

**FARMINGTON CITY
PLANNING COMMISSION**

April 18, 2024

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

6:00 PM WORK SESSION – The Planning Commission will be touring the newly constructed Sego Townhomes for their work session and will be returning to City Hall, at approximately 6:45 PM for their regular meeting.

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

Chair **John David Mortensen** opened the meeting at 7:00 pm.

SITE PLAN APPLICATION – *no public hearing*

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

City Planner/GIS Specialist **Shannon Hansell** presented this item. The City has previously approved a Project Master Plan (PMP) for the subject property and the subdivision plat for the site of the proposed office building. The PMP and applicable Development Agreement (DA) for this property allowed for residential development on Lot 2 in the form of townhomes and a large apartment building. Lot 1, on which this proposal is located, was identified for non-residential uses as permitted in the OMU zone including commercial and hotel uses.

Section 11-18-050 identifies uses permitted in the OMU zoning district. Among the permitted uses are “Business, professional offices, outpatient medical facilities.”

The applicant has submitted a proposal for a new three-story office building. Conversations with City Staff indicate that medical users are most likely to occupy the space, with the possibility of other professional office users. The current proposal does not have specific tenants slated to use the building, as is evident in the provided floor plan. Essentially, the applicant would look to build the building shell and later finish tenant specific improvements based on their needs.

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

The proposed building fronts Innovator Drive (1525 West) with parking to the rear and side of the building to the west and north. The building has a 12,000 square foot footprint and is three stories tall, for a total of 36,000 square feet of office space. The lot that the building is located on includes 78 parking stalls. Access in and out of the property as well as utility service has been previously approved and accounted for with the subdivision approvals given to the site. The Planning Commission approved the schematic site plan on February 8, 2024, with the following conditions (responses provided in *italic type*):

1. A shared parking agreement **with** Evergreen Development (or the residential development to the west) is recorded against the properties, allotting a minimum of 69 additional parking stalls for use of the office site.
 - a. *Staff has confirmed with the adjacent lot that shared parking will be provided. Copy of executed agreement must be provided to the City before a building permit may be issued.*
2. Parking within the shared parking area must be restricted to limit parking for residents and their guests to only 2 hours from 8 am to 5 pm, Monday through Friday.
 - a. *Copy of executed agreement must be provided to the City before a building permit may be issued. Signage for this will be on the neighboring property owner’s land and will be verified with the construction drawings of The Trail.*
3. The east side entry shall be enhanced to qualify as a courtyard or entryway feature (include planter boxes, seating, art, enhanced landscaping, etc.) Details shall be included on the final site plan.
 - a. *This condition was likely placed to address the Chapter 18 building siting requirement stating that 75% of the building must be within 20 feet of the sidewalk. The schematic site plan showed only 43% of the building within 20*

feet. Enhancements such as courtyards or entryways can reduce the required percentage (11-18-070 b1C). In response, the developer has shifted the building closer to the sidewalk, such that it now complies. Additionally, the final landscaping plan shows an entryway and enhanced landscaping along the Innovator Drive frontage.

4. Final site plan shall demonstrate compliance with water efficient landscaping standards.
 - a. The landscaping plan and irrigation plan appear to meet the water efficient landscaping ordinance including a Water Sense labelled Smart Controller, and lawn or other overhead spray irrigation plantings reduced or eliminated.
5. Final site plan is required to include Chapter 18 requirements regarding street furniture, bicycle racks, benches, street trees, and other items as listed in the ordinance, which may not be listed here.
 - a. Condition partially addressed on plans. Applicant has agreed to meet this and will include benches on construction drawings. There should be three benches per block face.
6. Before returning to the Planning Commission for final site plan approval, the site plan shall address all findings and comments of the Development Review Committee (DRC).
 - a. The DRC has indicated that this plan is ready to go before the Planning Commission for final site plan approval.

Staff recommends that the Commission approve final site plan subject to Conditions 1-3.

Applicant **Tucker Nipko** (1086 W. 3050 N., Pleasant View, Utah) addressed the Commission. The building was shifted 3 feet to the east to meet requirements and should not affect parking.

Community Development Director **David Petersen** said the bend of the road made things difficult. Commissioner **Frank Adams** asked why the executed parking agreements haven't been done yet. He wants it done before final approval. **Nipko** said it has taken time to process it through legal counsel, but there are no outstanding issues. A due diligence deadline is coming up in a few days, and it should be done soon. Commissioners want a 3-inch caliper size of tree instead of 2 inches. **Nipko** is not opposed to putting in larger trees (more mature at planting), depending on who is paying for it.

MOTION:

Tyler Turner made a motion that the Planning Commission approve the final site plan subject to all applicable Farmington City development standards and ordinances and the Conditions 1-4:

1. A copy of the executed shared parking agreement between the residential development/The Trail (Evergreen development) must be provided to the City before a building permit may be issued.
2. Final site plan is required to include Chapter 18 requirements regarding street furniture such as benches and other items as listed in the ordinance, which may not be listed here.
3. The site plan shall address all findings and comments of the DRC.
4. Recommend that the applicant look at planting more mature trees (3-inch caliper minimum) rather than saplings.

Findings 1-2:

1. The proposed use and site plan are consistent and compliant with the existing approved Project Master Plan and applicable Development Agreement.
2. With the proposed conditions, the site plan is compliant with applicable regulations of the OMU zoning district and Farmington City Site Development Standards.

Supplemental Information 1-5:

1. Vicinity Map showing nearby future development
2. Final landscape plan
3. Final Site Plan
4. Building Elevations
5. Building Renderings

Samuel Barlow seconded the motion, which was unanimously approved.

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

ZONE TEXT AMENDMENT APPLICATIONS – no public hearing

Item #2 – Farmington City – Applicant is requesting consideration for amendments to Chapter 39, Historic Buildings and Sites of Title II, Zoning Regulations of the Farmington City Municipal Code related to the Farmington City Historic Landmarks Register. (ZT-4-24)

Petersen introduced this agenda item. The recommendation is to amend the text of Section 11-39-050 F of the Zoning Ordinance titled "Result of Designation" regarding historic resources on the Farmington City Historic Landmark Register. It was originally tabled on March 21, 2024, to be brought back with findings. Two changes should be approved regardless of what option the Commission prefers. The property owners want the choice of getting their Certificate of Appropriateness (CA) from a professional or the Historic Preservation Commission (HPC). Therefore, the changes include that the Community Development Director may appoint an historic preservation architect or a reconnaissance level survey professional to consider those CAs related to repairs, alterations, and additions. The HPC has authority on relocations and demolitions of historic resources. Also, something that is already being done should be codified. That includes making available an architect, free of charge, to consult if they would like the help.

Adams asked under what circumstance someone would come to the City to make a repair. **Petersen** said it would be major exterior changes such as roof, siding, windows, etc. A certain window outside the time period would disqualify it from being on the National Register.

Petersen said there are three historic preservation lists. The first is the historic site list, which includes every historic resource in the City. There are close to 300 of them in Farmington. There are no restrictions on that, except if you choose to demolish it, the HPC is allowed about a week to go in and take photo documentation.

The second list is the National District Register, on the National Register of Historic Places. That is a federal list that does take effort to get on. A reconnaissance level survey takes between \$2,500 to \$3,000 to meet the Department of Interior standards. All of Main Street from 6th north to 200 South, the West State Clark Lane neighborhood between 200 and 400 West State Street, and quite a few individual properties throughout the City are on this list, with more being added. It gives the ability to qualify for state and federal tax credits, which are 20% or greater. That is an honorary thing that isn't necessary to follow.

Third, the local register is called the Farmington City Historic Landmark Register. It includes individual buildings such as the courthouse and districts. To qualify as a Landmark District, the area has to first be on the National Register. The property owner or a member of the HPC can initiate the process of getting on those lists. The Clark Lane Historic District was put on the National Registry in 1991 and then on the local Landmark Register in 2009. The Main Street Historic District was on the National Register in 2011 and is now being proposed to be on the local Landmark Register. The City Council has held a few public hearings on the matter. Of the approximately 100 properties on Main Street, only 60% would be considered "contributing properties." Contributing properties are those on the National Register or that would qualify for the National Register. Having too many changes, not adhering to certain architectural standards, or being too "young" would disqualify a property from being contributing. The City Council is leaning toward Paragraph A and Option 1.

Commissioner **Kristen Sherlock** doesn't like Option 2 because when it comes to maintaining the historic nature of the property, the soffit material, window frames, etc. all matter. She wants someone to look at it before changes are made. Preservation should be using materials comparable to historic materials originally used. She prefers option B I.

Petersen said the property owners who generally live on site support being part of the local Landmark Register. When it is looked at as a Homeowner's Association (HOA) where the landowner is without a choice, some landowners are against it. Clearly the property values of owner-occupied homes are higher than absentee landlords or renter households. Absentee landowners have balked at being part of the Landmark Register. If changes are proposed to the rear of a historic building, then it doesn't need a CA. If it is a major alteration or addition, a CA would be needed. The landowner can then decide between the HPC or a professional paid consultant, which is usually a faster route than the HPC. A hearing officer would hear any appeals. The zoning administrator is different from the community development director, but currently the person wears the same hat. Right now, all three city planners are allowed to function as the zoning administrator.

Commissioner **George "Tony" Kalakis** asked if it would be clearer if the term "major" was added to the word "repairs" in Option 1 of B I. **Petersen** said it might. **Adams** said instead of "major" and "minor," "repair" could be defined as restoring to its original form, with a focus on restoration.

Mortensen said he likes B I option 1, as it is simple, to the point, and without a lot of change. He would like to delete the word "repairs," because the finding defines it. Repairs are already referenced in Section 3, and stating it again would be redundant. He is sympathetic to those whose homes are on the National Register, as they don't have to do anything. Being on the local Landmark Register is completely different and requires more of the landowner. While the Commission is not recommending any action on the Main Street Historic District, they are recommending on the language that supports that. However, Farmington is all about history. This is something he has had to think through.

MOTION

Frank Adams made a motion that the Planning Commission recommend that the City Council amend Section 11-39-050 F. subparagraph 2.a. and subparagraph 3. as set forth below—and make minor recodification changes to the Section as necessary to accommodate the amendment set forth in Paragraph A 2 a. and paragraph 3, supported by the findings set forth in the motion.

2.
 - a. The community development director ~~city manager, at his or her sole discretion, and with the advice of the community development director and the chair of the historic preservation commission,~~ at the option of the property owner, may appoint an historic preservation architect or a reconnaissance level survey professional to consider applications for certificates of appropriateness related to repairs, alterations, or additions. Once appointed, the architect or professional shall have all the powers and duties of the historic preservation commission, but limited solely to the consideration and issuance of a certificate of historic appropriateness. The historic preservation commission shall retain authority related to relocation or demolition of an historic resource.
3. The Zoning Administrator will encourage owners seeking approval for proposed repairs, alterations, or additions for an historic resource on the historic landmark register to consult with an historic preservation architect, a reconnaissance level survey professional, tax consultant, or others, about the feasibility and benefits of meeting the United States secretary of the interior's standards for rehabilitation as set forth in section 11-39-060 of this chapter.

Findings 1-2:

1. The amendment provides greater flexibility to the owner of an historic resource to obtain a certificate of appropriateness for repairs, alterations, or additions.
2. The proposed subparagraph 3 enables access to greater information to an owner of an historic resource wanting to do repairs alterations, or additions consistent with appropriate standards.

Further, **Adams** moved that the Commission recommend that the City Council amend Section 11-39-050 F. of the zoning ordinance by approving Option 1 as presented—and make minor recodification changes to the Section as necessary to accommodate the recommended amendment Option 1 Paragraph 2. The only thing it does is remove the word "repairs" to find that the text amendment limits the Certificate of Appropriateness to demolitions and relocations, which is a level of preservation better than the implementation of no standards for the Main Street Historic District. One other finding, that it removes the contradiction between those two paragraphs.

OPTION I

2. Except as set forth in sub-paragraph 3 below, proposed repairs, alterations, additions, relocation or demolitions to historic resources listed on the register requiring a building permit are subject to review by the historic preservation commission and shall receive a "certificate of historic appropriateness" prior to issuance of a building permit. The purpose of this review is to ensure the preservation of historic resources to the greatest extent reasonably possible.

Kristen Sherlock seconded the motion, which was unanimously approved.

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

OTHER BUSINESS

Item #5 – Miscellaneous, correspondence, etc.

a) Minutes Approval from March 7, 2024

- **Frank Adams** made a motion to approve the minutes from March 21, 2024. **Tyler Turner** seconded the motion.

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

b) City Council Report from April 9, 2024.

- **Hansell** presented the items that the Council heard during their late meeting on April 9, 2024.
 - i. The Council spent quite a bit of time on the Charlotte PMP/DA/Schematic Site Plan (on Burke Lane, including the trails, a commercial component, restaurant pads, reception center, and townhomes). The reception center was not previously presented to the Planning Commission, but was presented to the Council that evening. The Council agreed that the trail could be on only one side (east side) of the creek for

that proposed use. However, if it was anything but a reception center, the trail would have to be on both sides of the creek in that location. Another condition was that the residential would start only if a commercial element got a start at the same time. The item will be back before the Commission again for final approval.

- ii. The Council approved the Miller landscape yard home occupation (West Davis Corridor and Shirley Rae Drive), which will be reviewed in three years. The use will not continue with the land, and will only remain if the Miller's remain residents of the neighboring property.
- iii. The Council also approved Section 180 of Chapter 20.

c) Other

- **Petersen** said Red Barn will be coming soon with a new e-commerce/retail office on their current property, for a new location for their thrift store. Intermountain Health Care (IHC) has purchased 8.58 acres on nearby property. The University of Utah Health Center is on 15 acres in Farmington, but on 8 acres in Day Break.

ADJOURNMENT

Tyler Turner motioned to adjourn at 8:22 pm.

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



John David Mortensen, Chair
 vice chair, Frank Adams