FARMINGTON CITY PLANNING COMMISSION

November 16, 2023

WORK SESSION

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

Chair **Erin Christensen** said Staff has initiated the Request for Proposal (RFP) process to hire a consultant to update and amend the General Plan next year. Staff wants one to three Planning Commissioners to be part of the selection committee, which would likely happen in December of 2023. Assistant Community Development Director/City Planner **Lyle Gibson** said proposals would be sent to the Commissioners to review on their own time, followed by a meeting to select the consultant. Commissioners **Frank Adams** and **Tyler Turner** expressed their interest in being part of the selection committee.

This will be the third time the Gattrell Gardens Subdivision item has been on the Commission's agenda. Gibson said it is very similar to what was presented las time, with updated drawings determining the boundary of the subdivision. They are still not willing to say what they are going to do with the two historic homes. Adams said the City isn't benefitting from the two older homes. The real winners are the Fadels, who get two lots and an access to their property. Otherwise they are landlocked, which creates a problem for them and the City. He would rather see an Homeowner's Association (HOA) playground instead of the old homes. Gibson said it is debatable of what the City is getting in return for flexibility for the developer. There is a question of how long the older homes would be around into the future. Deed restrictions or conservation easements could be options to answer that question.

Staff is recommending approval, as the Historic Preservation Commission and Community Development Director **David Petersen** are fans of preserving history. **Gibson** said it gets difficult for HOAs to manage open space. He would rather remove common areas and have owner-controlled lots. There is a lot of preference and subjectivity to it. This area is unique, and the Original Townsite Residential (OTR) zone lets property owners get creative in order to infill the blocks. Commissioner **Mike Plaizier** said the Commission has asked for more details that the applicant still has not produced in an attempt to wear Commissioners down. **Gibson** said in the future, if the applicant applies for a standard subdivision and meets the OTR requirements, he will be on the fast track that doesn't require City Council approval. In that scenario, he could build five homes on his property and two more considering the **Fadel**'s property. **Adams** said the Utah Department of Transportation (UDOT) may not let the **Fadels** get a driveway out to State Street, so a private drive would be desirable. The applicant and the **Fadels** may need to further negotiate terms.

The designer will be on hand to discuss the elements of the new City Park. **Gibson** said it has details and renderings beyond what was provided in the packet. Two home occupation items are on tonight's agenda as well. **Gibson** said the tree trimming business includes an enforcement issue. He and the City Attorney decided to handle the business license issue as they would a Development Agreement, by sending out mailers to the neighbors within 300 feet and holding a public hearing. The tree trimming business was operating prior to the homes being built. The City can approve exceptions.

REGULAR SESSION

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

Chair Erin Christensen opened the meeting at 7:02 PM.

SUBDIVISION AND SITE PLAN APPLICATIONS

Item #1 Blake Bastian – Applicant is requesting a recommendation for Preliminary Planned Unit Development (PUD) Master Plan and Schematic subdivision plan for the proposed Gatrell Gardens Subdivision, which will consist of 9 lots (including 2 existing homes) on 2.5 acres of property, located at 37 and 79 North 100 West and a portion of 184 W. State Street, in the Original Townsite Residential (OTR) zone (S-5-23) (previously considered on 08/17/23 and 11/02/2023).

Assistant Community Development Director/City Planner Lyle Gibson presented this agenda item, which has been before the Planning Commission twice before, including once for a public hearing. Update From 11.2.23 Meeting: A brief time before the last meeting, the applicant provided Staff with an updated plan set, which included the Fadel home and pool. At the time it was a redlined drawing received after information had already been sent to the Planning Commission. Because of this, Staff recommended that the item be tabled in order to allow for Staff to review the updated proposal. The Commission held the hearing and, in addition to tabling the item based on Staff's reasoning, the applicant was requested to further detail the plans for the two existing homes on site. The applicant has provided a letter addressing these questions, which is included in the packet. Staff has confirmed that the updated yield plan with the inclusion of the Fadel's property demonstrates the ability to have at least nine lots. The request remains consistent from the last meeting in that, through the PUD process the applicant is seeking flexibility in how they configure lots in this neighborhood in order to create a project that enables quality development of the whole block based on the collaboration between two adjacent landowners. Under the PUD, the developer may merit the additional density of one lot if they are providing sufficient benefit to the City.

The developer has provided the following comments with their latest submittal:

- 1. The plat map indicates the garage setbacks will be 20 feet from the street and the houses will sit 15 feet from the street. That will put the garages 5 feet behind the fronts of the houses.
- 2. By going to a PUD, we do not have to follow the underlying zoning guidelines, but we are willing to compromise and meet them the best we can on lots 1, 2, 3, and 6. The rest we would like some leeway to do three-car garages, but still following the setbacks on the plat map.
- 3. We will require two trees per lot to be planted on interior lots, and on corner lots we will require three trees.
- 4. Gatrell Gardens Rendering with Old house This would be an example of the type of home we would like to build on Lot 3 and possibly Lot 6 with similar features like a side-loaded garage and big front porch, and what the old historic house at 37 N. Main Street could look like cleaned up with new landscaping and possibly some new siding. Ideally you would look at the houses on 100 West that will match the charm of old historic Farmington and see the same thing as you looked down the private lane and see front porches sticking out in front of the garages.

<u>Update From 8.17.23 Meeting:</u> After holding an initial public hearing on this project, the Planning Commission motioned to table any decisions and to have it be brought back at the discretion of the applicant after considering the following (responses to PC requests in red):

- 1. Staff communicate with the Historical Society to get feedback before the next meeting. They will provide some input to the status of the historic homes.
 - After making updates to the project including having provided example architecture, the project was shared with the Historic Preservation Commission, which indicated their support for the proposal.
- 2. An update with the **Fadels** and their willingness to go along with the plan that uses their property.

 The developer has collaborated again with the **Fadels** and together they have determined to include more of the **Fadel**'s

- property to assure future development potential for them while also producing a yield plan with an additional lot. This resolves a concern from Staff indicated by an original condition to reduce the number of lots.
- 3. Impose OTR requirements on any development, with items only waived individually and specifically. The developer has provided a design of the home they are proposing for Lot 3, which is most visible from the public Right of Way, which follows the OTR design guidelines. They have also provided examples of homes they would like to do on the remaining lots, which do not fully meet the OTR requirements but are chosen per their compatibility with the area and use of design principles that recognize OTR principles while still accommodating a modern home on a smaller lot. This includes an OTR-compliant roofline with a covered front porch which comes forward past the garage. The garage spans some 60% of the front façade, but includes windows in the garage door to enhance the architecture.
- 4. Provide better elevations on proposed homes.
- 5. What the applicant plans to do with the old homes, if they are going to renovate them and bring them up to date, providing costs estimates if possible.
 - The developer does not have specific plans for what will happen to the historic homes. They have indicated to Staff that detailed plans are challenging to do at this stage in consideration of the project. Having more assurance from the City as to the project layout and number of lots will enable them to further pursue plans for these homes.
- 6. Applicant look into the options if they lost one lot.
 Applicant to speak to options if one lot is gone. Based on updated yield plan, the applicant and Staff believe number of lots is a reasonable consideration under the ordinance.
- Applicant explore a fee in lieu of open space.
 Applicant still proposing preservation of two historic properties in lieu of open space rather than a fee or Transfer of Development Rights (TDR) consideration.
- 8. Applicant's proposals for Home Owner's Associations (HOAs) and rent restrictions for affordable and/or moderate housing. Applicant has indicated that they have established HOAs in the City previously and would anticipate establishing similar parameters. HOA covenants would require planting of trees on property and would deal with maintenance of the private road. City Staff is hesitant to have an HOA scrutinized much as it is not a document the City is a party to, so there is no long-term control over what it includes and how it is enforced.

<u>Background Information:</u> The subject property, which consists of 2.5 acres accessed from 100 West Street just north of State Street, currently includes two homes. The applicant has provided an updated yield plan indicating the potential development of the property with eight lots if it were to be developed using standard street and lot dimensions. Rather than pursue this configuration, the applicant is looking to preserve the existing two homes along 100 West Street that are on the Farmington City Historic Sites List.

In order to preserve these two homes and to provide more flexibility in how the property is developed, the applicant is looking for approval of a PUD subdivision. This first step is the schematic plan and Preliminary PUD Master Plan consideration. The Planning Commission is tasked with making a recommendation to the City Council regarding the request, and a final determination would be made by the City Council.

Per Farmington City Municipal Code (FMC) 11-27-010, the purpose of the PUD is "...to promote flexibility in site design, to achieve, for example, the clustering of buildings, the mixture of housing types, and the combining of housing with supplementary uses such as commercial centers, business parks or other multiple use centers, etc. This chapter is also intended to promote better design of residential developments through the use of design professionals. It is further intended that a planned unit development will provide for more open space, more public amenities, and the preservation of natural features such as floodplains and steep slopes that would not be possible under traditional development techniques..." FMC 11-27-120 states that "smaller planned unit developments are encouraged in the older historical parts of the City in order to use lot interiors where unique conditions may exist."

FMC 11-27-070 below indicates the items that the Planning Commission should consider to determine if the proposal is more appropriate than a standard subdivision.

11-27-070: PRELIMINARY PUD MASTER PLAN REVIEW BY PLANNING COMMISSION:

The Planning Commission shall review the application for approval of a planned unit development designation and the preliminary PUD Master Plan at a public hearing. The Planning Commission shall either recommend the City Council approve the application and plan as presented, recommend the City Council approve it subject to certain conditions, table the application pending receipt of

required materials, data, studies and information, or recommend the City Council disapprove it. Any recommendation for approval of the preliminary PUD Master Plan shall be made only after the Planning Commission makes the following findings:

- A. Layout: The proposed layout will provide a more pleasant and attractive living environment than a conventional development established under the strict applications of the provisions of the underlying zones. The Planning Commission shall consider the architectural design of the buildings and their relationship on the site and their relationship to development beyond the boundaries of the proposed planned unit development. The Planning Commission shall consider the landscaping and screening as related to the several uses within the proposed planned unit development and as a means of its integration into its surroundings.
- B. Consideration Of Adjacent Property: The proposed planned unit development will create no detriment to property adjacent to the planned unit development and to this end, the Planning Commission may require that the uses of least intensity or greatest compatibility be arranged around the boundaries of the project. The Planning Commission may require that yard and height requirements for the adjacent zone apply on the periphery of the planned unit development.
- C. Efficient Use Of Land: The proposed planned unit development will provide more efficient use of the land and more usable open space than a conventional development permitted in the underlying zone. The Planning Commission shall consider the residential density of the proposed development and its distribution.
- D. Compensation For Increased Density: The increased density allowed within the planned unit development will be compensated by better site design and by the provision of increased amenities, common open space and recreational facilities. To ensure this requirement is achieved, site plans and other plans should be prepared by design professionals.
- E. Hazards Not Increased; Recommendations: Any variation allowed from the development standards of the underlying zone will not increase hazards to the health, safety or general welfare of the residents of the proposed planned unit development. Based on its action on the preliminary PUD Master Plan, the Planning Commission shall make recommendations to the City Council. A recommendation for approval of the preliminary PUD Master Plan shall also include a list of recommendations for deviation from the requirements of the underlying zone requirements.

The applicant has provided a plan indicating a private drive that that enters from 100 West to five smaller lots on the eastern portion of the subdivision. The existing homes fronting 100 West would remain. The new homes would be accessed from a lane designed as a turnaround for emergency services. Further, the lane stubs to what is identified as Lot 8, which would be established as a larger lot. The updated version of the plan also shows what is Lot 9, which would be accessed from State Street. The Development Review Committee (DRC) has reviewed the proposal and, at the schematic level, it can work as proposed from a technical standpoint. At the direction of Staff and with feedback from the Planning Commission, the common space around the new homes which was originally proposed has been removed, and each home now includes its own yard.

While the yield plan indicates a potential of eight lots using the conventional standards, the applicant is requesting that the preservation of the two existing homes on site meet the "some other public benefit" provision of FMC 11-17-035 in lieu of moderate-income housing units. The applicant is also requesting that the City consider "additional lots" for this preservation effort. This provision does not place a cap on the number of additional lots, so the applicant has the right to ask for consideration of the one extra lot identified. A baseline for consideration of added density may be a reference to the common open space density bonus from 11-27-120 identified below.

"Every planned unit development shall provide usable common open space, accessible to all lots or units, of not less than ten percent (10%) of the net area (gross area less constrained or sensitive lands), in single-family planned unit developments..." (Section 11-27-120 G 1. of Chapter 27 of the Zoning Ordinance (the PUD chapter)). The common area includes 6700 square feet in Open Space Parcel A and 8600 square feet in Open Space Parcel B, for a total of 15,300 square feet of open space, or 17% open space. While the proposal meets the 10% requirements, the preservation of the historic homes may also be allowed in lieu of open space requirements for a PUD per 11-27-120 (G)(2)(a). The applicant has provided a detail indicating what is expected to occur with trees on site. However, the implementation of open space even with the historic preservation is relevant in consideration of additional units. Under a standard open space type subdivision where 20% of the property is designated as open space, the development may merit a 20% density bonus. In this case, that would bump the project from the six units identified in the yield plan to 7.2, or 7 units.

The applicant proposes to remove the existing fencing around the perimeter and replace it with a 6 foot vinyl privacy fence. The creation of a private drive with the proposed lot sizes and common area configuration may be accomplished through the PUD process, but at the sole discretion of the City, as it is a legislative act.

Provision permitting consideration of "additional lots:"

11-17-035: MODERATE INCOME HOUSING:

A. Minimum Requirement: Subdividers must provide or set aside lots (or dwelling units at the option of the City) equal in number to at least ten percent (10%) of the total number of lots approved for the subdivision for moderate income housing subject to entering into an agreement with the City; unless, at the sole discretion of, and by agreement with the City, the subdivider provides:

- 1. Open space; or
- 2. A fee in lieu thereof determined in consideration of factors set forth in Section 11-28-270 of this Title; or
- 3. Some other public benefit; or
- 4. A combination of 1, 2, and 3 above.
- B. Exemption: Subdivisions resulting in two (2) or fewer additional lots are exempt from the minimum moderate-income housing requirements of this Section.
- C. Additional Lots: The City may approve additional lots than what is conventionally allowed in the underlying zone as an incentive to a subdivider to provide moderate income housing.

The proposed development includes yards of 10 feet or larger around the perimeter, except for the existing home on Lot 1, which would remain at just over 3 feet from the north property line. Yards between new homes are 15 feet total. The following has been included for reference in consideration of the proposed lot sizes and setbacks identified in the schematic plat. The PUD allows the City to approve deviations from these standards.

11-17-040: MINIMUM LOT AND SETBACK STANDARDS:

A. Minimum Standards: The following shall be the minimum lot areas, widths and main building setbacks in the OTR Zone:

Zone	Lot Area	Lot Width		Front	Side	Side Corner	Rear
		Interior	Corner				
OTR	10,000 square feet for each single-family	85'	95'	30'	10'	20'	30'

Realtor with Elite Craft Homes and applicant Blake Bastian (7689 S. 1750 E., South Weber, Utah) addressed the comments that were received at previous meetings. The proposed 18-foot driveways that were a concern last time are now proposed to be 20 feet long, set back behind the front of the home. He would like the market to dictate what happens to the two existing historic homes, as construction costs are high. His company purchased a historic home at 170 N. Main Street in Farmington. After doing an addition/remodel that cost \$1.6 million, the home has been on the market for six months with no buyers. It may be difficult to sale the homes after any additions or remodels. He doesn't want to be stuck doing an addition when that is not what the market wants. They would like to preserve them, and are willing to not tear them down in order to maintain the charm of downtown Farmington City. These will be lower-income properties, which will help the affordability crisis. They can also commit to update the landscaping and give an outside facelift to the two old homes. Once the homes are sold, the applicant will not have control over what the new owners do with the homes.

Gibson said the ordinance isn't specific which mechanism is used to preserve buildings, but it allows for preservation of historic assets. There are tools the City can consider to ensure the conservation of historic homes. A sunset deed restriction can be imposed on the lot in favor of the City that says want can be done with the homes. A conservation easement in favor of the City is more secure, and the City has only done that with one home in the City recently. Commissioner **Frank Adams** said he suspects the market would dictate to tear the homes down in a year or two and then build new homes in their place.

Vice President of Elite Craft Homes **Trent Preston** (173 N. Main Street, Farmington, Utah) said they are willing to update landscaping and give them a facelift, then sell them at a \$450,000 market value. This helps with the affordability crisis, as there are not any homes being sold that low in the downtown area. It is uneconomical to buy a home for \$450,000 to \$500,000, tear it down, and then build a new home on a tiny lot. That, to an extent, would control the situation. **Adams** said the applicant's purchase price is less than \$450,000 each.

Preston said they originally considered this property with a yield of five lots that all meet the OTR standards and originally planned to tear down the two homes and then build five new ones. From a financial standpoint, that still make sense for them after considering what they paid for the property. Staff didn't really love that proposal because it would isolate the Fadel's property. Putting in a road to the Fadels would cause the applicant to lose a lot, and then it no longer would make good financial sense to demo two houses and build four new ones. Staff suggested doing a PUD in the OTR for flexibility. Since the five lots would be smaller after allowing room for the road, the lots would be smaller than originally planned. They don't want to do an HOA, as lots in an HOA

are more difficult to sell than a regular lot. What allows them to do a PUD in City code is keeping the current homes. He told **Adams** that his company paid less for the two homes on a pro-rated basis than they would sell them for. Master planning the entire block is a benefit. As downtown square Farmington blocks are difficult to develop, the flexibility a PUD offers is preferable. **Gibson** said that flexibility is at the discretion of the City.

Preston said without this proposal, the only access the Fadels could have to their property is through an existing swimming pool, which they would like to avoid. They would like to keep the family estate as intact as possible. Bastian said the PUD improves the entire block. The neighbors are in support of the proposal, as it keeps the charm on 100 West. The homes on 100 West all conform with the OTR design guidelines, and maintain the charm of downtown. Flexibility will be applied to the interior of the block. They would like to do three-car garages on the homes in the interior of the block, as they are now the industry standard and would add parking space. Other flexibility desired includes setbacks, lot sizes, and road widths. This can be nailed down in a Development Agreement. The benefit of the PUD is giving Fadels access as well as preserving two historic homes. Bastian said these would be private roads, with the City picking up garbage cans on the street. Preston said it would be similar to the private lane situation between 1st West and 2nd West.

Adams said he likes the set up so far, but the application doesn't quite get there because the promise of home preservation is illusory. The City doesn't get much there, if anything. In order to recommend this to the City Council, the Commission has to make findings, but A (Layout) and D (Compensation for Increased Density) are sticking points. Homes have been clustered, but there is no open space or amenities. The give on the historic homes is not enough, so they would have to fit in benefits somewhere else. The applicant and the Fadels are doing the economic thing. They need access to the property, and they get both access and a lot split. The Fadels could get two lots that can be built on or sold. He would like to see a park, green area, or playground. Right now he doesn't feel comfortable recommending this to the City Council.

Bastian said he disagrees, because both homes don't need to be preserved. Only one is needed to qualify for the increased density. Providing a park drives the costs up and doesn't give a financial benefit to anyone. They don't want to price people out of the market, and providing open space may do that. Adams said the layout needs to be better than the alternative, not equal to. He feels it is equal to at best. This is a microcosm of a bigger development. This does not get his vote as currently proposed. Bastian said access to Fadels defines a better layout. Adams said the code must be satisfied. He said the Fadels should help the developer mitigate any damage to their bottom line. Just because it has been done in other areas of the City before is not a strong enough argument to get him to vote in favor of this proposal.

Christensen said if the Commission wanted to see an open space amenity, if it was available only to the residents in the HOA, it may not bring a benefit City-wide. Adams said a small portion of the third or front lot could be left as open space. Christensen asked the applicant if he would prefer to have a decision tonight (one way or another) or would rather work on a solution. Bastian answered that he would prefer a vote tonight so they can move to the next step.

Gibson said that according to the PUD language, it is at the City's discretion to allow increased density or not. The ordinance doesn't specify the level of preservation of historic homes that would be required. There have been some in the past that have placed the property on the City's registry for acknowledgement. The City could require a Development Agreement or conservation easement to give the City control of what happens to the homes long-term. A deed restriction could also guarantee a high level of preservation. Otherwise, there is not much of a guarantee once the developer is out of the picture. When the HPC considered this proposal, they didn't consult an eligibility list. The State Historical Preservation Office maintains a map of contributing properties eligible for inclusion on the National Register. However, eligibility can also be affected by the condition of and changes to the property.

Bastian said according to Community Development Director Davis Petersen, both homes were on the State's 2005 list. Usually homes don't come off that list, but the State Office hasn't given recent opinion. Preston said they are willing to commit in a Development Agreement to conduct remodels/additions so that the home remains eligible for the National Register. Historic preservation is usually better the fewer alterations that have been made over the years. They are willing to sign to an actual dollar amount of improvements to the homes. It would be difficult to come up with the amount, as well as enforce it. Saying that the homes remain eligible for inclusion on the National Registry sets a certain bar.

Adams said the intent of a PUD is to create amenities and open space. In 2.5 acres, 10% open space would mean 10,000 square feet. He doesn't place a lot of historic value on the home on the north side, which looks like a run-down mobile home. Preston said the siding on that home is extremely old, and it would all need to be removed. He has not done a termite or structural inspection on that

home yet. Adams said these homes don't seem to have a lot of historic value. Carving land off Lots 7 and 8 may give enough room for a canopy, a few picnic tables, grass area, and swings.

Preston said he gets mixed reviews on HOA amenities. Some love the amenities, other complain about having to pay for them. This open space would not benefit the City, only the residents in the HOA and their guests. He has no problem putting a pickle ball court in, if that would help the City Council approve this development. The demographic in this neighborhood will appeal to the 55+ age group, who would like a pickle ball court and small yards that require minimal maintenance. He is willing to put in a pickle ball court, which is minimal expense for him. It would be a seven-member HOA, which will be needed if only to pay for the snow removal on the private streets. The fewer amenities the better. The issue with common open spaces is who pays to maintain it, as well as who actually does the maintenance.

Commissioner Tyler Turner said he is fine with either the homes being preserved, or common open space, as long as it is included in an agreement. Commissioner Larry Steinhorst said he is an HOA minimalist, especially in such a small community. He thinks that preserving the old homes adds to the value, as well as keeping the old town look on 100 West. Language should be added in an agreement that the homes remain eligible for the National Registry. Commissioner Mike Plaizier said he does not agree to the market dictating the preservation of the homes, as this would likely not lead to the homes being preserved. Code requires 10% of the net area for open space. The historic homes don't give enough benefit, as it would only be temporary in nature. The design of the homes needs to strictly follow the OTR. He would rather have open space, as he doesn't see a benefit to the historic homes. Adams asked if the applicant would be willing to both put in the infrastructure needed for the new homes, as well as do whatever the market dictates on the older homes, before building the newer homes. Preston said yes, if it was written into a Development Agreement. That was their intent anyway.

Christensen said a mix of open space and historic preservation may be needed to get the Commission comfortable with passing on a favorable recommendation to the City Council. Preston said he would like to be on the City Council's December agenda. He is willing to agree to not pulling a building permit on Lots 3-7 until a facelift has been started on the historic homes. Gibson said some of the work may not require a permit, but Staff can monitor it. Preston said the idea would be that a building permit cannot be granted on Lots 3-7 until there is significant progress on the two homes. Adams would like "substantial completion." Christensen would like the OTR standards to be followed throughout. However, Lots 4-7 would deviate from the OTR for three-car garages. She wants this discussion to be shared with the City Council.

MOTION

Frank Adams made a motion that the Planning Commission recommend that the City Council approve the Preliminary PUD Master Plan and Schematic Subdivision plan for the proposed Gatrell PUD Subdivision subject to all applicable Farmington City development standards and ordinances and the following Conditions 1-7:

- 1. The owners must enter in to an agreement with the City memorializing their commitment to preserve the two historic homes.
- 2. The applicants must meet all requirements of the City's Development Review Committee (DRC).
- 3. In addition to part of the agreement with the City, the applicant agrees to substantially complete renovations to the two homes that are being offered for preservation.
- 4. No permits will be granted until there is substantial completion.
- 5. The new plan will include some additional amenities.
- 6. The OTR architectural design standards will be followed with exceptions for garages on Lots 4-7 as discussed.
- 7. Modifications would not be such that they would remove the homes from the historical listing. They will be consistent with and allow them to remain, and they will provide the City with proof of such before other construction commences.

Findings 1-4:

- 1. The PUD will result in the preservation of two historic homes.
- 2. As currently proposed, individual lots are comparable to lots found in the general area and allow for homes that are comparable to others found in the area.
- 3. The density of development is consistent with what is allowed in the OTR zone which is 4 per acre or 9 homes on 2.5 acres, the consideration of additional density is required due to the shape of the property and need to use some of the acreage for acress
- 4. The application is consistent with the goals and purposes of the Farmington City General Plan and Zoning Ordinance.

Supplemental Information 1-7:

- 1. Vicinity map.
- 2. Original Subdivision Yield Plan of the property.
- 3. Updated Subdivision Yield Plan of the Property.
- 4. Subdivision Concept Plan
- 5. Landscape Plan
- 6. Architectural Rendering
- 7. Letter to Planning Commission

Larry Steinhorst seconded the motion, which was unanimously approved.

Chair Erin Christensen	X AyeNay
Commissioner Mike Plaizier	X AyeNay
Commissioner Frank Adams	X AyeNay
Commissioner Tyler Turner	X AyeNay
Commissioner Larry Steinhorst	X Ave Nav

Item #2 Farmington City — Applicant is requesting Final Site Plan approval for the new City Park in the future Business Park area, located at 1397 W. Cook Lane (Parcel 08-060-0070), on 10.26 acres of property in the OS (Open Space) zone. (SP-3-23)

City Planner/GIS Specialist Shannon Hansell presented this agenda item. The City acquired 10+ acres in 2018, and set it aside for a future public park in the mixed-use area north of Station Park. One of the goals of this park was to function as a detention basin for Innovator Drive and Maker Way, the major collector streets that are to connect Shepard Lane to Park Lane. The other was to provide a gathering space for future and present residents of Farmington, including office, retail, and residential users of the mixed-use North Station Area Development.

The Parks and Recreation Staff began working with Blu Line Design to design the park earlier this year. Input from key stakeholders in the area included the Parks Recreation Arts and Trail (PRAT) Committee and nearby residential and office developers. On June 20, 2023, the City Council reviewed the park design and moved that the site plan should be reviewed by the Planning Commission. The proposed park is intended as both an active- and passive-use park with amenities ranging from splash pads and water features, to pedestrian trails and wetland boardwalks. Additionally, the park will function as a meaningful terminus to the greenway that starts north of Spring Creek and continues through the heart of the mixed-use area south.

Parking is provided onsite and with street parking along Innovator Drive. Parking will also be provided—through a shared parking agreement—in the Life Time Athletic Resort parking area just across the future 550 North. The shared parking includes approximately 184 stalls provided for park users. The Planning Commission approved the schematic site plan on July 13, 2023. Since that time, further design has been completed to refine the details of the park. The main features and configuration have remained intact.

Consultant with BluLine Design Brett Potter (10462 S. Larkspur, Sandy, Utah) addressed the Commission. The two central areas are large detention areas required with the construction of Innovator Drive. The northwest corner includes a large tree monument sculpture that will be 25 feet tall and 30 feet wide. LED-illuminated cubes will change seasonally on this park landmark. Dark sky ordinances will determine what time of day this can be lit. A substantial deviation from the first plan includes no sidewalk along Innovator Drive. City Staff suggested pulling the sidewalk and instead directing people through the park. The Right of Way became wider. Wifi and a new set of unifying electrical charging stations will be introduced to the park. A maintenance building will be to the north of the park in the parking lot, which allows more room for pickle ball. The playground will be connected to the interactive water feature. The headwaters has two options, with one more budget-friendly than the other. More shade structures could be added. Christensen said younger children like calm bubblers, while older children like the spraying jets. The amphitheater park in Sandy is similar to this design considering the entrance. The size is similar to the Bountiful town center park. BluLine has also done a park at Heritage Park in South Jordan.

Farmington City Staff has opted for port-in-place surfacing rather than artificial turf. It is a rubber soft-fall product. The kinetic shade canopy may include either an anodized aluminum or grommetted ribbons of a flag-like material from Colonial Flag. They plan to do a 10x20 mock-up structure to show Staff. The men's room has two urinals and two stalls while the women's room has four stalls. There are two large family changing rooms. Drinking fountains will be on the exterior. The back half of the building is a raised stage platform that can be reserved.

The northwest corner has six pickle ball courts and a basketball court, with shade structure pavilions. Lighting and colors would be similar to those used in the regional park. In the southwest corner of the park by Shepard's Creek, Potter said a concrete (rather than a wooden) boardwalk was been proposed. The greenway connection to the south is below the property line. Gibson said the greenway is the key element that goes north through the development. The timing and connection of that will be imposed on the developer who develops that land. Potter said it should be kept on the south side of the roadway at that intersection.

Potter said landscaping will include lawn area, trees, perennials, and shrubs. The east, west, and south side of the basin is meant to be more meadow grass. For budgetary reasons, the State of Utah has a program where they often donate several hundred square feet to municipalities to promote shrub and perennial pollinators. The plants are vetted for Northern Utah and would go on the northern wetland area of the park by Shepard's Creek.

Gibson said the proposed amphitheater is similar in size to those at Forbush Park and Woodland Park. It would be for hosting local concerts. Around the amphitheater in front to the south side is a water detention area. Staff has not pursued sloped seating close to the amphitheater.

MOTION

Tyler Turner moved that the Planning Commission approve the final site plan for the proposed City Park, subject to all applicable Farmington City development standards and ordinances.

Findings 1-3:

- 1. The site plan for the Park shows an inclusive park tailored to the goals of the business park and mixed-use zones.
- 2. The site plan has been designed by Blu Line Design with input from various key stakeholders including City Staff; members of the Parks, Recreation, Arts and Trails Committee (PRAT); and developers of the surrounding business park area.
- 3. 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 1-3:

- 1. Vicinity Map
- 2. Schematic Site Plan.
- 3. Final Site Plan

Mike Plaizier seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye	Nay
Commissioner Mike Plaizier	X Aye	Nay
Commissioner Frank Adams	X Aye	Nay
Commissioner Tyler Turner	X Aye	Nay
Commissioner Larry Steinhorst	X Ave	Nav

ZONE TEXT AMENDMENTS

Item #3 Farmington City — Applicant is requesting consideration of a recommendation for a Development Agreement which would grant exemptions from certain regulations of Chapter 11-35, HOME OCCUPATION. The exemptions are being sought as outlined in Section 11-35-050 (E) as a potential means to continue the operation of a tree trimming business with its equipment and offsite employees at 433 South 200 West. (Z-2-23)

Gibson presented this agenda item to the Commission. Months back, the Community Development Office received concerns related to items at the subject property. Upon investigation, it was determined by Staff that there was business activity occurring on site in a manner that does not comply with City ordinances. Currently, Acer Trees, LLC operates from this location. The owner of the business, Kevin Tolman, lives on the family property in one of two dwellings. The property owner, Jeff Tolman, lives on site in the other unit. Bringing the business into compliance would essentially shut it down, Gibson said.

The business has been in operation for multiple years based on an understanding of the business owner that they were O.K. to do so. The City is unable to establish a record of a permit or approval to allow the business activity and in its initial findings determined that the operation did not comply with City code. The resident and business owner asked the City to delay forcing a closure or relocation of the business while they explored the potential of receiving a formal approval in some fashion. City Staff invited the

Tolmans to a Planning Commission meeting to gauge whether or not there may be support to pursue an ordinance amendment or rezone process to allow the ongoing operation to continue. The Planning Commission directed Staff to return with an option for their consideration.

The agreement (enclosed in the Staff report) is the proposed option from Staff. Having considered broader sweeping ordinance updates or options for rezoning the property, a provision was identified in the existing code language that would allow for unique consideration of this property that would limit wider spread or unintended implications of other options. Specifically FMC 11-35-050 (E) indicates that the City Council can approve exemptions from the standard provisions of the code in writing. This implies a process of establishing new land use regulations which is tantamount to a rezone and must follow the same process for consideration. As such, Staff has determined that an Agreement vetted through a public hearing with the Planning Commission and decided upon by the City Council was the fairest route to the surrounding property owners and has the least impact to the City at large while being able to consider accommodations for the applicant.

Staff has mailed notification to everyone within 300 feet of the subject property about the public hearing tonight. Specific allowances and parameters may be allowed at this property. It can have no more than six employees who are not residing on the property, and can have up to six employee vehicles parked at the property. The size of the vehicles would be such that it does not take a Commercial Driver's License (CDL) to operate them. A vehicle would have to weigh 26,001 or more pounds to necessitate a driver needing a CDL. They don't have anything over 19,000 pounds. Broken and obsolete equipment cannot be kept on site. There is a covered carport on the north side of the property with a semi-circular drive. The equipment is stored on the north side. Employees park there and pick up their equipment before heading out for the day. The applicant has agreed to put a gate and plant trees as a screening along the frontage road.

Gibson said the Commission, as the recommending body, has a lot of discretion in this agenda item, which would move on next to the City Council. In a regular home business, the residents of the home are the employees of the business. There is an exception to have one outside employee. As proposed, wood cutting would not be allowed. The Planning Commission's role in this request is to hear from the public and make a recommendation to the City Council based on that input. The Commission's opinions are sought as to how well the terms of the Agreement work at this location and in consideration of the City's General Plan.

Applicant Kevin Tolman (435 S. 200 W., Farmington, Utah) addressed the Commission. Since the property is on the frontage road, where there is already an extreme amount of traffic, vehicles coming and going on this property should not be a concern. No work is done on the property. Firewood and tree debris is not stored on the property. They used to have good screening trees and evergreens, but they all blew down in 2020. They intend to plant several trees there, but it may take years for them to grow. Trees won't work well along the north fence. The existing 6-foot privacy fence is set low and doesn't offer much privacy. The vehicles that employees bring would park on the side of the road, where there is ample parking. The seven allowed work vehicles would include trucks, trailers, and machines. In the summer, typical hours are 7:30 a.m. until the end of the job (typically 2 to 5 p.m.). In the winter, they are limited by daylight and typically work from 8 a.m. to 6 p.m. at the latest. Currently, they have two trucks, one chipper, one dump trailer, a mini skid, and one mini fifth wheel trailer. Home businesses should allow for some growth before they have to move out of their home. The gate to be put in will match the current fencing. The business started in 2017. In December of 2021, he was making arrangement to buy out his business partner. He called the City to ask about a business license, and was instructed that If he was only parking vehicles, a business license would not be needed.

Gibson said he is not familiar with regulations regarding minor repairs and oil changes on commercial vehicles, due to hazardous materials concerns.

Chair Erin Christensen opened the public hearing at 9:07 PM

Michael Cox (492 S. 50 W., Farmington, Utah) addressed the Commission. He expressed his support, saying he sees minor effects on his part of the neighborhood. It is difficult to even know there is a business there.

Clint Chamberlain (516 Wendell Way, Farmington, Utah) said since moving in in 2018, he has never been affected by this business. He is in support of Acer Trees continuing their business. This is a non-event.

Steed Nelson (96 Wendell Way, Farmington, Utah) said that since 2016, he has property that borders the south of the **Tolman** property. He supports this business, as he has never been impacted in a negative way. The **Tolmans** are great long-term residents. The neighborhood to the north is newer.

William Huber (510 S. 50 W., Farmington, Utah) echoed support for the business to continue, as it is not a detriment. During the bad windstorm of 2020, this business was on the spot helping people and cleaning the roads, sometimes at no charge. They are an asset to the community that is often plagued by winds.

Chair Erin Christensen closed the public hearing at 9:12 PM.

Applicant Jeff Tolman (433 S. 200 W., Farmington, Utah) said he has four to five pine trees, and some quaking aspens are coming back. As other trees develop long-term, the quaking aspens may need to be taken out. Christensen said it fits the exception, although the format at this point is more of a first draft. She does not want lighting added. Gibson said Commissioners can email their suggestions, which can be used by the City Attorney to refine the agreement language.

Christensen said that the City has an approved tree list, and something from that list should be selected that would be large enough to serve as screening.

MOTION

Tyler Turner made a motion that the Planning Commission recommend approval of the Agreement to the City Council as written including the addition that the applicant comply with any applicable laws and regulations related to oil changes of commercial vehicles; also that the trees planted are done with the City's approved list; and no additional lighting is added on the north side of the property where the vehicles related to the business are stored.

Findings 1-2:

- 1. The items allowed by the Agreement are appropriate at this location and there are sufficient mitigating factors within the agreement to adequately mitigate the impact of the allowed business activity on surrounding properties.
- 2. The use considered by the Agreement is consistent with the Farmington City General Plan and follows the process outlined in FMC 11-35-050.

Supplemental Information 1-2:

- 1. Draft Agreement
- 2. Pages from General Plan related to Residential Uses and Commercial/Industrial Uses

Frank Adams seconded the motion, which was unanimously approved.

Chair Erin Christensen	X AyeNay
Commissioner Mike Plaizier	X AyeNay
Commissioner Frank Adams	X AyeNay
Commissioner Tyler Turner	X AyeNay
Commissioner Larry Steinhorst	X AyeNay

Item #4: Farmington City – Applicant is requesting consideration of additional text and amendments to Title 11: ZONING
REGULATIONS establishing the definition of "Accessory Structure Operation" in Chapter 11-2 Definitions, and amending the
SCHEDULE OF USES in Chapter 11-10 to determine where an Accessory Structure Operation is permitted and by which process it
must be considered. (ZT-20-23)

Hansell presented this agenda item. The applicants reside at 473 S. 950 W. and also own the property at 912 W. 500 S. The 912 property includes a main dwelling and large detached accessory building. The applicant would like to utilize the accessory building as a for-rent storage unit where neighbors' recreational vehicles, equipment, etc. may be stored. Storage units are not a permitted use in the Agricultural zones. The purpose of this zone text amendment is to update 11-10-020 of the Zoning Ordinance, which outlines the schedule of uses in Agricultural Zones. Additionally, the applicant wishes to establish the definition of "Accessory Structure Operation." The new use would be allowed only in the Agricultural Estates (AE) zone and the created definition has been requested to include very specific elements which are aimed at preventing the use except in the most specific of situations.

City Staff has informed the applicant of their general concern for allowing such a use, without the ability to understand all the potential consequences. Having expressed this concern, suggestions from the City have been given to the applicant that will help narrow the occurrence of such a use making it more suitable. Staff has recommended denial of the zone text amendment, as the proposed definition is suited solely to this situation.

Hansell said that in the A zones, Chapter 10, 11-10-010b, it mentions that the zone is established to accommodate residential uses that are primarily agricultural, not commercial. Adding this definition is specifically a commercial use. Staff worked with the applicant so the definition would be beneficial specifically to them. It is not in the public interest because the City has plenty of zones where storage units are permitted. The service is already added elsewhere in the City. For home occupation, the property owners have to live on site and operate their business from that site. In this case, the property owner does not live on site. Gibson said the Gooches have been working with Staff to figure out if they can make this use work on their property. He said Staff has considered both a variance and conditional use, but those did not work out.

Applicants Andrew and Andrea Gooch (473 S. 950 W., Farmington, Utah) addressed the Commission. Andrew said they purchased the neighboring property in order to extend their backyard as a place for their family to enjoy and garden. The property includes a small home that is currently being rented out. It also has a 2,700 square foot accessory structure, and neighbors have asked to store stuff in the structure. However, after looking at a variety of options, Staff said it is not allowed.

Andrea Gooch said they invested in this property and hope to beautify the City, as this is in their back yard. She has four letters from neighbors who say they support this. Many neighbors have asked to store things such as Christmas items and furniture in their accessory structure. There is no need to advertise the space, as word of mouth has already produced enough interest.

Chair Erin Christensen opened the public hearing at 7:37 PM

Steve Guest (1085 S. 425 W., Farmington, Utah) has lived in Farmington for about 30 years, and approves of this use of the accessory structure. The building can't be seen, as it is tucked away. The owners with three kids wouldn't do anything with this property that would be bad for them, and what is good for them is good for the neighborhood.

Bryan Bacon (410 S. 10 W., Farmington, Utah) works with **Andrew**, and said he is honest and has integrity. If this was in his neighborhood, he would encourage this because space is limited for residents to store their toys. Ordinances seem to not be current with the times. The "farm" part of Farmington is dwindling, and the ordinances need to match the times.

Shane Roylance (414 S. 950 W., Farmington, Utah) lives across the street from the Gooches, and supports their efforts. It is a good cause and should be approved. The structure is a barn and would be a great place to store things after it was used as a business.

Aubrey Ann Squires (630 S. 650 W., Farmington, Utah) have lived in Davis County her whole life, and supports this request. It is necessary to update the uses for accessory structures, and it is a win-win with no downside.

Travis Allen (438 S. 950 W., Farmington, Utah) lives across the circle from the Gooches. He seconds Squires' comments. The fact that the Gooches share a property line with this property is of note, and there would not be a lot of foot traffic. It would not take away from what it is used for. It is a good fit for the area.

Chair Erin Christensen closed the public hearing at 7:40 PM. She said the applicant submitted four letters from close neighbors that are all in support of the proposal, and they will be added to the record.

Gibson said according to the home occupation chapter, the business needs to take place in the home. However, through the Condition Use Process, they could ask to use their garage or detached garage for the business. Since they control both properties, a boundary adjustment may be an option. However, setback requirements are a problem. The Commission has discretion in such a zone text change recommendation. Adams said this definition has been tailored so this is the only building in town that this is going to fit. Gibson said it is an unknown, and there is always interest from storage rental unit companies. The Utah Department of Transportation (UDOT) is surplussing a lot of property, and he has fielded many calls asking if storage units could be built on such land. He is uncertain how this could proliferate.

If the definition is going to be that specific, Adams said he would take out the reference to the primary residence, and make it abutting property only. That would make it even more restrictive. He would like to set the square footage between 2,500 and 3,000 square feet, while changing the use from permitted to conditional. Gibson said those changes are clear, and it would not be necessary to re-notice this item if it would be considered a Conditional Use instead.

Commissioner Adams said he is a firm believer of personal property rights, and he is not opposed to this use. The concern for Staff is businesses buying properties in order to conduct a storage unit business. Christensen said the main use should be residential, and

the property owner should live on it or next to it. She is not opposed to the use. There are apps where people can advertise space, and anyone can use it. The City as a whole needs to consider that there are enough limitations on this. It could be seen as an Airbnb, where Farmington prohibits it, but it is still happening. **Gibson** said unlike someone with a 500 square-foot garage, the **Gooches** have something larger and more unique that they are trying to make good use of. Capping the size is appropriate.

Adams said the suggested language could include "casual" or "occasional" storage, with a nod to it not being a business. How many people use it could be limited. He is hesitant to put this in a list of uses, and would rather have it as a variance. Gibson said the variance statute is established by the State of Utah, and cities just adopt those. Another option considered was that the new Agriculture Planned (AP) overlay district could be used on this property, which is currently zoned Agricultural Estates (AE). It would be unique to this one property. Christensen said she would not like to do that. Andrea Gooch suggested adding the word "single" structure, to preclude multiple storage structures. It should be enclosed as well. Hours of operation would be 7 a.m. to 10 p.m. accessible by code. Spaces can be divided.

Some Commissioners indicated that they would like to make this work, not deny it. Adams said it would need to have enough conditions on it so that it does not open a can of worms. Christensen said the Commission needs more time with it. She favors making it a conditional use, that may become a permitted use down the road if it works out. It may work under the home occupation chapter.

MOTION

Tyler Turner made a motion that the Planning Commission TABLE this item, schedule of uses in agricultural zones, with the understanding that the Chair and Staff will create a subcommittee to explore options and possibilities of trying to ascertain how to make this thing work within the regulations and law of Farmington's code.

Mike Plaizier seconded the motion, which was unanimously approved.

Chair Erin Christensen	X AyeNay
Commissioner Mike Plaizier	X AyeNay
Commissioner Frank Adams	X AyeNay
Commissioner Tyler Turner	X AyeNay
Commissioner Larry Steinhorst	X AyeNay

Adams and Christensen expressed interest in serving on the subcommittee. This will likely not be done by the end of the year.

OTHER BUSINESS

Item #4 Miscellaneous, correspondence, etc.

- a. Minutes Approval for October 19, 2023, and November 2, 2023
 - i. Tyler Turner made a motion to approve both the October 19 and November 2, 2023, minutes.

Larry Steinhorst seconded the motion, which was unanimously approved.

Chair Erin Christensen	X AyeNay
Commissioner Mike Plaizier	X AyeNay
Commissioner Frank Adams	X AyeNay
Commissioner Tyler Turner	X AyeNay
Commissioner Larry Steinhorst	X AyeNay

b. Gibson presented planning items considered by the City Council at their Nov. 14, 2023, meeting. The Council did adopt the subdivision amendment ordinance with one change: for nonconventional schematic subdivision, it has a public hearing at both the Commission and City Council levels. It was proposed with a public hearing only at the Commission level. The Council wants to hear from community members at this level. Another item involves Stack, the primary entitled land holder in the north business park area. They had been proposing several six-story office buildings up against the freeway. They have been struggling getting tenants for the buildings as proposed. So, they brought an alternate proposal to the Council that did not deviate from an office use. Instead, they would break up the same square footage of office originally proposed into smaller offices. They can't get enough pre-leasing to get financing without the change. The Council seemed generally open to the idea. It will require an amendment to the Development Agreement, which would require input in the future. They would like to incubate business that would likely grow into the tenants that would eventually occupy the larger office buildings. They intend to still do two large office towers on the north end, each taking 20 acres per building. However, instead of the third tower, they would like to do smaller office buildings.

ADJOURNMENT

Tyler Turner motioned to adjourn at 10:13 pm.

Chair Erin Christensen	X AyeNay
Commissioner Mike Plaizier	X AyeNay
Commissioner Frank Adams	X AyeNay
Commissioner Tyler Turner	X AyeNay
Commissioner Larry Steinhorst	X AyeNay

Trin Christensen, Chair John David Moriensen, Vice Chair.

To the Farmington Planning Commission,

I have been in and out of the Farmington community but in doing so, have had to rely on friends and family the last few years for not only rentals but also storage spaces. I believe that in granting the Gooch family approval of item #4, this could only benefit the community rather than harm in any way. The Gooch family really care about the community and will ensure that this change would be upheld in the highest of standards and could also greatly help others in the Farmington community in need.

Thank you for your consideration,

R. Janelle Cornerar

Sincerely,

▶ Janelle Cameron

988 S 650 w

Farmington, UT 84065

To the Farmington Planning Commission,

Greetings! I am Ammon Lewis, a resident of Farmington for over 18 years. Having grown up in this town I am reaching out to urge your approval of item #4 on tonight's agenda, addressing the updates to "accessory structure operation." The current guidelines are overly restrictive and fail to adapt to the diverse needs of our community. Having seen firsthand the growth and evolvement of the community, I think this change would allow residents to have more opportunity and flexibility to support their families in this tough economy. Restrictive blanket policies do not allow for individuals to prove to the community that they can have a thriving business and provide for their families while being in harmony with neighbors.

I sincerely hope you consider the positive impact these updates can have on the adaptability of our town.

Best Wishes,

Ammon Lewis 988 S 650 w

Farmington, UT 84065

Hello Farmington Planning Commission,

My name is Solana Guest and I have proudly called Farmington my home for the last four years. I am writing to express my full support for the approval of item #4 on tonight's agenda regarding the updates to "accessory structure operation." The current guidelines are overly restrictive and do not contribute to the overall well-being of our community.

I kindly request your approval to ensure a more accommodating environment for Farmington residents.

Sincerely,

Solana Guest 1085 S 425 W

Farmington, Utah 84025

Dear Farmington Planning Commission,

Existens

I am Erin Lewis, a resident of West Farmington. I am writing to request your approval of item #4 on tonight's agenda, which addresses the updates to "accessory structure operation." The current guidelines are unduly restrictive, and I believe that these proposed changes will introduce much-needed flexibility, allowing residents to better meet their evolving needs, and to better support their families

Thank you for considering the positive impact these changes can bring to our community, especially those seeking to enhance the community.

Best Wishes,

Erin Lewis 988 S 650 w

Farmington, UT 84065