



**FARMINGTON CITY
PLANNING COMMISSION**

March 07, 2024



FARMINGTON

MORE TIME FOR LIVING

PLANNING COMMISSION MEETING NOTICE AND AGENDA Thursday March 07, 2024

Notice is given that Farmington City Planning Commission will hold a regular meeting at City Hall 160 South Main, Farmington, Utah. A work session and training will be held at **6:00 PM** prior to the **regular session which will begin at 7:00 PM** in the Council Chambers.

The link to listen to the regular meeting live and to comment electronically can be found on the Farmington City website at farmington.utah.gov. Any emailed comments for the listed public hearings, should be sent to crowe@farmington.utah.gov by 5 p.m. on the day listed above.

SUBDIVISION / PLANNED UNIT DEVELOPMENT & REZONE APPLICATION(S) – public hearings

1. Nathan & Anna May – Applicants are requesting a recommendation for a Preliminary Planned Unit Development (PUD) Master Plan for the Sycamore Lane PUD at 59 S 300 W. The PUD would allow the construction of a new home on the east side of the property while maintaining the historic home as an Accessory Dwelling Unit (ADU) in its current location in front of the new home. The property includes 0.31 acres in the OTR (Original Townsite Residential) zone. (S-3-24)
2. NPE2024 LLC – Applicant is requesting a recommendation to rezone the property at 1926 W 950 N from the A (Agriculture) district to the LR (Large Residential) zoning district and recommendation of a Preliminary Planned Unit Development (PUD) Master Plan and Schematic Subdivision Plan for the Ericksen Subdivision (NPE2024 LLC) consisting of 4 lots on 2.51 acres. (S-9-23)

OTHER BUSINESS

3. Miscellaneous, correspondence, etc.
 - a. Minutes Approval from 02.22.2024
 - b. Other

Please Note: Planning Commission applications may be tabled by the Commission if: 1. Additional information is needed in order to act on the item; OR 2. If the Planning Commission feels, there are unresolved issues that may need additional attention before the Commission is ready to make a motion. No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commissioners. The Commission may carry over Agenda items, scheduled late in the evening and not heard to the next regularly scheduled meeting.

*CERTIFICATE OF POSTING I hereby certify that the above notice and agenda were posted at Farmington City Hall, the State Public Notice website, the city website www.farmington.utah.gov, the Utah Public Notice website at www.utah.gov/pmn on March 04, 2024.
Carly Rowe, Planning Secretary*



Farmington City Planning Commission Staff Report February 22, 2024

Item 1: Sycamore Lane Planned Unit Development – Preliminary PUD Master Plan

Public Hearing: Yes
Application No.: S-3-24
Property Address: 59 South 300 West
General Plan Designation: LDR (Low Density Residential)
Zoning Designation: OTR (Original Townsite Residential)
Area: 0.31 Acres
Number of Lots: 1
Property Owner/Applicant: Nathan and Anna May

Request: *Recommendation for Preliminary PUD Master Plan approval allowing a detached ADU in the front yard of a proposed new home. The proposed ADU is an existing historic dwelling, which is to be preserved.*

Background Information

The subject property is 0.31 acres, the proposed plan consists a new home to the east of the existing historic home. The historic home has an addition which is planned to be removed, but the applicant is preserving the historically significant part of the home and plans to use it as an Accessory Dwelling Unit. ADUs are a permitted use in the OTR, but not in the front yard—this is the reason the applicant has applied for a PUD. To justify this flexibility, the applicant has agreed to enter into a development agreement to preserve the existing historic dwelling.

Suggested Motion

Move the Planning Commission recommend the City Council approval the Preliminary PUD Master Plan for the proposed Sycamore Lane PUD, subject to all applicable Farmington City development standards, ordinances, and conditions and findings of Preliminary PUD Master Plan approval, including conceptual building elevations, and entering into the enclosed development agreement with the City to preserve the historic dwelling.

Findings:

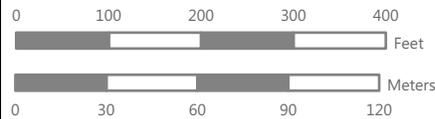
1. The applicant plans to preserve the historic home.
2. The impact of the PUD is similar to that of a traditional main dwelling unit and accessory dwelling unit setup.
3. No new lots are being created
4. The PUD option creates the most efficient use of the parcel

Supplemental Information

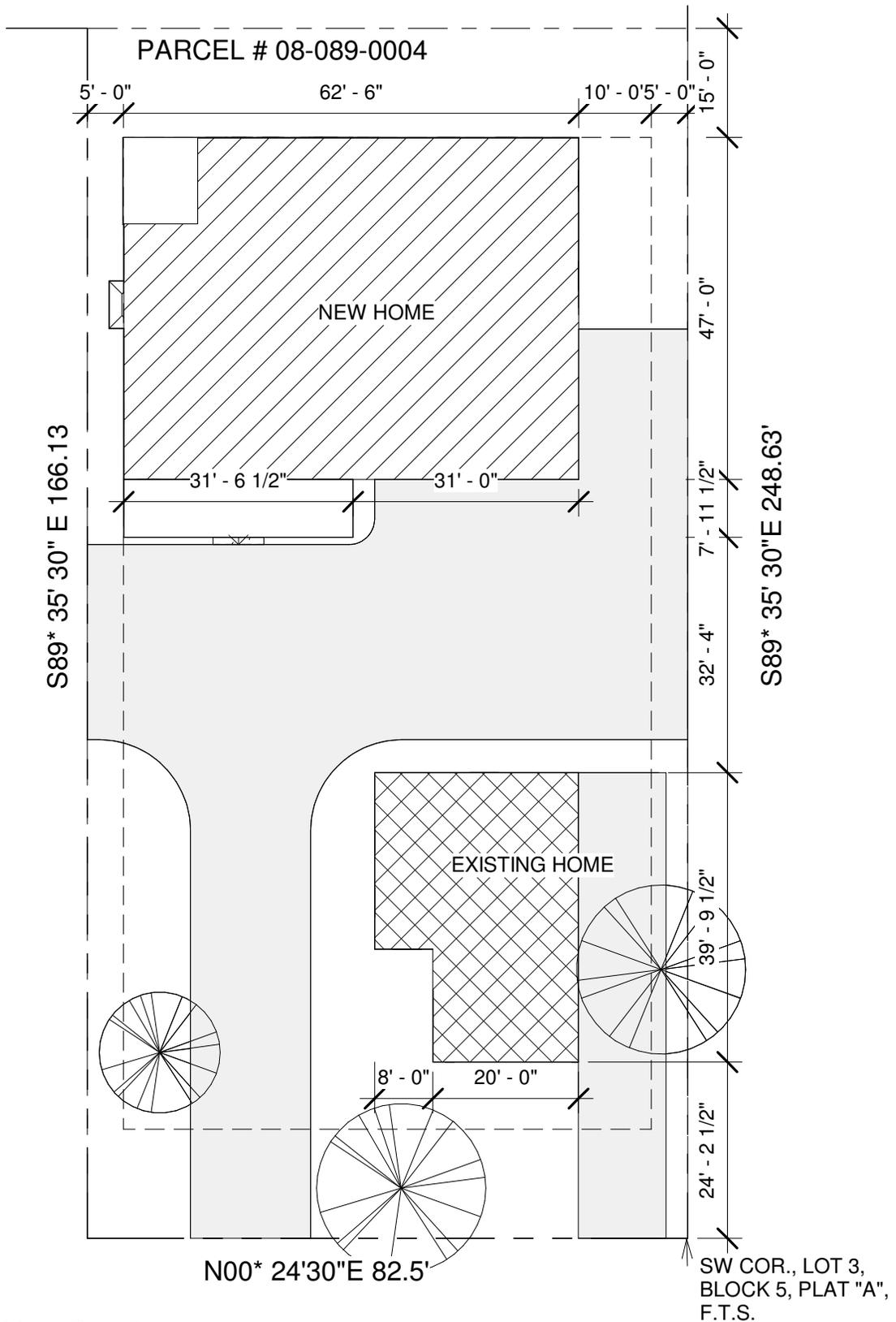
1. Vicinity map
2. Preliminary PUD
3. Development Agreement for Preservation of existing historic home (Note: Planning Commission review, critique, and recommendation of the DA is anticipated)
4. Modification to existing home



VICINITY MAP
59 South 300 West



Disclaimer: This map was produced by Farmington City GIS and is for reference only. The information contained on this map is believed to be accurate and suitable for limited uses. Farmington City makes no warranty as to the accuracy of the information contained for any other purposes.



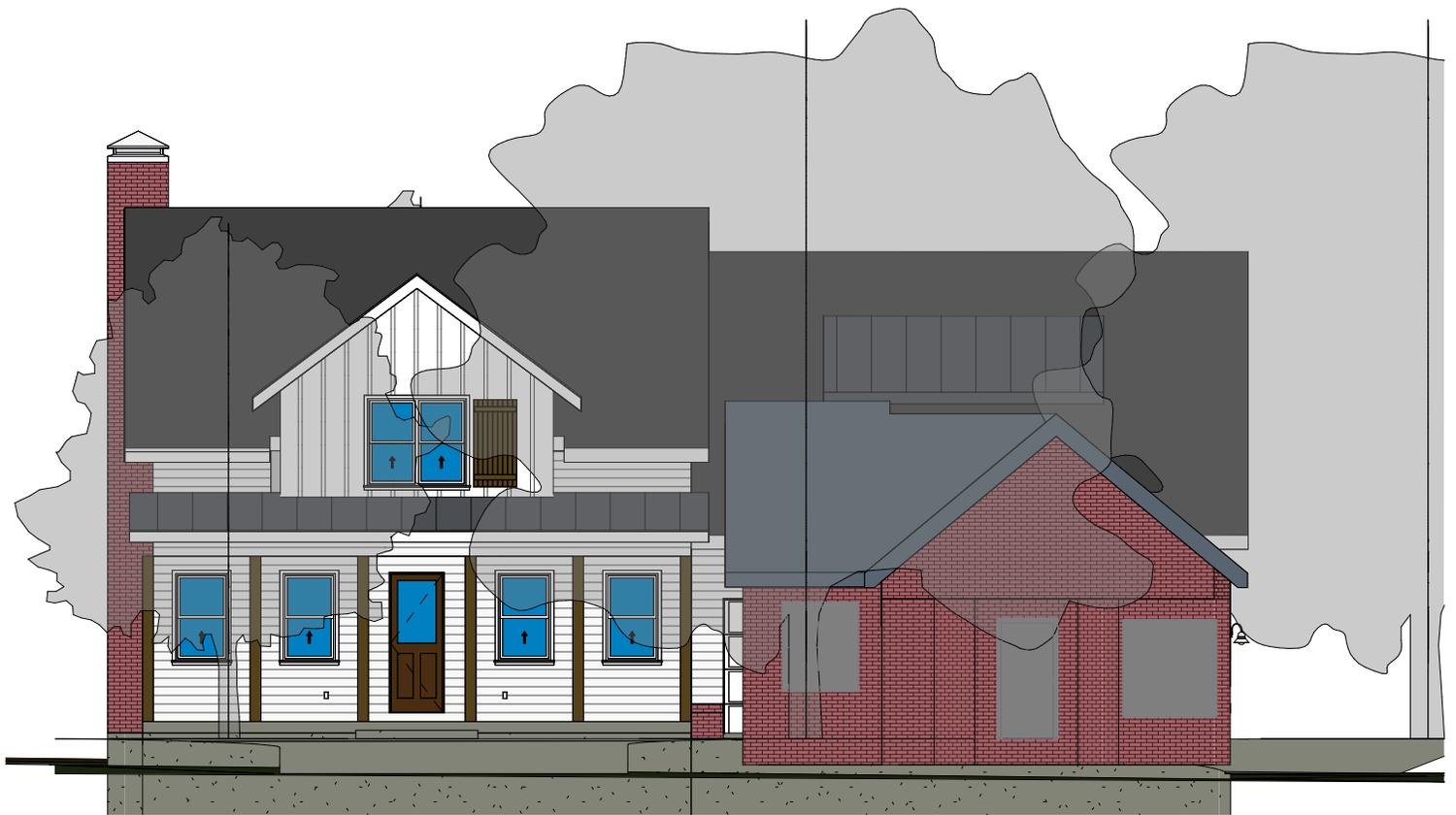
1 59 S 300 W Site Plan
 3/64" = 1'-0"

Contact: Anna May 801-403-5582 Anna2may@gmail.com	SYCAMORE LANE 59 S 300 W	Preliminary PUD Site Plan	
		Project number Date 01/19/2024 Drawn by AM Checked by	F4 Scale 3/64" = 1'-0"



① 3D Representation

Contact:	SYCAMORE LANE 59 S 300 W	Preliminary PUD 3D	
Anna May 801-403-5582 Anna2may@gmail.com		Project number	F5
		Date	
		Drawn by	Author
	Checked by	Checker	Scale



① Street View Elevation (New and Old Home)
3/32" = 1'-0"



② New Home Front Elevation
1" = 20'-0"



③ New Home Rear Elevation
1" = 20'-0"

Contact:

Anna May
801-403-5582
Anna2may@gmail.com

**SYCAMORE
LANE**

59 S 300 W

Preliminary PUD Elevations

Project number

Date 01/19/2024

Drawn by AM

Checked by

F6

Scale As indicated

When Recorded Mail to:
Farmington City Attorney
160 S. Main Street
Farmington, UT 84025

DEVELOPMENT AGREEMENT
FOR THE SYCAMORE LANE PUD SUBDIVISION

THIS DEVELOPMENT AGREEMENT (the “Agreement”) is made and entered into as of the ____ day of _____, 2024, by and between **FARMINGTON CITY**, a Utah municipal corporation, hereinafter referred to as the “City,” and **NATHAN M. MAY & ANNA M. MAY**, hereinafter referred to as “Developer.”

RECITALS:

A. Developer owns Parcel 08-089-0004, located at 59 South 300 West, which consists of .313 acres of land located within the City, which property is more particularly described in **Exhibit “A”** attached hereto and by this reference made a part hereof (the “Property”).

B. Developer desires to develop a project on the Property to be known as the Sycamore Lane PUD Subdivision (the “Project”). Developer has submitted an application to the City seeking approval of the PUD overlay zone in accordance with the City’s Laws.

C. The Property is presently zoned under the City’s zoning ordinance as Original Townsite Residential (OTR). The Property is subject to all City ordinances and regulations including the provisions of the City’s General Plan, the City’s zoning ordinances, the City’s engineering development standards and specifications and any permits issued by the City pursuant to the foregoing ordinances and regulations (collectively, the “City’s Laws”).

D. Persons and entities hereafter developing the Property or any portions of the Project thereon shall accomplish such development in accordance with the City’s Laws, and the provisions set forth in this Agreement. This Agreement contains certain requirements and conditions for design and/or development of the Property and the Project in addition to or in lieu of those contained in the City’s Laws. This Agreement is wholly contingent upon the approval of that zoning application.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer hereby agree as follows:

1. **Incorporation of Recitals.** The above Recitals are hereby incorporated into this Agreement.

2. **Property Affected by this Agreement.** The legal description of the Property contained within the Project boundaries to which the Agreement applies is attached as Exhibit A and incorporated by reference. Developer expressly agrees to the terms and conditions of this Agreement and acknowledges that this Agreement shall run with the land until its termination.

3. **Compliance with Current City Ordinances.** Unless specifically addressed in this Agreement, Developer agrees that any development of the Property shall be in compliance with city ordinances in existence on the date of execution of this Agreement. If the City adopts different ordinances in the future, Developer shall have the right, but not the obligation, to elect to submit a development application under such future ordinances, in which event the development application will be governed by such future ordinances.

4. **Compliance with Plans.** Development shall be completed in substantial compliance with Project shown in Exhibit “B” including but not limited to details regarding:

a) **Location of Buildings.** Buildings which currently exist and are proposed to be built on the Property shall be placed in accordance with Exhibit B.

b) **Modification to Historic Home.** The historic home located on the West side of the Property shall undergo modifications in order to render it a contributing property, as described in Section 6.

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:

a) **Location of Accessory Dwelling Unit:** This approval overrides the ordinary restriction against accessory dwelling units being located in the front yard. *See* Farmington Municipal Code § 11-17-050(A). The restoration and preservation of the historic home warrant the deviation from usual code requirements in this case.

b) **Setbacks.** The new home being constructed as depicted in Exhibit B may be placed fifteen feet (15’) of the rear property line on the East side of the lot, and five feet (5’) from the side property line on the North side of the lot.

b) **Architectural Standards.** Developer will follow OTR design guidelines within the Sycamore PUC subdivision.

6. **Developer Obligations.** Developer agrees to the following provisions as a condition for being granted the zoning approval sought:

a) Historic Restoration & Preservation. The home currently onsite and fronting 300 West is non-contributing due to an addition to the home on its North side. Developer agrees that part of the improvements on the Property include the removal of the addition and making necessary improvements so that it can be designated as a contributing historical resource, as that term is defined in Chapter 39 of the Farmington Municipal Code.

b) Technical Review. The Developer will meet all requirements of the city's DRC (Development Review Committee).

c) Notification of Restriction. Developer acknowledges that the obligation undertaken in this section is a restriction of applicant's rights under clearly established law – i.e., the City cannot normally require the planting of trees or preservation of homes as indicated. However, Developer agrees that it is willing to accept this restriction in exchange for the benefits received from the City through this Agreement.

7. Payment of Fees. The Developer shall pay to the City all required fees in a timely manner. Fees shall be paid in those amounts which are applicable at the time of payment of all such fees, pursuant to and consistent with standard City procedures and requirements, adopted by City.

8. Right of Access. Representatives of the City shall have the reasonable right of access to the Project and any portions thereof during the period of construction to inspect or observe the Project and any work thereon.

9. Assignment. The Developer shall not assign this Agreement or any rights or interests herein without prior written approval by the City, which shall not be unreasonably withheld and which is intended to assure the financial capability of the assignee. Any future assignee shall consent in writing to be bound by the terms of this Agreement as a condition precedent to the assignment.

10. Legal Rights. The Developer has had the opportunity to be represented by counsel and has had an opportunity to receive advice on this matter. The Developer agrees that any obligation entered into in this Development Agreement that may be construed as a restriction of the Developer's rights under clearly established state law, then its inclusion in this written agreement constitutes adequate disclosure under section 10-9a-532(2)(c)(i) of the Utah Code. The Developer agrees that it will not attempt to void any obligation identified in this Development Agreement under section 10-9a-532(2)(c)(ii), and agrees to waive any objection to a condition of this Development Agreement pursuant to that subsection of Utah law.

11. Notices. Any notices, requests and demands required or desired to be given hereunder shall be in writing and shall be served personally upon the party for whom intended, or if mailed, by certified mail, return receipt requested, postage prepaid, to such party at its address shown below:

To Developer: Nathan & Anna May
791 South Rice Rd.
Farmington, UT 84025

To the City: Farmington City
Attn: City Manager
160 South Main Street
Farmington, Utah 84025

12. Default and Limited Remedies. In the event any party fails to perform its obligations hereunder or to comply with the terms hereof, within sixty (60) days after giving written notice of default, the non-defaulting party shall have the following rights and remedies available at law and in equity, including injunctive relief and specific performance, but excluding the award or recovery of any damages. Any delay by a Party in instituting or prosecuting any such actions or proceedings or otherwise asserting its rights under this Article shall not operate as a waiver of such rights. In addition, the Parties have the following rights in case of default, which are intended to be cumulative:

- a) The right to withhold all further approvals, licenses, permits or other rights associated with the Project or any development described in this Agreement until such default has been cured.
- b) The right to draw upon any security posted or provided in connection with the Project.
- c) The right to terminate this Agreement.

13. Agreement to Run with the Land. This Agreement shall be recorded against the Property as described in Exhibit A hereto and shall be deemed to run with the land and shall be binding on all successors and assigns of the Developer in the ownership and development of any portion of the Project.

14. Vested Rights. The Parties intend that this Agreement be construed to grant the Developer all vested rights to develop the Project in fulfillment of the terms and provisions of this Agreement and the laws and ordinances that apply to the Property as of the effective date of this Agreement. The Parties intend that the rights granted to Developer under this Agreement are contractual and in addition to those rights that exist under statute, common law and at equity. If the City adopts different ordinances in the future, Developer shall have the right, but not the obligation, to elect to submit a development application under such future ordinances, in which event the development application will be governed by such future ordinances. By electing to submit a development application under a new future ordinance, however, Developer shall not be deemed to have waived its right to submit or process other development applications under the City Code that applies as of the effective date of this Agreement.

15. Amendment. The Parties or their successors in interest, may, by written agreement, choose to amend this Agreement at any time. The amendment of the Agreement relating to any substantial rights or obligations shall require the prior approval of the City Council.

16. Termination.

a) Notwithstanding anything in this Agreement to the contrary, it is agreed by the Parties that if the Project is not completed within five (5) years from the date of this Agreement or if Developer does not comply with the City's laws and the provisions of this Agreement, the City shall have the right, but not the obligation at the sole discretion of the City, which discretion shall not be unreasonably applied, to terminate this Agreement and to not approve any additional phases for the Project. Such termination may be effected by the City giving written notice of intent to terminate to the Developer. Whereupon, the Developer shall have sixty (60) days during which the Developer shall be given the opportunity to correct any alleged deficiencies and to take appropriate steps to complete the Project. If Developer fails to satisfy the concerns of the City with regard to such matters, the City shall be released from any further obligations under this Agreement and the same shall be terminated.

b) Upon the completion of all contemplated buildings and improvements identified in this Agreement, including all applicable warranty periods for publicly dedicated infrastructure, and completion of all provisions of Sections 3, 0, and 6.d) of this Agreement, the terms of this Agreement shall terminate upon thirty days' written notice to either Party. The non-noticing Party shall, within thirty days of receipt of the notice, provide to the noticing Party its written objection and identify the remaining construction or obligation which has not been fulfilled. Objections to termination under this subsection must be asserted in good faith.

17. Attorneys' Fees. In the event of any lawsuit between the parties hereto arising out of or related to this Agreement, or any of the documents provided for herein, the prevailing party or parties shall be entitled, in addition to the remedies and damages, if any, awarded in such proceeding, to recover their costs and a reasonable attorneys fee.

18. Entire Agreement. This Agreement together with the Exhibits attached thereto and the documents referenced herein, and all regulatory approvals given by the City for the Property and/or the Project, contain the entire agreement of the parties and supersede any prior promises, representations, warranties or understandings between the parties with respect to the subject matter hereof which are not contained in this Agreement and the regulatory approvals for the Project, including any related conditions.

19. Headings. The headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

20. Non-Liability of City Officials, Employees and Others. No officer, representative, agent, or employee of the City shall be personally liable to the Developer, or any successor-in-interest or assignee of the Developer in the event of any default or breach by the City or for any amount which may become due Developer, or its successors or assigns, for any obligation arising under the terms of this Agreement unless it is established that the officer, representative, agent or employee acted or failed to act due to fraud or malice.

21. Referendum or Challenge. Both Parties understand that any legislative action by the City Council is subject to referral or challenge by individuals or groups of citizens, including zone changes and the approval of associated development agreements. The Developer agrees that the City shall not be found to be in breach of this Agreement if such a referendum or challenge is successful. In such case, this Agreement is void at inception.

22. Ethical Standards. The Developer represents that it has not: (a) provided an illegal gift or payoff to any officer or employee of the City, or former officer or employee of the City, or to any relative or business entity of an officer or employee of the City; (b) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in Utah Code Ann. § 10-3-1301 et seq. and 67-16-3 et seq.; or (d) knowingly influenced, and hereby promises that it will not knowingly influence, any officer or employee of the City or former officer or employee of the City to breach any of the ethical standards set forth in State statute or City ordinances.

23. No Officer or Employee Interest. It is understood and agreed that no officer or employee of the City has or shall have any pecuniary interest, direct or indirect, in this Agreement or the proceeds resulting from the performance of this Agreement. No officer, manager, employee or member of the Developer, or any member of any such persons' families shall serve on any City board or committee or hold any such position which either by rule, practice, or action nominates, recommends, or supervises the Developer's operations, or authorizes funding or payments to the Developer. This section does not apply to elected offices.

24. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns.

25. Integration. This Agreement contains the entire Agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

26. No Third-Party Rights. The obligations of Developer set forth herein shall not create any rights in and/or obligations to any persons or parties other than the City. The parties hereto alone shall be entitled to enforce or waive any provisions of this Agreement.

27. Recordation. This Agreement shall be recorded by the City against the Property in the office of the Davis County Recorder, State of Utah.

28. Relationship. Nothing in this Agreement shall be construed to create any partnership, joint venture or fiduciary relationship between the parties hereto.

29. Severability. If any portion of this Agreement is held to be unenforceable or invalid for any reason by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

30. Governing Law & Venue. This Agreement and the performance hereunder shall be governed by the laws of the State of Utah. Any action taken to enforce the provisions of this Agreement shall have exclusive venue in the Second District Court of the State of Utah, Farmington Division.

FARMINGTON CITY

By _____
Brett Anderson, Mayor

Attest:

DeAnn Carlile
City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On this ____ day of _____, 2023, personally appeared before me, Brett Anderson, who being by me duly sworn, did say that he is the Mayor of Farmington City, a Utah municipal corporation, and that the foregoing instrument was signed on behalf of the City for the purposes therein stated.

Notary Public

Approved as to Form:

Paul H. Roberts
City Attorney

EXHIBIT "A"

PROPERTY DESCRIPTION

Davis County Parcel ID #08-089-0004

BEG AT SW COR OF LOT 3, BLK 5, PLAT A, FARMINGTON TS SURVEY; TH E
10 RODS; TH N 5 RODS; TH W 10 RODS; TH S 5 RODS TO POB.

CONT. 0.313 ACRES.

EXHIBIT “B”

Schematic Subdivision Plans



Current Home at 59 S 300 W. Original red brick portion shown in the box to remain and the siding addition shown under the X to be removed.



Farmington City Planning Commission Staff Report March 7, 2024

Item 2: Rezone of property to the LR zoning District and Consideration of Preliminary PUD Master Plan and Schematic Subdivision Plan for the Ericksen (NPE2024 LLC) Subdivision.

Public Hearing:	Yes
Application No.:	S-9-23
Property Address:	1926 W 950 N
General Plan Designation:	RRD (Rural Residential Density)
Current Zoning Designation:	A (Agriculture)
Requested Zoning Designation:	LR (Large Residential)
Area:	2.51 acres
Property Owner/Applicant:	NPE2024 LLC – Jared Ericksen

Request: A recommendation for a Rezone to the LR district and Preliminary PUD Master Plan and Schematic Subdivision plan approval.

Background Information

The subject property which consists of 2.5 acres accessed from 950 North Street (North Station Lane). This property is somewhat isolated in that it is bordered by Haight Creek and the Haight Creek Trail to the west and north with the Rail Trail on the east and a pipeline easement within the east side of the property as well. Homes on the other side of the street are separated by a large right of way and do not front 950 N.

Under the current zoning designation, further development of the property is not feasible. The requested zoning would match the zoning directly to the north and west of the site and in the opinion of staff permits use of the property consistent with the current general plan designation in the area. The rezone would be required in order to accommodate the requested PUD subdivision.

The applicant has provided a yield plan indicating the potential of 5 lots in the LR zone, but is looking to create only 4 (the existing house + 3 new lots). The existing detached garage would become part of the largest lot (Lot 4) on the north portion of the property which would be accessed via a flag stem drive as a flag lot. This new drive leading back to lot 4 would also be the means of access for the southeastern lot (Lot 3) with a shared access easement.

While the large single-family home lots are within the allowed density of the requested zone and meet the dimensional standards allowed per Chapter 11-12. The PUD is necessary for the consideration of the following elements: Flag lot allowance, flexibility in setbacks, fencing placement, sidewalk and right of way design.

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..."

This rezone request and consideration of preliminary PUD and schematic subdivision is the first step in the process to permitting the extra lots. 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. If these first items are approved, the preliminary plat and final PUD master plan would return to the Planning Commission for review at a future date.

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: (N/A – no increase in density)

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.

Typically a PUD will include common open space, however per [FMC 11-27-120 \(G\)](#) (2) c. Waiver: “The City may waive all or a portion of the ten percent (10%) open space requirement consistent with the standards set forth in this chapter. Any development receiving a waiver shall not qualify for a density bonus.” As this subdivision is not looking for a density bonus, it is eligible for consideration of this waiver.

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.

Lot Size: Follows conventional allowance per [11-12-070 \(C\)](#).

Lot width: Follows conventional allowance per [11-12-090 \(C\)](#).

Setbacks:

Lot 1 has standard front and rear setbacks, but the applicant is seeking to reduce the side yards to 8’ each.

Lot 2 has a standard front yard setback. The applicant is seeking permission to have side yard setbacks of 8’ each and a reduced rear yard setback. Most of the rear yard is set back at 30 ft, however due to the shape of the lot to account for access into the existing garage that will remain the east side of the rear yard reduces to approximately 8’.

Lot 3 is seeking variation from conventional setbacks. They intent to face the building west as it will be accessed from the shared drive. This would have a 20’ setback on the west side, and 10 feet on the south side against the public street. They are also seeking a 20’ setback against the trail, there may be further encumbrance to this side of the property due to pipeline easements.

Lot 4 is the flag lot. It has a standard 25’ front yard only in front of the existing building with a 30’ yard on the east and 10’ yards on the north and west.

Reference ordinances:

11-12-070 (C):

SUBDIVISION YIELD PLAN DIMENSIONAL STANDARDS

Zone	Lot Area	Lot Width	
		Interior	Corner
LR (Large residential)	10,000 square feet	85 feet	95 feet

11-12-090:

C. Lot Width At Building Line: The minimum lot width at the building line for main buildings within a conservation subdivision shall be seventy five feet (75’), except in the R and LR Zones the minimum lot width shall be sixty feet (60’).

Yard/Setback Requirements FMC 11-11-050:

Front: 25’

Side: 10’, total 22’

Side Corner: 20’

Rear: 30’

Sidewalk: Currently the street improvements stop at the back of curb on this property. Typically with a subdivision the property owner/developer will dedicate any remaining right-of-way needed based on the applicable street designation then ensure all right-of-way improvements are in place. Staff has requested that standard improvements be installed which include a parkstrip and sidewalk behind curb along with the undergrounding of overhead utilities which per [FMC 12-8](#) are done by the developer.

The applicant has expressed concerns with the standard approach as there is an existing retaining wall behind the curb along the west side of the property as well as mature ash trees. The applicant hopes to keep at least part of the existing retaining wall in place near the existing driveway and is asking to bring the sidewalk further into the property with a standard parkstrip and walk which then veers northward around the trees until it returns to typical sidewalk on Lot 3. The sidewalk outside of the actual right-of-way would have a public access easement over it.

Fencing: The standard for fencing along a public right of way is to have a 4' tall fence starting 8' from the property line. Per [FMC 11-28-140](#), the height and distance may be modified upon finding that it will not adversely affect the safety of pedestrians nor obstruct the view of or impact the safety of vehicular traffic or adversely affect adjacent properties. The applicant is proposing a concrete panel fence up to 8 ft. in height around the perimeter of lot 3 and along the east side of the property against the Rail Trail corridor. Other fencing is indicated on the included C1.0 drawing.

Suggested Motion

Move the Planning Commission recommend that the City Council approve the Preliminary PUD Master Plan and Schematic Subdivision plan for the proposed Ericksen Subdivision with the proposed lot layout, setbacks, and fencing subject to all other applicable Farmington City development standards and ordinances with the following conditions and/or alterations:

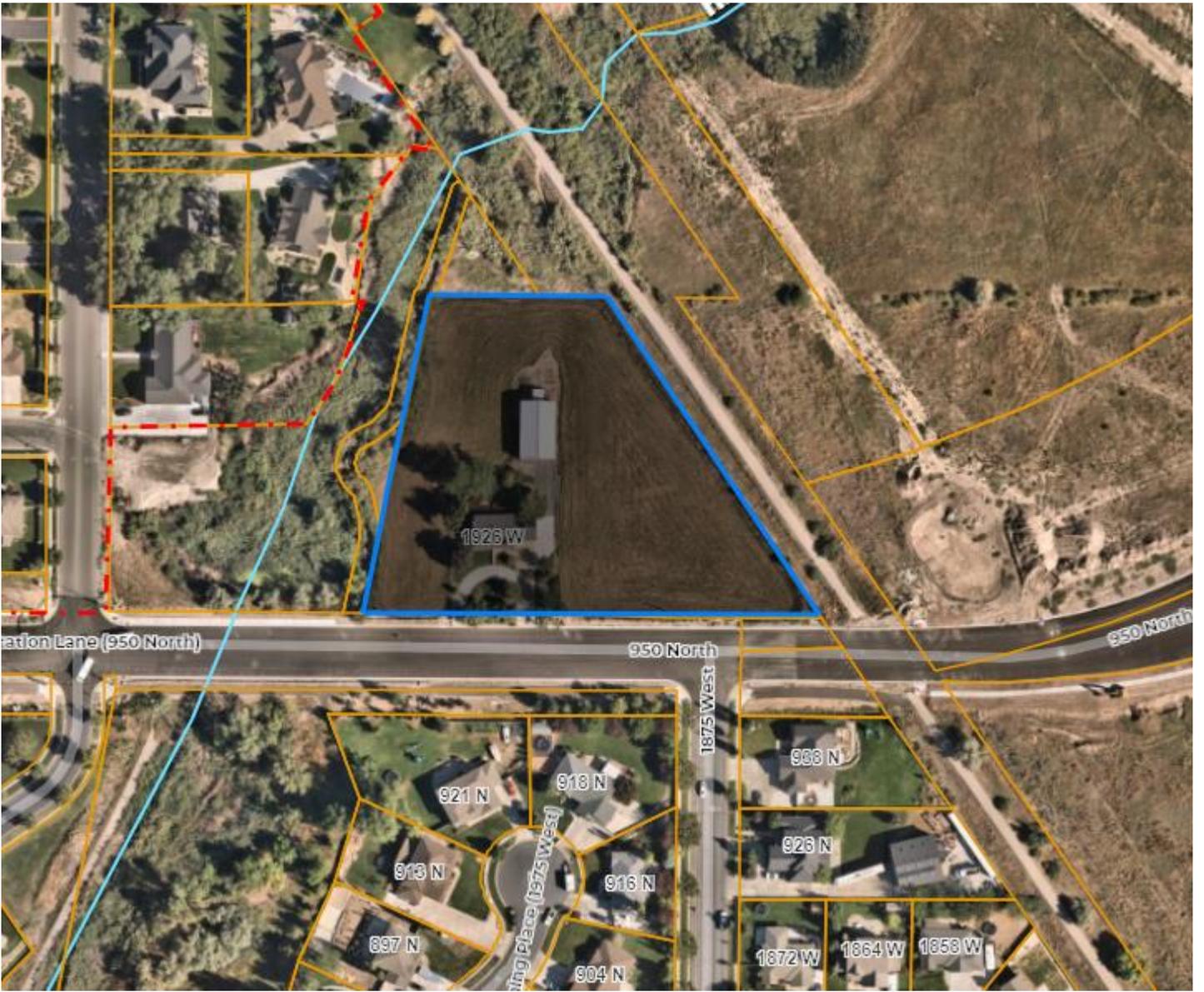
1. A letter confirming the location and size of the pipeline easement from the easement holder be provided to the City to ensure it is property accounted for on the plat.
2. The sidewalk design along 950 N. in front of Lot 2 be modified to use a standard park strip and sidewalk section or alternatively put the sidewalk at the back of curb.
3. The sidewalk shall be extended to connect to the Rail Trail to the east.
4. The applicant must meet all requirements of the City's DRC (Development Review Committee).

Findings:

1. The single-family development is consistent with the General Land Use Plan and other development near this location while accommodating lots on a triangular shaped property.
2. The applicant is not seeking additional lots.
3. The PUD helps facilitate lots on a triangular shaped piece of property and limits curb cuts onto 950 N. Street with the Flag Lot configuration.
4. The scale of development doesn't support or justify common spaces.
5. The City already owns the property for the Haight Creek Trail to the west.

Supplemental Information

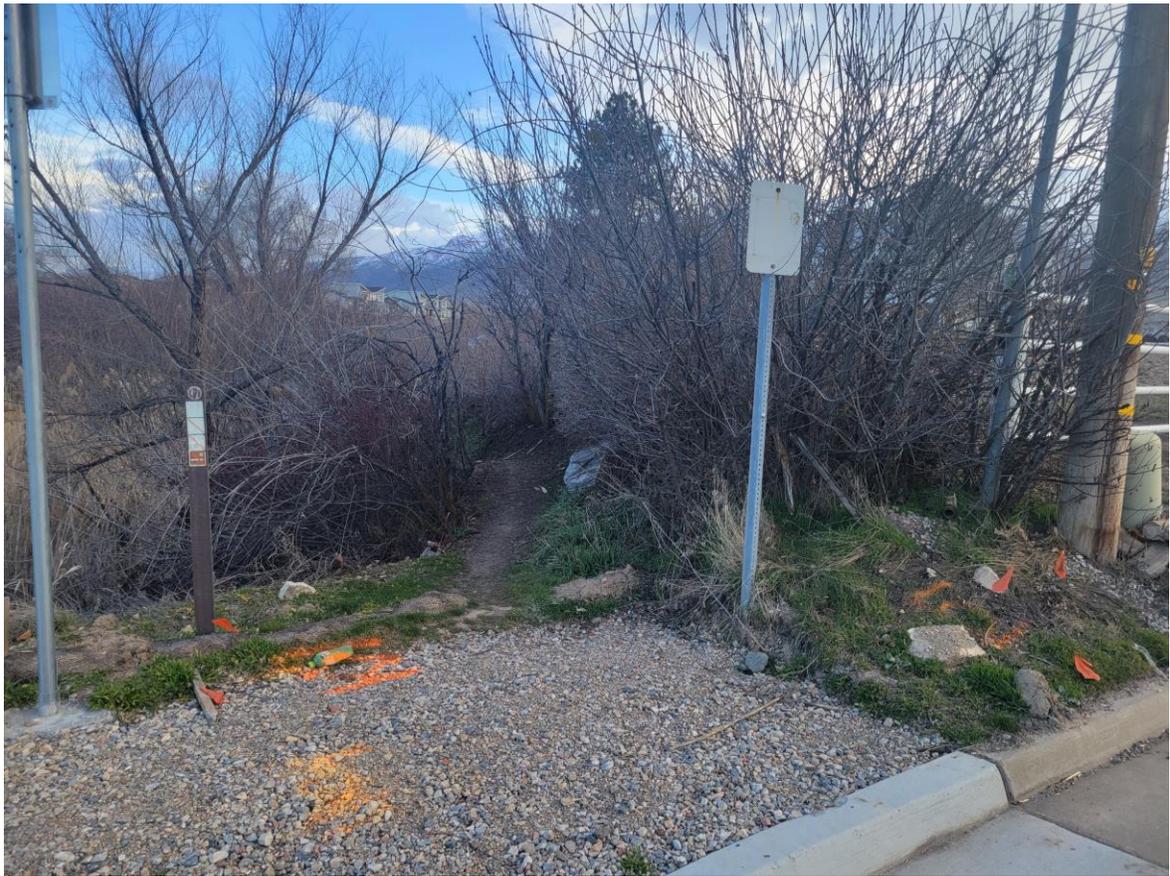
1. Vicinity map and Site Photos
2. Subdivision Yield Plan of the property.
3. Schematic Subdivision / Preliminary PUD Plan



1926 West 950 North



950 North Looking East – Haight Creek Trail – Overhead utility lines



Haight Creek Trail – North side of 950 North Street



Front of property (existing retaining wall, power poles, fencing, etc.)

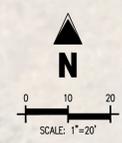


Existing Home – Retaining Wall, Ash Trees, Driveway Access

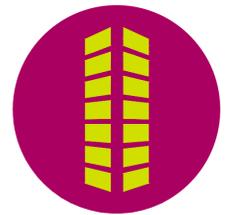
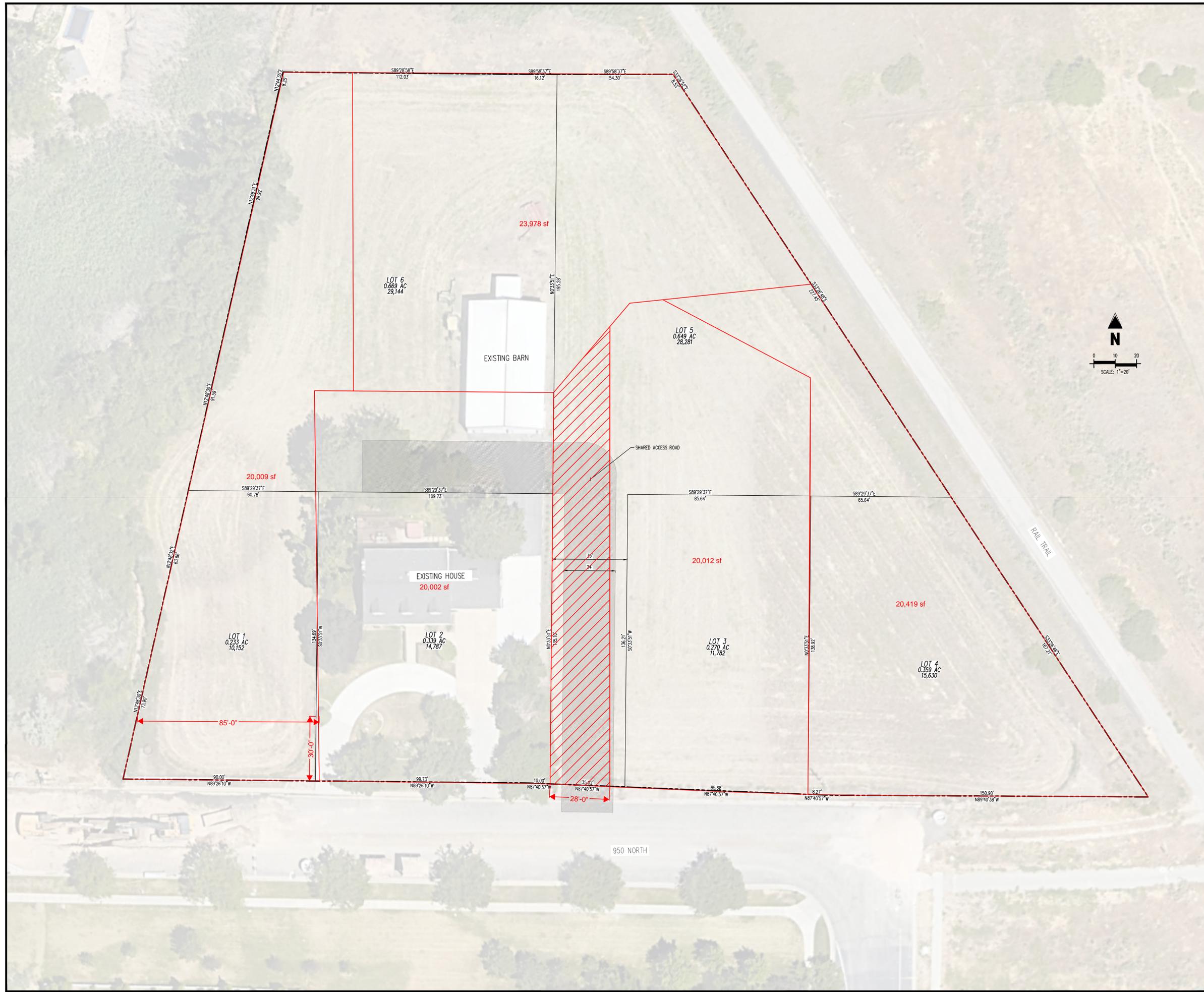


Looking west from Rail Trail crossing at 950 North – Existing home and detached garage in background.

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FARMINGTON LOT STANDARDS		
ZONE	MINIMUM LOT AREA	LOT WIDTH
R	8,000 SF	75'



Project No: _____
 Drawn By: KDB
 Checked By: CM
 11/02/2023

FARMINGTON, UTAH
1920 W 950 N

**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	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 #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

<i>Area Of Sign (Square Feet)</i>	<i>Measurement Distance (Feet)</i>
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 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.

