

**FARMINGTON CITY
PLANNING COMMISSION**

February 22, 2024

WORK SESSION

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

Work Session initiated at 6:30 pm. The commission reviewed items from the agenda with staff.

REGULAR SESSION

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

Chair **John David Mortensen** opened the meeting at 7:03 pm.

SUBDIVISION / SITE PLAN / PROJECT MASTER PLAN APPLICATIONS – no public hearings

Item #1 – Seth Faerber – Applicant is requesting approval for Final Planned Unit Development (PUD) Master Plan on the Cottrell Hills subdivision, with 7 lots, covering 2.16 acres at approximately 30 S. 300 E., in the OTR (Original Townsite Residential) zone. (S-3-23).

Community Development Director **David Petersen** introduced this agenda item. The Planning Commission recommended approval of the Preliminary PUD Master Plan for the Cottrell Hills PUD on May 4, 2023, and the City Council approved it thereafter on May 16, 2023 (see minutes enclosed within the packet). The applicant is nearing completion of the final plat and improvement drawings for the same, which—as per state standards recently adopted by the City—are considered and approved by Staff.

PUDs don't typically have Development Agreements (DA), but since the City Council asked for it as a condition, a short one has been provided. The sidewalk was included in the DA, and the applicant has agreed to put it in to the south property line. The DA was intended to govern the two historic homes, both of which are contributing properties.

Applicant **Seth Faerber** (598 N. Hill Farms Lane, Kaysville, Utah) addressed the Commission. The DA is all that remains to be addressed. He was just recently provided with the draft copy.

MOTION

Tyler Turner made a motion that the Planning Commission approve the Final PUD Master Plan for the proposed Cottrell Hills PUD subject to all applicable Farmington City development standards, ordinances, and conditions, and findings of Preliminary PUD Master Plan approval, including conceptual building elevations.

Supplemental Information 1-4:

1. Vicinity map(s).
2. Final PUD Master Plan.
3. Planning Commission meeting minutes, May 4, 2023.
4. City Council meeting minutes, May 16, 2023.

Frank Adams seconded the motion, which was unanimously approved.

Chair John David Mortensen	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Vice Chair Frank Adams	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Commissioner Tyler Turner	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Commissioner Joey Hansen	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Commissioner Kristen Sherlock	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Commissioner George Kalakis	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay

Alt Commissioner Brian Shepherd

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). – *Tabled from the February 8, 2024, Planning Commission Meeting.*

Assistant Community Development Director/City Planner **Lyle Gibson** introduced this agenda item. Multiple property owners have teamed up together to come up with this proposal, which has 92 townhome units on the south and a commercial component on the north portion of the property. It is on the southeast corner of Burke and Maker Way. The creek is to the east, Maker Way on the west, Burke Lane on the north. Restaurant pads are along Maker Way.

The Planning Commission first reviewed this proposal during a hearing on February 8, 2024. The item was tabled to be continued at a future meeting in order to allow the applicant to:

- Provide a proposed Development Agreement (DA) for review by the Commission.
- Provide a traffic study or exhibit to help the Commission understand traffic circulation.
- Delineate which areas were public access vs. private, and who maintains the trail.
- Further detail plan to meet moderate-income housing requirement.
- Provide additional detail on ownership or rental of residential units.
- Offer additional information about the future commercial use (northeast section of the project) and its potential impact or relationship to the project proposal.

The proposed DA has been included with the Staff Report, along with additional exhibits in response to these requests of the Planning Commission. As the recommending body, the Planning Commission is to consider whether or not their requests have been satisfactorily addressed and make a recommendation to the City Council based on the provided information.

In consideration of some of the traffic elements, Staff (including Public Works and the City Engineer) does not recommend that speed bumps be included on public rights of way (Cook Lane). Staff is also satisfied that the main access points from Maker Way and Burke Lane which are shown in the exhibits are situated appropriately as directed by the City Traffic Engineer. The main public road network can accept the capacity that is anticipated from the development based on a study conducted for the larger area.

The applicant has provided an exhibit indicating internal movement patterns in the commercial area. An additional exhibit has been provided that shows which areas are accessible by the public, especially in trail areas. Language in the DA commits the developer to moderate-income housing plans, and the Council will further dial those in. The developer is looking at the cash option, or some other public benefit.

The DA details that the developer would design and build the paved trail and dedicate it to the City for public use. Staff would like to clarify who is maintaining what, aside from the public/private delineation. Farmington is willing to commit to caring for the walking surface long-term. However, the City is not interested in taking care of the landscaping adjacent to the trail. The City is building a park directly west of this development, and the trails will stub into the park to access more trail systems are projected to be built. It would feed into the trail system to the north across Burke Lane.

The property is part of an overarching Project Master Plan (PMP) 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 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; those which are found to be acceptable by both the City Council and developer are memorialized in a DA.

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 DA indicates that the townhomes units proposed for the Charlotte 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 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 DA to ensure certain outcomes.

Applicant **Colton Chronister** (426 Meadow Drive, Kaysville, Utah) addressed the Commission. He provided a traffic flow exhibit from his in-house commercial traffic engineer. Stacking for the two drive thrus was addressed, as tenants expect to accommodate a stacking of 10 vehicles. There are not concerns with the turning radii, even with an extended-cab Ford 350. Cross-access agreements with future phases are also addressed in the DA. If they were to land a "big fish" tenant, things may need to be adjusted. Studies can be dialed-in and fine-tuned in the future.

Gibson said if it is ready to move along as-is to the City Council, this item could be on their March agenda. Engineering details will commence at that point. Therefore, it may be a few months before this item is back in front of the Planning Commission next. This could be a few to several months out.

Regarding the commercial pad to the east in a future phase, **Chronister** said there is the possibility of shared parking and maneuverability. Cross-access and cross-parking agreements with this area are addressed in the DA. Since this is tenant-driven, there is flexibility. The 10 to 11 vehicle standard for drive thru stacking includes entrance to the drive-thru as well as exit out of the drive-thru.

Kristen Sherlock said she is concerned about the flow at the center entrance/exit that could cause confusion and potential accidents. She would like to see if something could be done to mitigate this.

Chronister said the developer plans to dive into engineered drawings at the next preliminary plat phase, when solid answers can be provided.

Gibson said as the City did the master planning for this area, the main street network is being watched closely. The City doesn't want these intersections to fail, and thus they will be carefully monitored. The main network works for Staff so far. The City's traffic engineer is comfortable with the indicated ingress and egress from the master plan exhibits. Access to the future commercial site would require further study.

Chronister said they are open to the City's suggestion for the trails in the area, be it a public access easement or deeding over the trails to the City. Maintenance of the landscaped area around the trail could belong to a Homeowner's Association (HOA) or a commercial association. The developer would design and install the trail, and through a trail agreement with the City there would be an easement so the City could access and maintain those trails. The trails would be dedicated to the City, to be further defined in the DA.

He said the City code offers options to fulfill the moderate-income housing requirement. CW Urban had a project approved by an old Council and Commission that ultimately was not built, so he understands this requirement. It is easier to make a deed or rent restriction work if it is a rental unit rather than owned. It is more difficult to deed restrict a for-sale unit. In the last two weeks, the developer has decided they desire these to be platted individually for sale. The DA as written is to meet the moderate-income requirement with a fee in lieu, open space, some public benefit, or a combination of the three. They would like to work that out with Staff for consideration by the City Council.

As for the commercial area, there could be a mixture of for-lease or for-sale. HOA fees will handle snow and garbage removal, landscape maintenance, etc. There is a tentative offer for a commercial spot, but the details cannot yet be made public. The use will be harmonious to adjacent parcels as far as shared parking, cross-access, and connectiveness.

Adams said DA conditions should be that at 5.7, the moderate-income housing requirements would be accepted at the discretion of the City, not the developer. 15.2 is the termination clause, and he wants to make sure that on-going agreements continue on, especially on-going maintenance of the trail area.

Chronister said he is happy to amend that. **Adams** wants a better definition of "commercial area."

MOTION

Frank Adams made a motion that the Planning Commission recommend approval of the Project Master Plan / Schematic Site Plan, and Schematic Subdivision for The Charlotte, subject to all applicable Farmington City development standards, ordinances, and the following **conditions** to be included in a DA:

1. Update Section 3.1.2 of the DA to specify that residential development shall be limited to single-family attached housing (townhomes) not to exceed 92 units, in manner shown on the included Development Plan.
2. Specify in Section 3.1.3 that the project shall be allowed two drive-thru windows in the locations identified by the PMP, not on the corner.
3. The restaurant development shall include an outdoor dining area or patio similar to what has been identified in the PMP.
4. The DA needs to be modified as related to paragraph 5.7 include language that makes what they propose is "acceptable to the City."
5. At 15.2 of the DA have language that says that any ongoing obligations for maintenance and landscaping survive the termination clause, including the trail and landscaping.
6. At 5.5 of the DA, commercial area be better and specifically defined.

Findings 1-6:

1. The proposed use and site plan is consistent with the vision for the area identified by the Farmington Station Area Plan.
2. The property is allowed to have deviations considered through section 140 per the Farmington Station Center PMP adopted in 2020.

3. The number of units is within the range previously identified by planning efforts to project infrastructure needs and traffic capacities.
4. The residential development is near the soon-to-be-built public park, which compliments the use and provides amenities to the future residents of this site.
5. The proposed commercial development would complement the known uses coming into the area.
6. The individually platted townhomes offer the potential for owner occupancy in an area where rental units are the majority

Supplemental Information 1-2:

1. Vicinity Map
2. PMP / DA

Joey Hansen 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
Alt Commissioner Brian Shepherd	X Aye	___ Nay

Item #3 – Davis County – Applicant is requesting Final Site Plan approval for the Western Sports Park (WSP) Signs located at 151 S. 1100 W., in the A-AP (Agriculture Planned) zone. (SP-13-22).

Gibson presented this agenda item. Cranes are now visible as work proceeds on the former Legacy Events Center. Farmington has been working with Davis County on this project since 2022. In a transitional move, they took away some of the equestrian and traditional fair items, and then built a new equestrian center in Kaysville. The focus is now on youth sports. The new WSP will be funded through tourism tax, paid by people who come into the community and stay in area hotels.

The public hearing for this item was completed on December 7, 2023. The public comment received in that meeting was about ensuring that the addressing for the facility was off of Clark Lane and that there was signage near the roundabout to help direct traffic to the main entrance of the WSP facility. The Planning Commission motioned to table this item to a future date in order to allow discussions to take place with the City Attorney related to content implications and regulations. The time would give the applicant an opportunity to come up with details on a wayfinding sign and what that would look like as well as a smaller concept for signs, particularly on the north side of the building. The applicant was to also come back with an update on any concepts for signage on the east side of the building. The motion to table the item received a unanimous vote.

Since that meeting, the addressing has been confirmed to be based on a Clark Lane address and the county has updated their sign package to refine details on how the signage will look. A new sign has been included near the roundabout to direct traffic east on Clark Lane to the main entrance. The County has updated how the signage will look on the building as well to indicate that the north façade will have signage which may change based on events that will be limited to the window area. Since the first time this was presented, the signs have shrunk somewhat. No signs will be included on the west wall, which is a move in part to alleviate traffic on 1100.

While much of the project has been moving forward, as is often the case, the sign program or details are looked at separate from the site plan and building plans. The County is looking to finalize the details for the signage on site with the Supplemental Development Agreement as proposed.

Typically, signage in the A zone where the project is located are subject to the following regulations:

15-5-010: AGRICULTURAL AND RESIDENTIAL ZONES:

Signs in agricultural districts A, AE and AA, and residential districts R, LR, S, LS, OTR, R-2, R-4 and R-8, are subject to all standards set forth in this title and to the following additional standards:

A. Permitted Signs: Only the following signs are permitted in agricultural and residential districts:

- 1. Monument signs;*
- 2. Nameplate signs;*
- 3. Open house signs;*
- 4. Political signs;*
- 5. Project identification signs;*
- 6. Property signs;*
- 7. Temporary signs advertising garage or yard sales, craft boutiques or sale of fruits and vegetables during the normal harvest season.*

B. Project Identification Signs: Apartment developments, condominium projects and residential subdivisions may have one project identification sign indicating only the name of the development. Such signs shall be either wall or monument signs and shall be not more than thirty two (32) square feet in size.

C. Nameplate Signs: One nameplate sign may be used for each dwelling unit. No permanent signs other than nameplates are permitted on individual lots.

D. Monument, Wall Signs For Public Uses: One monument or wall sign, not to exceed thirty two (32) square feet, may be permitted in conjunction with a public use, quasi-public use or public utility installation.

E. Monument, Wall Signs In R-4, R-8: One monument or wall sign, not to exceed sixteen (16) square feet, may be permitted in an R-4 or R-8 zone for a daycare center or professional office.

F. Monument Signs In OTR Zone: One monument sign, not to exceed sixteen (16) square feet, may be permitted for a nonconforming professional office in the OTR zone.

G. Temporary Signs For Fruit, Vegetable Sales: Temporary signs advertising sale of fruits and vegetables during the normal harvest season shall not exceed a total of thirty two (32) square feet for all signs on the premises.

H. Temporary Home Occupations: Temporary home occupations, such as a garage or yard sale, or craft boutiques, may have a maximum of one temporary on premises sign and two (2) temporary off premises signs for each event. Each sign shall not exceed six (6) square feet in one area. The number of events on an individual residential lot shall not exceed four (4) in any calendar year.

I. Distance to Property Line: No on premises sign shall be located closer than one foot (1') to any property line so long as the site distance for vehicles entering traffic is not compromised.

Rather than follow these limited provisions, under the AP District the County may seek permission from the City to deviate from the usual requirements under new rules which are established and outlined in a Development Agreement.

Electronic Message Sign: Many signs are included with the request; one item of note is the interest in an Electronic Sign, which is not generally permitted in the A zone. For many years there was an electronic message sign on the northwest corner of the property as shown in FIGURE 1 in the Staff Report.

When the County pursued an approval to remodel and expand the old Legacy Events Center, they wanted to ensure that they would be allowed to continue having an electronic message sign to help advertise the facility and events. To solidify this right, the original DA includes provisions related to signage on the property. Section 5 of the DA specifically states:

5. Alternative Development Standards. Pursuant to Utah Code Ann. § 10-9a-532(2)(a)(iii), this Development Agreement contains terms that conflict with, or is different from, a standard set forth in the existing land use regulations that govern the Property. This Agreement, which has undergone the same procedures for enacting a land use regulation, overrides those conflicting standards as it relates to this Project, as follows:

c) Electronic Message Sign. All signage for the Project shall comply with Farmington City Sign Regulations except that the Property shall be permitted one (1) Electronic Message Sign which shall comply with the design standards of Farmington City Code 15-4-030 and 15-5-060 with a limit on operations to turn

off after 10pm until 6am. Any deviations from the code or applicable development standards sought related to the sign shall undergo the process for a supplemental or amended development agreement.

Additional terms exist within the agreement related to the shared participation, use, and maintenance of this Electronic Message Sign. Apart from size requirements regulated by the structure type the sign is on, Farmington City does contain provisions in code which regulate details related to an Electronic Message Sign.

15-4-030: ELECTRONIC MESSAGE SIGNS:

The following standards shall govern the use of electronic message signs. The nighttime and daytime illumination of an electronic message sign shall conform with the criteria set forth in this section:

A. *Illumination Measurement Criteria:* The illuminance of an electronic message sign shall be measured with an illuminance meter set to measure foot-candles accurate to at least two (2) decimals. Illuminance shall be measured with the electronic message sign off, and again with the electronic message sign displaying a white image for a full color capable electronic message sign, or a solid message for a single color electronic message sign. All measurements shall be taken perpendicular to the face of the electronic message sign at the distance determined by the total square footage of the electronic message sign as set forth in the "Sign Area Versus Measurement Distance" table in this section:

SIGN AREA VERSUS MEASUREMENT DISTANCE

Area Of Sign (Square Feet)	Measurement Distance (Feet)
10	32
50	71
100	100
200	141

Note: For signs with an area in square feet other than those specifically listed in the table, the measurement distance may be calculated with the following formula: The square root of the product of the sign area and 100.

B. *Measurement Difference:* The difference between the off and solid message measurements using the electronic message sign measurement criteria shall not exceed 0.3 foot-candle at night.

C. *Automatic Dimming Technology:* Electronic message signs shall come equipped with automatic dimming technology that must automatically adjust the sign's brightness in direct correlation with ambient light conditions not to exceed fifteen percent (15%) of full brightness at night and eighty five percent (85%) of full brightness at day.

D. *Minimum Hold Time:* The minimum hold time between messages, for an electronic message sign, shall be no less than three (3) seconds. Any such sign with a hold time less than three (3) seconds shall be considered an animated sign and shall be prohibited.

E. *Images:* Fading, transitioning or dissolving of images shall occur on an electronic message sign of no less than one second, but not to exceed 1.5 seconds, to reduce the abrupt "flashing" effect as the message on the sign changes from one image to another.

F. *Color LED:* All images on electronic message signs shall be full color RGB LED (light emitting diode). (Note: The RGB color model is an additive color model in which red, green and blue light are added together in various ways to reproduce a broad array of colors. The name of the model comes from the initials of the 3 additive primary colors: red, green and blue.)

G. *Traveling Messages:* Traveling messages are prohibited.

H. *Prohibited Hours:* Electronic message signs must be turned off between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M.

The applicant has indicated that their sign will be functionally capable of meeting these provisions. They are not seeking approval to deviate from these items except that they have previously agreed to turn the sign off at 10 pm. Rather, they are looking to confirm the size and location of the sign. As proposed, this sign would stand 21 feet tall, being 9 feet wide. The electronic message component of the sign is the top 14 feet, covering 126 square feet. This function and look would face both the east and west. By agreement, the County is allowing the City some use of the electronic sign.

Wall Signs: The northernmost and southernmost façade of the main buildings are proposed to include large wall signs with the WSP logo. It was clarified at the previous meeting that wall signs which face the interior of the project, in this case those on the east side of the buildings, are exempt from sign requirements.

Within the A zoning district, on a public building there is a standard wall sign maximum of 32 square feet. (essentially the size of a 4 x 8 foot piece of plywood). The proposed signage on for this project includes a wall sign on the south façade which covers approximately 1,530 square feet and another on the façade facing Clark Lane, which covers approximately 2,800 square feet. These large signs are not illuminated. Notably the overall square footage on the north façade has been reduced and it is clear what signage is subject to regular change for events.

Typical wall signage for a commercial operation are limited to 10% of the façade on which they are located. Walls signs on the north face have the potential of covering about 34% of the façade (assuming the windows are 100% covered). The proposed signage for the southern façade covers about 17% of the southernmost wall.

Other wall signs are included that face internally and which will be much smaller in scale.

Other signage: All other signs such as directional, traffic, and parking location signs are identified and located in the included site plan exhibit.

Scott Smith with Method Studio Architects in Salt Lake City representing Davis County, applicant, addressed the Commission. The north side is the face of the whole park. A corner sign is very important, and the applicant thinks that has now be identified. No signs will be on the west side. On the north side, there would be room for sponsor banners that are easily seen and later easily removed. Advertising content is a matter to be discussed between Davis County and Farmington, and should be addressed in a future agreement.

MOTION

George (Tony) Kalakis made a motion that the Planning Commission recommend approval of the Supplemental Development Agreement for the Davis County Legacy Events Center permitting the signage as indicated in the included plans with the following **condition**:

- The final location of the electronic message sign be placed in a manner acceptable to the Development Review Committee (DRC) so as to provide sufficient spacing for access to maintain, replace, or repair the culinary water line on the south side of Clark Lane. Sign placement shall not interfere with traffic safety.

Findings 1-4:

1. The majority of the signs proposed for the project are important to guiding users and traffic to and throughout the property and facilitate better traffic flow and safety.
2. The existence of an electronic message sign has been previously established both by long-standing use of one on the property and the previous agreement with the City.
3. The proposed electronic message sign will comply with FMC 15-4-030 as far as its ability to dim according to ambient light conditions and will shut off between 10pm and 6am.
4. The large wall signs will help support identification of a large regional draw and allow users to more quickly identify their destination. These signs also create interest and variety to what could otherwise be a somewhat plain large wall.

Supplemental Information 1-2:

1. Sign proposal seen at December 7, 2023, meeting.
2. Supplemental DA, including the following exhibits:
 - a. Site Plan with Sign Locations
 - b. Electronic Sign Details

c. Wall Sign Details

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
Alt Commissioner Brian Shepherd	X Aye ____Nay

CONDITIONAL/TEMPORARY USE PERMIT APPLICATION – public hearing

Item #4 Jared Bunch/Lance Evans – Applicant is requesting approval regarding a Temporary Use of Land and Conditional Use for a Corn Maze, on 4 acres of property, located at approximately 400 N. Market St., in the GMU (General Mixed Use) zone. (C-1-24).

Gibson presented this agenda item. These are the fields west of Cabela’s. The public Right of Way is along Market Street, which allows access to this corner. Staff’s biggest concern was tracking material into the public streets, which has storm water system ramifications. A gravel tracking pad will help mitigate this. This outdoor facility should not be open during inclement weather, which will reduce the amount of muddy tires. Ropes on the southwest end will help contain cars. Staff makes a recommendation to approve this application. Notice was provided to adjacent property owners.

The applicant is working with the property owner to operate a seasonal corn maze until the property is further developed at a future date. While the total property controlled by the owner is much larger, the applicant is looking to use about 4 acres at the northeast corner of the parcel to grow corn in order to operate a seasonal corn maze leading up to Halloween.

The OMU zoning district allows “entertainment uses” per [FMC 11-18-050](#) and furthermore [FMC 11-28-120 \(E\)](#) indicates that temporary uses of land such as a carnival, fair, or other similar uses are to be considered under the conditional use process by the Planning Commission.

To detail their request, the applicant has provided a letter which is included with the Staff Report. In brief, most of the year would be dedicated to planting and cultivating the maze, while the main function of the maze would only be open to customers five weeks a year. The applicant has worked with City Staff to propose an acceptable parking surface and means of ensuring that cars coming to and from the site are not tracking mud into City streets.

Per City ordinance, the minimum amount of required parking is to be determined by the Planning Commission. This specific use would be a commercial recreation use in the parking table. There isn’t a very comparable use to help determine what the correct amount of parking should be. The applicant is dedicating 40 stalls a day to parking and this could likely be easily expanded on an as-needed basis.

In addition to consideration of parking, the Temporary Land Use section of the ordinance includes the following regulations:

6. Parking Standards:

a. Temporary Areas: Temporary parking areas are allowed only during construction on a site. They must be removed, and the land restored to its original condition, prior to issuance of a certificate of occupancy for the construction.

b. Adequate Parking Required: Adequate off-street parking for the proposed event shall be provided for the duration of the event. Determination of compliance with this requirement shall be made by the city planner, who shall consider the nature of the event and the applicable parking standards of this title. Consideration shall be given to the parking needs and requirements of permanent occupants of the site.

c. **Reduction To Permanent Uses Prohibited:** Temporary uses shall not reduce required parking spaces below the minimum required for permanent uses on the site.

d. **Surface:** Parking areas for the proposed use shall be surfaced with asphalt, concrete, gravel or other surface acceptable to the city planner.

7. **Signs:** Permanent signs are prohibited. The size and location of signs shall be in compliance with applicable provisions of the sign ordinance for the zone in which the use will be conducted. All signs shall be removed when the activity ends.

8. **Sound Devices:** No loudspeakers or other amplifying sound devices shall be used in conjunction with a temporary use unless specifically approved by the city planner.

9. **Lighting:** Outdoor lighting, if used, shall be subdued. All lighting shall be designed, located and directed so as to eliminate glare and minimize reflection of light into neighboring properties. Searchlights shall not be permitted.

10. **Violation Of Approval:** Temporary uses on sites where the primary use is a conditional use shall not violate the conditions of approval for the primary use.

11. **Accessory To Approved Use; Merchandise:** The event or sale shall be clearly accessory to or promotive of the permitted or conditional use(s) approved for the site. Only merchandise which is normally sold or stocked by the occupant(s) of the site shall be sold and/or promoted.

12. **Insurance:** The applicant shall provide to the city planner proof of liability insurance for the requested use, if necessary. This proof shall be submitted with the application.

13. **Code Compliance:** These provisions shall not be construed to exempt the operator from complying with applicable building codes, health codes or permit requirements established by other regulatory agencies or departments.

H. **Uses, Specific Standards And Time Limits:**

2. **Commercial And Industrial Zones:** Temporary uses in commercial and industrial zones shall comply with standards, and are limited to the uses, specified below:

a. **Hours Of Operation:** The hours of operation for temporary uses in commercial and industrial zones shall be established at the time the use is approved.

Based on these standards, the Planning Commission is tasked with setting the amount of needed parking, determining what sound devices are permitted, and what hours of operation are appropriate. In addition to standards identified in 11-28-120, the Planning Commission may impose conditions that it feels are necessary to mitigate detrimental impacts that may come from the use based on the following standards found in [FMC 11-8-050](#).

11-8-050: CONDITIONAL USE STANDARDS:

Conditional use applications shall be reviewed in accordance with, and shall conform to, all of the following standards:

A. **Necessity:** The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community;

B. **Compliance:** The proposed use shall comply with the regulations and conditions in this title for such use;

C. **Comprehensive Plan:** The proposed use shall conform to the goals, policies and governing principles of the comprehensive plan for Farmington City;

D. **Compatibility:** The proposed use shall be compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing and proposed development;

E. **Adequate Improvements:** Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available or may be provided; and

F. **Use Not Detrimental:** Such use shall not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity; or injurious to property or improvements in the vicinity. A proposed use shall be considered detrimental:

1. If it will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;

2. If it will unreasonably interfere with the lawful use of surrounding property; or

3. If it will create a need for essential municipal services which cannot be reasonably met.

Applicant **Jared Bunch** (2068 S. 400 E., Farmington, Utah) addressed the Commission. He has teenagers at home who need a side gig to keep them and their friends busy. It will teach farming skills, working the land, and entrepreneurship. He doesn't expect to make a lot of profit the first year. Costs may be recouped the second year. It will bring entertainment for youth in the area. Hours will be 6:30-10 p.m. Tuesday to Friday, Saturday noon to 11 p.m., and it will not be open Sundays or Mondays. The concessions stand planned to be in the middle of the maze, which is not very big. Security is a bit of a concern. Metal containers will be rented to secure participants' belongings. They plan to have employees check on the site several times during the night. The owner of the property is leasing the site to the applicant, which is detailed in a two-year agreement. They are planning to not plant the corn in the planned maze pathways. After it is used for the maze, the corn will be used as silage. Concessions will include hot chocolate, hot dogs, cookies, chips, wrapped candy, novelty snacks, and drinks.

John David Mortensen opened and closed the public hearing at 8:28 pm due to no comments.

Petersen asked if the soil type on the site can grow corn. Russian olives can create problems. The applicant replied that he has consulted with a corn grower to identify what they hope is a good area to grow corn. This area has been used as pasture ground for generations, so manure has been decomposing on the property for years. Utah State University will conduct a soil sample analysis on this ground to recommend fertilizers, etc. If the ground is deemed unsuitable, the applicant will not proceed with planting crops here.

Commissioners were concerned that conditions may need to address post-use of the site after it is done. They also don't want the operation to go on past midnight on weeknights. Commissioners were also worried about security, a business license, and hours of operation. **Sherlock** said security will be the biggest issue. She lives behind Cabela's and often gets doorbell ditched after midnight. Commissioners expressed their support of this endeavor.

MOTION

Tyler Turner made a motion that the Planning Commission approve the Conditional Use Permit for the temporary land use of a corn maze as proposed with the following **Conditions 1-11**:

1. The use shall require a minimum of 40 parking stalls per day when open to the public; parking may be on vegetated surface so long as parking is rotated daily.
2. A tire wash/spray station shall be in effect on site when needed to reduce tracking of mud from vehicles exiting the site.
3. Lighting shall not be directed outside of the corn maze site.
4. Regular cleaning to remove food or trash from the site shall be conducted to avoid rodents and litter blowing away due to winds. Trash receptacles shall be made available during operation and shall be emptied or hauled off regularly.
5. Traps and/or similar measures for rodent control shall be implemented.
6. Noise from music or other amplified devices shall not disturb surrounding properties. Any level of noise from speakers or devices found to be a disturbance to nearby residents or businesses shall be cause to lower volume or suspend use of a device.
7. Latrines are to be regularly serviced to maintain sanitary conditions.
8. The maze shall only be open to the public during the months of September and October
9. Hours of operation when open to the public may not go past midnight.
10. Hours of operation not to exceed midnight on weekends and Halloween and 11 p.m. on weeknights.
11. Applicant must obtain a business license.

Findings 1-3:

1. The proposed operation allows for a reasonable use of the property until it is developed more in-line with the vision for the area.

2. The seasonal nature of the use will limit the amount of time where this operation may impact surrounding property owners and residents.
3. With the proposed conditions, other reasonably anticipated impacts from the use can be adequately mitigated.

Supplemental Information

1. Vicinity Map
2. Site Plan
3. Request Letter from Applicant

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
Alt Commissioner Brian Shepherd	X Aye ____Nay

ZONE TEXT AMENDMENT – public hearing

Item #5 – Farmington City – Applicant is requesting a recommendation for additional text and amendments to Chapter 11-27, PLANNED UNIT DEVELOPMENT (PUD). The amendments are proposed to align the process of Final PUD Master Plan approval for certain small subdivisions and site plans with the recently updated Subdivision and Site Plan processes wherein City Staff is over the Final PUD Master Plan approval (ZT-3-24).

Petersen introduced this agenda item. The recommendation is to update the PUD Master Plan process to better accommodate smaller PUDs. Farmington is getting a lot of smaller infill subdivision applications that consume Staff's time. The smallest PUD for single-family parcels used to be 5 acres and 3 acres for multi-family parcels. A few years ago, the City Council did away with all minimum PUD sizes. To get flexibility needed, the code called for 10% open space. However, this 10% is very small when dealing with a half-acre lot. Incentivizing historic preservation and moderate-income housing also spurred consideration of this item. It would be a legislative active, approved by the City Council. If Staff takes over the simple acts, it would streamline small PUDs. There are a lot of requirements for a property owner to fulfill in order to get the flexibility they may need.

Gibson met with Commissioners **Adams** and **Mortensen** prior to this meeting in order to get their comments. Proposed language is that Staff can handle small PUD applications up to 5 acres. However, Staff is open to a smaller threshold. **Petersen** said this is not ready for approval tonight. Yet to be written is how to ease administration of submittal requirements. The public hearing can be re-noticed, or two can be held.

John David Mortensen opened and closed the public hearing at 8:57 pm due to no comments.

Adams said he would like a definition of preserving property. Standards need to be established. **Petersen** said codifying and repeating it in a DA would be helpful. When a home is on the national register, it qualifies for federal tax credits. The local City landmark register has a lot of teeth, such as the home cannot be modified without a Certificate of Appropriateness. Some homeowners on Main Street want to demolish their historic homes because they have structural problems and are not structurally safe, to be replaced with a home that looks compatible with the surrounding look and feel. He would like to inform the Commissioners about this chapter in small groups, as Commissioners express interest.

Commissioners said these changes are meant to empower the Staff to make some decisions, within certain guidelines, as well as ease applicants' efforts to develop smaller, infill pieces of development. The process would be shortened by one public meeting.

Mortensen said it would be good to train Commissioners on national registry vs. local landmark, and if something is worthy of preservation. **Petersen** said it was very helpful for the City Councilmembers to get an update on the landmark efforts at their last work session. **Mortensen** said he would like the one public hearing to be held when a final product is available, not before substantial changes are made. Staff should have it fleshed out more before it comes before the Commission. **Petersen** said in the State of Utah, any public hearing starts a six-month process, which can be an advantage to the City and a possible disadvantage to future applicants. The Commission encouraged staff to reach out to members of the commission for input before returning with a proposal.

MOTION

Kristen Sherlock motioned the Planning Commission to table this agenda item.

Frank Adams 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
Alt Commissioner Brian Shepherd	X Aye ____Nay

OTHER BUSINESS

Item #6 – Miscellaneous, correspondence, etc.

a. Minutes Approval from February 8, 2024

i. Tyler Turner made a motion to approve the minutes with the few noted changes that were addressed. **Joey Hansen** seconded the motion.

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
Alt Commissioner Brian Shepherd	X Aye ____Nay

b. City Council Report from February 20, 2024

i. Gibson provided a summary of the Council's last meeting. The Council considered and approved the changes in the home occupation chapter as recommended by the Commission with one change: that barbershops and salons be allowed to sell products, as long as taxes are appropriately handled.

c. PC Bylaws Reconsideration Rules FMC 11-3-030(B)

Petersen presented this agenda item. Planning Commission organization and procedure standards are set forth in Section 11-3-030 of the Zoning Ordinance. Subparagraph B of this section provides the following:

Rules: The Planning Commission may adopt reasonable policies and procedures for governing the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the Planning Commission. Such policies and procedures shall be approved by the City Council before taking effect.

The Farmington City Planning Commission Rules of Order were adopted by the City in December of 1989 and revised on February 17, 2022. This document includes: I. General Provisions; II. Motions; and III. Adjournment. The Motion to Reconsider rule is in sub-paragraph 7. of Section II.

This was reviewed recently with the City Attorney, who wanted to know how many times a Motion to Reconsider has happened over the years. **Petersen** said it has been used only half dozen times in the last 29 years, so rarely. The Attorney said the applicant should have a say in if an item is reconsidered. Staff would like the wording of the paragraph changed, or the paragraph removed completely.

Adams said this item was noticed as one to amend, not strike. **Petersen** said it was not a public hearing, so striking may still be an option.

MOTION

Joey Hansen made a motion that the Planning Commission recommend that the City Council remove the Motion to Reconsider rule included in paragraph 7 of Section II of the Farmington City Planning Commission Rules of Order.

Findings:

Often upon obtaining a land use entitlement from the Planning Commission, an applicant immediately proceeds forward with such things as securing financing for a project, closing on a property purchase, arranging necessary resources (including entering into contracts to construct improvements for the development), etc. Uncertainty is introduced to the process if the Planning Commission is able to reconsider a motion in a subsequent meeting without the consent of the applicant/property owner. The proposed amendment to the Motion to Reconsider rule resolves this uncertainty.

Brian Shepherd 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
Alt Commissioner Brian Shepherd	X Aye ____Nay

ADJOURNMENT

Tyler Turner motioned to adjourn at 9:29 pm.

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
Alt Commissioner Brian Shepherd	X Aye ____Nay



John David Mortensen, Chair