

**FARMINGTON CITY  
PLANNING COMMISSION**

February 20, 2025

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

Assistant Community Development Director/City Planner **Lyle Gibson** asked if there was another Commissioner who would like to join the General Plan Steering Committee to give direction to the City’s consultant. Chair **Frank Adams** and former Commissioner **John David Mortensen** had previously been serving in this capacity. Since **Mortensen** is no longer a Commissioner, it creates an opening. Open houses will be held on March 4, 13, 25 and 27, 2025.

Regarding Agenda Item #1, special exception for additional driveway width, if applicants want more than a 30-foot-wide drive or combination of drives, they have to ask the Planning Commission for a special exception. They are looking for roughly 5 extra feet. The standards the Commission should consider include causing harm to other properties in the area, storm water management, hardships being imposed, appropriate property size, and traffic hazards. There have been some concerns voiced by neighbors, which Commissioners will likely hear tonight during the public hearing.

For Agenda Item #2 adaptive reuse to locate an office in a historic residential building, Community Development Director **David Petersen** said the home does qualify for the National Register of Historic Places. They need nine parking spaces per ordinance, and he has 13 parking spaces on site. The office is for a counselor/therapist, and the applicant is still unsure what the demand will be. Staff would like to save the old oak tree, if possible. The aspens could be preserved or replaced. A landscape plan has not been submitted yet. The possibility to widen curb cuts is good. **Adams** would like to remove the 15-year termination clause completely. He would like a landscaping plan submitted along with the agreement.

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

Chair **Frank Adams** opened the meeting at 7:00 pm.

**SPECIAL EXCEPTION APPLICATIONS – public hearings (items 1 & 2)**

**Item #1: Richard Baggett – Applicant is requesting special exception for additional driveway width for access to a rear yard and/or access for more than three (3) properly designated parking spaces, for the property located at 217 S Glen Ave., in the LR (Large residential) zone. [M-1-24]**

Planning Director **Lyle Gibson** presented this item. The applicant is looking to create a second drive access and driveway on the south side of the property’s lot frontage along 25 West Street. The existing driveway on the north leads to parking. Farmington City Municipal Code (FMC) 11-32-060 regulates how residential driveways as follows:

**11-32-060 A**

1. Residential driveway shall be not more than twenty feet (20') in width when serving as access to two (2) properly designated spaces, or thirty feet (30') in width when serving as access to three (3) properly designated parking spaces as measured at the front or side corner property line. "Properly designated parking spaces" shall include spaces in a garage, carport or on a parking pad located to the side of a dwelling and not located within the front yard or required side corner yard. Tandem parking on a residential driveway leading to a properly designated parking space contributes to the number of parking spaces required for a single- or two-family dwelling. Additional driveway width for access to a rear yard, for more than three (3) properly designated parking spaces, or for multiple-family residential developments, or for a different location of a properly designated parking space than set forth herein, may be reviewed by the planning commission as a special exception. Residential driveways shall be designed at a width which is the minimum necessary to provide adequate access to designated parking spaces.

2. Not more than one driveway for each separate street frontage shall be permitted on lots occupied by a one-family or two-family dwelling, except under the following circumstances:

a. On lots with at least the minimum width required in the zone, one additional driveway may be permitted providing that the sum of the width of both driveways does not exceed the maximum widths specified in subsection A1 of this section;

The property is located within the Large Residential (LR) zoning district, which per FMC 11-11-050 requires a lot width of 95 feet for corner lots. The property meets and exceeds this width based on the property plat with approximately 125

feet qualifying it for consideration of a second driveway so long as the sum of both driveways does not exceed the allowed width.

The applicant approached the City months ago to understand if a second driveway was possible and then pursued an excavation permit in order to install the second driveway and create a new curb cut or approach as required by the City.

Based on their understanding of the regulations, Staff reviewed and approved a plan showing a new 10 foot driveway in addition to an existing driveway understood to be 20 feet in width. An excavation permit was issued by the City, but prior to construction of the driveway or cutting the curb, an appeal was filed, which halted the project. The appeal was on the grounds that the proposal was not in compliance with the City's ordinances and that City Staff did not have the authority to approve the request.

Farmington City contracts with an outside attorney who fills the role of the Administrative Hearing Officer, which functions as the City's Appeal Authority for land use decisions. After holding a hearing and considering the details and process for the initial approval, the Hearing Officer concluded that the initial approval was in fact done in error. In summation, the Hearing Officer decided that there was not enough conclusive information to indicate whether the application actually met City Code, a primary point being that the maximum allowed driveway width is 30 feet as measured at the property line. If this driveway is wider than that, it requires that the Planning Commission consider the request as a Special Exception.

In consideration of the concerns expressed by the appellant and following the decision of the Hearing Officer, the applicant has submitted plans with additional details to clarify the requested driveway width and to further detail the design of the driveway, demonstrating how the potential impact from storm water is to be managed.

The dedicated street width on 25 West is 60 feet according to the Meadowbrook Plat "B" Subdivision. Using this information, the property line is indicated partway through the sidewalk. On one side of the sidewalk, the driveway is just under 20 feet in width, where on the side of the sidewalk closest to the house, the existing driveway is nearly 24 feet 10 inches in width. While it has been the practice of Staff to review the width of a drive where the approach meets the sidewalk, the ordinance indicates that is to be measured "at the front or side corner property line." The actual width of the driveway in this case is somewhat unknown, being that it is under the sidewalk. However, in the spirit of the requirements, it seems appropriate that the Planning Commission determine through the Special Exception process if the new driveway can be allowed.

If the existing driveway is determined to be 24 feet 10 inches in width, then the additional driveway proposed at 10 feet in width would make for a total of 34 feet 10 inches. The proposed new driveway would lead to a parking pad (properly designated parking space) on the south side of the home.

Concerns for storm water impacting the side yard and possibly the home on the adjacent lot have been considered under the driveway design. The applicant's plans have been reviewed by Staff and found to be able to mitigate any risks to adjacent property owners.

In considering the Special Exception, FMC 11-3-045 E identifies the standards of review:

**11-3-045 E. Approval Standards: The following standards shall apply to the approval of a special exception:**

1. Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the City as a whole, or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion authorizing the special exception.
2. The Planning Commission shall not authorize a special exception unless the evidence presented establishes the proposed special exception:
  - a. Will not 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;
  - b. Will not create unreasonable traffic hazards;
  - c. Is located on a lot or parcel of sufficient size to accommodate the special exception.

The Staff finds there is sufficient size, and there are no detrimental impacts to traffic. Due to concerns regarding new impervious service for storm water, the applicant has agreed to install a drainage system to move water away from adjacent property owners. Staff recommends approval of the special exception.

**Gibson** said driveways must be 6 feet off the property line unless the zoning administrator permits otherwise. Staff can reduce it to as little as 0 feet. It is common to have driveways and parking pads right on the property line. Standards are not outlined in the code as to when to allow things right up to the property line.

Applicant **Richard Baggett** said he wanted to do what more than half the people in his neighborhood had already done. After getting a permit from the City and hiring a contractor, he got notification that it had been appealed. He wants to do this legally and correctly. He does not want to be discriminated against. He said there are around four second driveways in the neighborhood already. When he bought the house 17 years ago, he did so with the intention to have a secondary basement apartment for elderly parents. He would like a secondary driveway to that Internal Accessory Dwelling Unit, which is why he took out a home equity line of credit last year. His father passed away over a year ago, and they would like to have his mother move in with him. From November to February, his children park on the north side. There are no more than five cars out front.

Chair **Frank Adams** opened the public hearing at 7:15 pm.

**Ethan Smith**, an attorney representing **Scott and Lisa Cleghorn**, noted a disservice was done when the Staff Report was provided as 11-3-045 A. 5. was not referenced. This is not allowed under the regular zoning, and requires a special exception. Farmington has an extensive storm water plan, yet there is no information in the packet about how the applicant plans to handle storm water, including required engineering plans. The site plan and plat don't correspond. Code requires site plans to have all locations, property lines, and easements. However, there is no certainty as to where the property line is, and the City admits to it being a "mystery." Thus, the applicant submitted an incomplete site plan and application. The City needs to follow its own ordinances.

**Gibson** said Staff does know where the property line is—middle of sidewalk. The question is which side of the sidewalk to use in measurements. On one side, it would require a special exception while on the other side, it wouldn't.

**Adams** said if the City attempted to determine the property line, and then identified a line to use for measurements, that would not be arbitrary and capricious. **Smith** said that if the City had done this, it would be included in the Staff Report. **Adams** said evidence includes more than just the Staff Report, and this meeting would be part of the record.

**Curtis Newsom**, who lives two blocks from the **Cleghorns**, is a general contractor in the landscaping business for 20 years. He has visited and is familiar with the property. He has several concerns with the current plan, specifically regarding water management and drainage. The proposed 3% slope already directs water to the **Cleghorn's** home. Water run off needs careful management. The grass helped disperse run off, and will now be replaced by significant concrete. A licensed civil engineer should be overseeing the calculations and mitigation measures. He questioned the French drain design submitted. He said the whole pad should be raised higher than the City sidewalk, and it should be level north to south. He has never seen two driveways on a property. The rain gutters, which take on 50% of the water on both corners of the home, should diver water to the front of the property rather than the back, where there are problems. It may need to be sump pumped out to the road in order not to flood the **Cleghorns**.

**Tyler Jones**, a professional plumber, has installed two sump pumps on this street. One is directly across the street. In the spring and summer, those pumps don't keep up with the water. He is also concerned that the neighbors behind the applicant may be flooded. He has lived in Farmington for 10 years, and his in laws live across the street from the applicant. There is not a sump pump big enough to do what needs to be done here.

**Adams** said he and Commissioner **Behunin** live on the same street and are familiar with sump pumps being used in the area.

**Todd Smith** has lived across the street (west) from the applicant for over 30 years and is Jones's father-in-law. Both parties are good friends of his, so it is a sensitive topic. There wasn't any notification prior to the beginning of the driveway installation. He deals with groundwater and storm water. He has a sump pump under his house, and it goes off even in the dry months. In the spring, it moves water almost every 30 seconds. There may be different options to look at in order to have enough room to park cars. He is concerned about power and natural gas meters near the driveway. He is also worried that the new driveway would flood the **Cleghorns**.

**Leslie Mansell** lives west of the **Cleghorns** and noted that her home is about one foot higher than her neighbor to the south. They put in a gravel RV pad instead of a cement pad. There is a real possibility that the proposed driveway would affect other residents.

**Lisa Cleghorn**, the applicant's direct south neighbor, has lived in her home for 21 years. She said it's been concerning that City Staff and the **Baggetts** have been unconcerned about the potential flooding of her property. The area

between the two homes is small. The **Baggetts** home is on a hill above her home, and their yard slopes to hers. She has had many neighbors who have dealt with flooding issues for years, which highlights the severity of the water issues in the area that could affect home values. She drove around 15 neighborhoods in Farmington, including West Farmington, and not one home had a driveway on both sides. Thirty-nine people signed a petition to express their concern. It is in the neighborhood's best interest not to approve this special exception.

**Scott Cleghorn**, neighbor/husband to **Lisa**, said they invested in landscaping and remodeling their home instead of moving. They have observed no other homes with a driveway on both sides. He thought it was a development standard that every home has one driveway, and many vary in width. There is 20 feet wall-to-wall between the two properties, and he hopes green space between the two is a consideration. A second driveway does not belong and was not in the design plans. Meadowbrook was well planned with driveways all on one side. He feels this will affect the value of his home, and as such is detrimental.

Applicant **Richard Baggett** wanted to address the public comments. He noted that in the first month of living there over 17 years ago, it was brought up that they intended to put the driveway in. In April of 2024, he took a home equity loan out to put in a driveway. He said the homes are 25 feet apart, not 20 feet. His understanding is that the City issued him an excavation permit for the driveway approach, without any slope or retaining wall needed. This is about wheelchair access for his mother and possibly himself in the future. He said he is aware of the water situations and he does have a sump pump. He said his neighbors illegally watered their yard every day during a drought. The plan did not show the perforation and its lining on the 4 inch pipe, but it was intended to. **Baggett** then drew on the screen regarding some of the homes that have two driveways that exceed 30 feet. He doesn't appreciate others telling him what he can and can't do on his property, and what he can and can't have on his driveway.

**Adams** said in this case, the City issued the permit without bringing it to the Planning Commission, which was the reason for the appeal. The hearing officer decided it should have been brought before the Commission. The permit that was issued has now been revoked, so the applicant is now back in order to try to get a new permit. No one is suing **Baggett**, who said if everyone is concerned with concrete, he could save \$18,000 and put in gravel instead. That way there wouldn't be any ground or storm water issues.

**Tyler Turner** asked about the Staff who looks at this. **Gibson** noted that the City does have civil engineers and storm water managers on Staff who could likely come talk at a future meeting. The plan before the Commission today is not designed or stamped by a civil engineer, although the City engineer and storm water manager has taken a look at this application. It is their opinion that the amount of impervious area is insignificant. This application has undergone a lot more scrutiny than most driveways ever will.

Commissioner **Scott Behunin** said he is taking the neighbors into consideration. There is a solution to be had. Commissioner **Joey Hansen** noted the difference in pro vs con, and said there could be more due diligence. He wants to ensure that everyone can come together and get a good, viable, and reasonable plan. He said it's saddening to see neighbors with differences in such a friendly city. There are water issues that need to be taken seriously.

**Lisa Cleghorn** said that that **Brent Bishop** is her cousin, and he does not have a second driveway. There are no other second driveways in the area, just driveways with wider widths.

**Ethan Smith** spoke once more, referring to the standards the Commission should consider when deciding on special exceptions. The evidence presented to the Commission should show the request is not detrimental, and this burden is not on the surrounding neighborhood.

Chair **Frank Adams** closed the public hearing at 8:31 pm.

**Frank Adams** said there ought to be a solution, as there rarely are situations where a compromise can't be reached. **Gibson** said on this item, the Commission is the final decision-maker for special exceptions. He said the Commission can approve the application, deny the application, or table the application. If it is tabled, there will be a record so that counsel for the appellants can file a brief with the Commission with all his citations and arguments so the Commission can review them ahead of time. The Commission may decide whether it is necessary to have more detailed engineering information. The **Baggetts** will then have the opportunity to respond and make any changes to the application that they desire. The City can decide if they want stamped reports submitted.

**Adams** said he wanted to make sure everyone had the opportunity to be heard. **Smith** said he would need 14 days to prepare his information for the Commission. **Adams** said the **Baggetts** should have 14 days after that to respond. **Gibson** said City Staff could also respond in the same 14-day time period. A 10-day cooling off period could help the

parties come to an agreement. **Adams** said storm water and drainage are his primary concerns, not the lot lines. **Smith** said the City Attorney should review this issue.

### **MOTION**

**Tyler Turner** made a motion that the Planning Commission **table** the special exception for further discussion at a later time. The parties will have 10 days to mediate or talk with the City Attorney. After that, if no resolution is reached, then 14 days later, the Cleghorns as appellant will file a brief setting forth all of their legal and factual positions upon which they base their opposition. The City and the Baggetts will have an additional 14 days after that brief is filed to respond. The City will then set the matter on a public meeting agenda. The public hearing on this matter has been closed.

**Spencer Klein** seconded the motion, which was unanimous.

Chair Frank Adams	<b>X</b> Aye ____ Nay
Vice Chair Tyler Turner	<b>X</b> Aye ____ Nay
Commissioner Joey Hansen	<b>X</b> Aye ____ Nay
Commissioner Spencer Klein	<b>X</b> Aye ____ Nay
Commissioner George Kalakis	<b>X</b> Aye ____ Nay
Commissioner Scott Behunin	<b>X</b> Aye ____ Nay

**Item #2: Thomas, Leigh Anne, and Rebecca Lyndee Gubler – Applicant is requesting a consideration a Special Exception for an adaptive reuse of a building that is eligible for the National Register of Historic places located at 135 South 200 East. The request is to allow an office use in the existing residential building. [note: this public hearing was left open on PC 01.09.2025]. [M-6-24]**

Community Development Director **David Petersen** presented this item. The applicant is exploring whether or not to purchase a single-family dwelling to establish an office use in part of the home, and possibly convert the entire structure as an office in the future. The parcel is zoned Original Townsite Residential (OTR), and “office” is not an allowed use in this zone. However, the dwelling is an historic building, which structure is eligible for the National Register of Historic Places. When such is the case anywhere in Farmington, one may apply for a special exception to change a residence into office space as an “adaptive reuse” so long as the adaptive reuse does not compromise such eligibility (see Section 11-3-045 A. of the Zoning Ordinance).

**Petersen** said it is fortunate that the Utah Department of Transportation (UDOT) allowed the curb cuts that it did. Previous plans called for a circular driveway. However, it was discovered that there is room for stalls and aisles that meet City standards. The Development Agreement details that they get the office use if they maintain the historic eligibility of the home. If they don't preserve the eligibility status of the home, then they don't have the right to have an office there.

Section 11-2-020 of the Zoning Ordinance defines an “Adaptive Reuse” in part as follows: “Rehabilitation or renovation of existing building(s) or structure(s) limited to residential and/or office use(s) other than the present use(s); . . .”

In considering a Special Exception, Section 11-3-045 E of the Zoning Ordinance identifies the standards of review as follows:

1. Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the City as a whole, or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion authorizing the special exception.
2. The Planning Commission shall not authorize a special exception unless the evidence presented establishes the proposed special exception:
  - a. Will not 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;
  - b. Will not create unreasonable traffic hazards;
  - c. Is located on a lot or parcel of sufficient size to accommodate the special exception.

The minimum parking requirement in Chapter 32 of the Zoning ordinance for office uses is three spaces per 1,000 square feet of floor area. If the entire 3,000 square feet (as per Davis County Tax Assessor records) is changed to an office use, the ordinance requires nine parking spaces. The applicant is providing at least 12 spaces. However, initially an office use is only contemplated for the main level of the single-story building (or approx. 1,500 square feet) and the



basement will continue as a dwelling. As per this scenario, only seven parking spaces are required (five for the office and two for the residents).

On January 9, 2025, after holding a public hearing, the Planning Commission tabled the Gubler request to allow time for the applicant and/or Staff to do the following:

1. Draft a development agreement between the City and the applicant for Commission input to ensure, among other things, the building's continued eligibility for the National Register now and in the future.
2. Prepare two concepts:
  - a. One plan to show part of the building as office, and the remainder as residential (one dwelling unit); and
  - b. The other plan to show all of the building as office.
3. Each plan must meet City standards including a "to scale" drawing, parking, ingress and egress details to the site, conceptual landscape plan, etc.

[Note: in preparation for this Commission meeting, with the recommendation of City Staff, the applicant prepared one concept plan.]

Applicant **Nathan Gubler** is asking if this new plan sufficiently satisfies the asks from last time. He said that starting small is best for them right now. **Adams** stated that a few typos would be amended in the Development Agreement. He would like a landscaping plan in the DA. He would like the 15-year termination clause removed from the agreement, as it would run with the land. Paragraph 12 would be amended to mention homeowner rather than Homeowner's Agreement. The applicant approves of those amendments.

Chair **Frank Adams** opened and closed the public hearing at 8:56 due to no comments received.

#### **MOTION**

**Tyler Turner** made a motion that the Planning Commission approve the special exception for the proposed adaptive reuse subject to all Farmington City development standards and ordinances and subject to the following 1-6:

1. The City Council must approve the development agreement (enclosed in the Staff Report); and
2. City Staff shall review and approve a final site plan for the property, including members of the City's DRC (Development Review Committee) where applicable.
3. The applicant shall
  - a. Save existing significant trees along the street frontage (or replace these trees with species acceptable to City Staff); and
  - b. Remove a parking space on the south side of the property to preserve and existing maple tree unless the owner:
    - i. Shows to City Staff that the parking space is needed; or
    - ii. Demonstrates that due to age or disease the life of the maple tree is threatened.
 In the event "i" and/or "ii" occur, the owner will provide another tree in the front yard area of the lot, both species and location acceptable to Staff.
4. The applicant may expand the office use to the basement in the future.
5. The applicant is encouraged not to create additional parking on the south of the property above what is already existing until such parking is needed.
6. Section 12 of the agreement the be changed to be titled "Owner's Association." Remove #20 (termination agreement) completely. And a landscaping conceptual site plan showing what landscaping will do for the business.

#### **Findings 1-6:**

1. The adaptive re-use and development agreement preserves a building which is an historic resource eligible for the National Register of Historic Places. This creates "within the community a healthy, attractive, and pleasant living environment for its residents. This goal is the most significant element underlying the General Plan" (p. 4-2), and the re-use and agreement help preserve the communities "historic heritage"—another principle goal of the General Plan (p. 4-2).
2. It provides an office use which will not 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;
3. The site is located on a State Route (SR-106), and if necessary curb cut modifications are approved by UDOT, vehicles leaving the site will enter traffic moving forward and not backward and will not create unreasonable traffic hazards.

4. The .53-acre site is of sufficient size to accommodate the use allowed by the special exception.
5. The conditions of approval provide for the preservation of significant trees in the front yard.
6. The Planning Commission has the ability to approve less space than required as per Section 11-32-030 H of the Zoning Ordinance, which states:

Spencer Klein seconded the motion, which was unanimous.

Chair Frank Adams	X Aye ____ Nay
Vice Chair Tyler Turner	X Aye ____ Nay
Commissioner Joey Hansen	X Aye ____ Nay
Commissioner Spencer Klein	X Aye ____ Nay
Commissioner George Kalakis	X Aye ____ Nay
Commissioner Scott Behunin	X Aye ____ Nay

## OTHER BUSINESS

### Item #3: City Council Reports, Approval of Minutes, Upcoming Items & Trainings

- a. **City Council Report from February 18, 2025** – The Council made some budget amendments and **Scott Behunin** was appointed to a full-time member to replace **Samuel Barlow**, who had to resign due to some personal life changes/scheduling conflicts. The Council also approved the zone text amendment for demolition by neglect.
- b. **Planning Commission Minutes Approval from February 06, 2025** – **Hansen** motioned to approve; **Kalakis** seconded.
- c. **Other Adams** reminded that they need another member or two for the General Plan Committee.

## ADJOURNMENT

**Spencer Klein** motioned to adjourn at 9:00 PM.

Chair Frank Adams	X Aye ____ Nay
Vice Chair Tyler Turner	X Aye ____ Nay
Commissioner Joey Hansen	X Aye ____ Nay
Commissioner Spencer Klein	X Aye ____ Nay
Commissioner George Kalakis	X Aye ____ Nay
Commissioner Scott Behunin	X Aye ____ Nay

  
Frank Adams, Chair