is room to add 18 more stalls. Anderson said he is worried about having enough room to add that many more stalls. The tenant mix could affect how many stalls are needed. Fewer medical uses would result in the need for fewer parking stalls. A smaller building could be possible, but it may not pencil financially. He has developed these kinds of buildings in other cities in the past, and they have never had a problem with parking.

Adams also asked timeline for full occupancy, but Anderson also cannot speak to who the tenants are who have shown interest but hoping to have it quickly after construction is complete. One is an architecture firm, which is a non-medical use. Their timeline has to fall in line with that of their neighbor. He predicts this will fill up quickly. Adams worries about shared spaces and how to enforce it. The study on parking is based on people traveling to work and returning to park at night. But public transportation nearby could affect that study. Gibson would like to lean on the expertise of the traffic engineer, who is very familiar with the nuances of this site. The landscaping plan should be water-efficient. Commissioners would like to see large trees, if possible. Anderson said they have already taken that into account, which will be evident once they share their detailed landscaping plan in the near future.

Commissioner Sherlock asked if there would be any allowed on-street parking. Gibson said yes, but the parking stalls should be used first and on-street parking may be limited to about eight more stalls.

#### **MOTION**

Samuel Barlow made a motion that the Planning Commission approve the schematic site plan subject to all applicable Farmington City development standards and ordinances and the following Conditions 1-6:

1. Parking shall be permitted as shown so long as a shared parking agreement between Evergreen Development or the residential development to the west is recorded against the properties allotting a minimum of 69 additional parking stalls for use of the office site.
2. Parking within the shared parking area must be restricted to limit parking for residents and their guests to only 2 hours from 8am to 5pm Monday through Friday.
3. The east side entry shall be enhanced to qualify as a courtyard or entryway feature (include planter boxes, seating, art, enhanced landscaping, etc.). Details shall be included on the final site plan.



4. Final site plan shall demonstrate compliance with water efficient landscaping standards.
5. Final site plan is required to include Chapter 18 requirements regarding street furniture, bicycle racks, benches, street trees, and other items as listed in the ordinance, which may not be listed here.
6. Before returning to the Planning Commission for final site plan approval, the site plan shall address all findings and comments of the Development Review Committee (DRC).

**Findings 1-4:**

1. The proposed use and site plan is consistent and compliant with the existing approved Project Master Plan and applicable Development Agreement.
2. With the proposed conditions, the site plan is compliant with applicable regulations of the OMU zoning district and Farmington City Site Development Standards at a concept level.
3. The amount of detail provided indicates that few changes if any may occur with final site plan.
4. The Park functions as a key element in the North Station Area Master Plan, including the greenway design that begins in the north at Spring Creek and ends with the Park.

**Supplemental Information 1-7:**

1. Vicinity Map showing nearby future development
2. Approved PMP
3. Concept Landscape Plan
4. Site Plan
5. Floor Plans
6. Building Elevations
7. Building Renderings

Kiersten Sherlock seconded the motion, which was unanimously approved.

Chair John David Mortensen	X Aye ___Nay
Vice Chair Frank Adams	X Aye ___Nay
Commissioner Samuel Barlow	X Aye ___Nay
Commissioner Tyler Turner	X Aye ___Nay
Commissioner Joey Hansen	X Aye ___Nay
Commissioner Kristen Sherlock	X Aye ___Nay
Commissioner George Kalakis	X Aye ___Nay

**ZONE TEXT AMENDMENTS**

**Item #4 Farmington City – Applicant is requesting additional text and amendments Chapter 11-35, HOME OCCUPATION, of Title 11, ZONING REGULATIONS. The amendments are proposed to remove a conflict between City ordinance and State code regarding regulation of firearms, to clarify the residency requirement for operation of a home occupation, and to change the consideration of preschool, daycare, and small classes from a conditional use to a permitted use (ZT-2-24). – PUBLIC HEARING**

Gibson presented this agenda item. This is a true legislative act for the Commission’s consideration. A previous item brought before the Commission spurred consideration of this amendment. Staff brought this forward at the Commission’s recommendation.

The State of Utah has previously adopted statutes related to the control and sale of firearms. [Utah Code 76-10-500 \(3\)](#) states:

- (3) Except as specifically provided by state law, a local or state governmental entity may not:***
- (a) prohibit an individual from owning, possessing, purchasing, selling, transferring, transporting, or keeping any firearm at the individual's place of residence, property, business, or in any vehicle lawfully in the individual's possession or lawfully under the individual's control; or***

*(b) require an individual to have a permit or license to purchase, own, possess, transport, or keep a firearm.*

In considering requests to license home businesses, City staff has discovered a conflict in our local ordinances with the provision above. [Farmington City Municipal Code Section 11-35-030 \(O\)](#) includes a list of prohibits uses which states:

- O. Prohibited Uses: The following uses, among others, shall not be allowed as home occupations:*
- 1. Barbershops and beauty salons, except for a barber or beautician who has no assistants and sells no products, except their skilled services;*
  - 2. Kennels or animal hospitals;*
  - 3. Commercial stables;*
  - 4. Restaurants;*
  - 5. Sale or repair of firearms;*
  - 6. Repair shops or service establishments, except for the repair of electrical appliances, typewriters, televisions, cameras or other similar small items.*

The proposed zone text amendment will remove the prohibition on the sale or repair of firearms to maintain compliance and consistency with applicable State statutes.

In addition to the removal of the prohibition regarding firearms, the proposed zone text amendment seeks to clarify the relationship of the business location related to the business owner's place of residence. A recent application considered whether or not a property owner could operate a business from another residential property on an adjacent lot which they also owned. It has been the course of operation by the City for years to only issue a license to a home occupation at the business owner's place of residence. However, it has become apparent that the language in the code could be clearer to further enforce this way of regulating business. Proposed tonight is the language, "A home occupation must be owned and managed and all business by a bona fide resident of the parcel where the license is sought. A home occupation may not be operated on a property other than the owner's residence."

Finally, a "best practice" for allowed uses is to find conditional uses to which known standards can be applied and make them permitted uses. To this end, Staff is proposing that preschools and home daycare uses be moved from conditional use to the permitted use category. Currently a daycare, preschool, or small class with 8 or less students is allowed as a permitted use. Larger groups up to 16 individuals require conditional use approval. Requests for these types of businesses have been infrequent in recent years, but the business model and impacts are understood well enough that the conditions tend to be the same with each application, primarily related to management of traffic with drop-off and pick-up times.

Adams asked if the burden of enforcement for firearms, etc., would fall to the state and federal entities, not the City. City Attorney Paul Roberts said the burden is on the applicant to prove they are compliant. The only time the City would become involved is if the Police were called about a violation or investigation.

John David Mortensen opened and closed the public hearing at 8:31 pm due to no comments received.

Adams said that because the day care requirements will now be more user friendly, the City may actually get more in the future. It can be daunting to come before the Commission to ask for permission, compared to getting it all handled with Staff. Gibson said there is some truth to that. If the applicant wanted to have more than eight children in the day care, past language required them to

come before the Commission. The proposed language would bring the City current with State laws of 16 children to one adult in order to get a business license. No matter how many children are in the day care, a traffic plan is required.

**MOTION**

Tyler Turner motioned that the Planning Commission recommend the enclosed ordinance to the Farmington City Council.

**Findings 1-2:**

- 1. The proposed text amendments to the city ordinance clarify bring eliminate a conflict with applicable provisions in State Code.
- 2. As proposed, the proposed changes reflect what staff believes was the intended direction of previous city councils in clarifying the relationship of a home occupation to the resident of a property.

**Supplemental Information**

**Draft Changes to Chapter 11-35.**

Joey Hansen seconded the motion, which was unanimously approved.

Chair John David Mortensen	X Aye ___Nay
Vice Chair Frank Adams	X Aye ___Nay
Commissioner Samuel Barlow	X Aye ___Nay
Commissioner Tyler Turner	X Aye ___Nay
Commissioner Joey Hansen	X Aye ___Nay
Commissioner Kristen Sherlock	X Aye ___Nay
Commissioner George Kalakis	X Aye ___Nay

**OTHER BUSINESS**

**Item #5 – Miscellaneous, correspondence, etc.**

- a. Minutes Approval from January 4, 2024
  - i. Samuel Barlow made a motion to approve the minutes. Frank Adams seconded the motion.
 

Chair John David Mortensen	X Aye ___Nay
Vice Chair Frank Adams	X Aye ___Nay
Commissioner Samuel Barlow	X Aye ___Nay
Commissioner Tyler Turner	X Aye ___Nay
Commissioner Joey Hansen	X Aye ___Nay
Commissioner Kristen Sherlock	X Aye ___Nay
Commissioner George Kalakis	X Aye ___Nay
- b. City Council Report from January 16, 2024, and February 6, 2024
  - i. Gibson gave a brief discussion to the last two Council meetings. City Council approved the alternate lot size zone text amendment and also a contract for the consultant for the General Plan Update. With that, typically one or two Commissioners, as stake holders, would attend meetings with Staff regarding this. There will be public open houses and meetings for the community. The proposed General Plan update will come before the Commission for their recommendation to the Council.
- c. Decision to Reconsider – Application C.12.23
  - i. Gibson specified that this item is a past approval of a home occupation from a previous Commission meeting. It is storage in a garage that is adjacent to their home. The decision to reconsider would be needed in tonight’s meeting if there is enough interest to do so.

Mortensen asked the Commission if there were any Commissioners who wanted to open this item back up for discussion. Due to lack of a motion, there is no reason to re-open this item. The item will stand as previously approved.

**ADJOURNMENT**

**Tyler Turner motioned to adjourn at 8:48 pm.**

<b>Chair John David Mortensen</b>	<b>X Aye</b> ___ <b>Nay</b>
<b>Vice Chair Frank Adams</b>	<b>X Aye</b> ___ <b>Nay</b>
<b>Commissioner Samuel Barlow</b>	<b>X Aye</b> ___ <b>Nay</b>
<b>Commissioner Tyler Turner</b>	<b>X Aye</b> ___ <b>Nay</b>
<b>Commissioner Joey Hansen</b>	<b>X Aye</b> ___ <b>Nay</b>
<b>Commissioner Kristen Sherlock</b>	<b>X Aye</b> ___ <b>Nay</b>
<b>Commissioner George Kalakis</b>	<b>X Aye</b> ___ <b>Nay</b>



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**John David Mortensen, Chair**