FARMINGTON CITY PLANNING COMMISSION

March 21, 2024

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

The Work Session initiated at 6:30 pm. Assistant Director/City Planner **Lyle Gibson** said agenda Item #1 is about the Utah Department of Transportation (UDOT) surplus property that the owner next door wants to buy, as he has a first option on it. He envisions it as a temporary deal, but he may want to sell it in the future for someone to build a home on. In the agriculture zone, there are only two businesses that can be done: producing crop or animals, or a home business. An owner has to live onsite to have a home occupation. In this case, the proposed home occupation would not be allowed under current rules because the owner does not live on the property. The options are to rezone it to the Agriculture Planned (AP) District with a Development Agreement, or grant an exception to the home occupation via agreement. Combining the properties is another option, but then the applicant would lose the right to build a home on the second lot in the future. The AP route would require a site plan from a qualified professional. Home businesses should be small, but this is not small. Davis County was one of the first to use the AP District; they used it to make way for the Western Sports Park. Chair **John David Mortensen** said there are four or five criteria this does not meet in the home occupation, and he is concerned about large trucks driving through a residential area.

Community Development Director **David Petersen** said Lagoon is considering building another billboard close to where they used to have one. The ground is zoned agricultural, so it may be difficult. The regional amusement park has been part of Farmington since the 1880s. Staff does not want this zoned commercial or industrial. Having it zoned AP may help give flexibility to build a billboard.

For Item #2, **Petersen** said the City Council wanted to make some tweaks to the proposed Main Street Historic District. After the Commission recommends which option they are leaning towards—A, B or C—then Staff will prepare the findings for that option before it is sent on to the City Council.

Regarding the Neighborhood Mixed Use (NMU) in Item #4, for City-owned property on the northeast side of Farmington, **Mortensen** said the rezone gives the City a lot of leeway and discretion.

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

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

ZONE CHANGE APPLICATION – public hearings

Item #1 – Jonathan Miller – Applicant is requesting an agreement which would grant exemptions from certain regulations of Chapter 11-35, HOME OCCUPATION. The exemptions are being sought as outlined in Section 11-35-050 (E) in order to accommodate a desired landscape yard on a property north of and adjacent to the owner's home (part of parcel ID 08-082-0003). The applicant is Jonathan Miller, who resides at 818 S. Shirley Rae Drive. (Z-1-24)

Assistant Director/City Planner **Lyle Gibson** presented this proposed agreement which would grant exemptions from certain regulations of Chapter 11-35, HOME OCCUPATION. The exemptions are being sought as outlined in Section 11-35-050 (E) in order to accommodate a desired landscape yard on a property north of and adjacent to the owner's home (part of parcel ID 08-082-0003).

The applicant, who lives at 818 S. Shirley Rae Drive, has a right of first refusal to purchase this property. The 0.86-acre property directly to the north of him is available from the Utah Department of Transportation (UDOT) as surplus property after the West Davis Corridor (WDC) construction project. He would like to put a sign on his detached garage that would be visible from the WDC.

While the property is part of the Agriculture (A) zone which requires that a standard parcel be 2 acres in size, the remaining property from the larger piece that UDOT built a road through may be viable for a home one day. Combining it with the applicant's current property may negate or complicate that option in the future.

There are two main items of consideration regarding why the agreement is necessary:

- Use of Land: The applicant is interested in purchasing the property to use as a landscape yard at least for the foreseeable future. More specifically, this landscape yard would have materials bins for soils or groundcover. The current zoning limits the type of business activity to Agriculture (which is defined as "A farming activity limited to the tilling of the soil, the raising of crops, horticulture and gardening." Class C animals, which per 11-29-030 are "animals of every size, type or kind kept or maintained for commercial purposes.", and Home Occupations as outlined in 11-35-040. The applicant is seeking consideration as a Home Occupation with exemptions.
- 2. <u>Use of Adjacent Property:</u> Recently, the City clarified the residency requirement for a Home Occupation with the following language: "Residency: A home occupation must be owned and managed and all business conducted by a bona fide resident of the parcel where the license is sought. A home occupation may not be operated on a property other than the owner's residence." The business activity in this instance would be occurring on a property other than the owner's residence.

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

The Planning Commission's role in this request is to hear from the public and make a recommendation to the City Council based on that input, as well as the Commission's opinions as to how well the terms of the Agreement work at this location and in consideration of the City's General Plan. The Commission should determine if this works in this area, but ultimately the City Council has the final say.

Applicant **Jonathan Miller** (818 S. Shirley Rae Drive, Farmington, Utah) said his family has been impacted from the WDC construction. Due to inflation, the reserves he had set aside to purchase this property were inadequate. Therefore, he needs the land to produce a return. The noise would be minimal compared to the adjacent noise from the freeway. His house is to the south, and would be the first home affected by this business. The bins to hold product would be behind his detached garage, mitigating the view from adjacent properties. The property behind this lot is currently grazing property. That landowner is here today in support of this proposed use. Other neighbors around him are in support.

The property naturally slopes toward a drainage ditch created by UDOT. The property is fenced and utilities are readily available. He will not need to build any permanent structures on the new property. The fact that this is a dead end mitigates traffic. He anticipates large trucks to make deliveries about once a week, perhaps more. This is a seasonal business during the summer. Hours may include weekdays and Saturday. A loader tractor with good visibility will be used to eliminate the back-up beeping typical from a skid steer. Gravel will help mitigate dust. He believes he can provide these products for a better price than is available in Salt Lake and Weber Counties, so that business and its associated sales tax revenue can be brought back into Davis County and Farmington City. He expects clientele to be residential and some smaller landscaping contractors. The office would be in the existing detached garage.

His family likes the space around them and they don't have immediate plans to build a home on the new property. However, they may build a home there in the distant future. For that reason, he doesn't want to join the two parcels together, as that could eliminate the rights to build a future structure. He is under contract to purchase the property by April 10, 2024, and has already put 10% down. His son previously started up a landscaping business after working with a landscaping company, so this endeavor would support him.

Chair John David Mortensen opened and closed the public meeting at 7:19 pm, due to no comments received.

Commissioner **Kristen Sherlock** said this area seems more commercial than agricultural. She wanted to hear more from those who would be directly impacted by this use. There is not a clear-cut answer. Commissioners liked the idea of having these products available locally. There is a concern that this may turn out to be quite a mixed area, with the nearby homes as well as tennis courts. **Mortensen** said the applicant is asking for four or five home occupation code exceptions (signage, vehicular traffic, etc.), the biggest one being that the property owner won't live on the property,

but instead adjacent to it. There are other options available including rezoning it to the Agriculture Planned (AP) District.

Gibson said going the AP route would be like starting all over and having to re-notice a meeting, etc. April 9, 2024, is the next Council meeting, and there is only one meeting in April. If the applicant goes before the Council on April 9, he can get a sense of the Council's feelings regarding the proposal before he has to close on the property. The AP District is specific to the property, and it wouldn't affect neighboring properties. The agreement would run with the land, not the property owner. However, any new owner would have to follow the same exact rules and agreements. **Miller** prefers going before the City Council before restarting the process with a rezone to AP. From what he understands, the AP District doesn't require the property owner to live onsite in order to conduct the proposed business. He is willing to negotiate the sign size.

Sherlock said she is concerned about the precedent it could set for home occupation exemptions. She is inclined to have it move through as a rezone to AP. **Mortensen** prefers denial with the recommendation they come back with an AP zone. **Gibson** said if the properties were combined, it would require fewer exceptions.

MOTION:

Kristen Sherlock made a motion that the Planning Commission recommend denial of the Agreement to the City Council with the provision that the applicant consider adjusting to the AP District zone.

Findings 1-2:

- Granting exemptions to standard requirements at this property is inconsistent with the City's goals and policies outlined in the General Plan.
- 2. As proposed, there is insufficient migration proposed to enable the business to operate in a manner that would not create unreasonable impact on surrounding properties.

Supplemental Information:

- Maps and images of the site
- 2. Site plan
- 3. Proposal details from the applicant
- 4. Draft Agreement

Spencer Klein seconded the motion, which was unanimously approved.

Chair John David Mortensen	X AyeNav
Commissioner Joey Hansen	X AyeNay
Commissioner Kristen Sherlock	X AyeNay
Commissioner George Kalakis	X AyeNay
Commissioner Spencer Klein	X AyeNay

ZONE TEXT AMENDMENT APPLICATIONS

Item #2 – Farmington City – Applicant is requesting consideration for amendments to Chapter 39, Historic Buildings and Sites of Title 11, Zoning Regulations of the Farmington City Municipal Code related to the Farmington City Historic Landmarks Register. (ZT-4-24)

Community Development Director **David Petersen** presented this agenda item. Some of this is stemming from the proposal to have Main Street become a landmark district. The City Council directed Staff to have a neighborhood meeting on Jan. 22, 2024, from which stemmed two subcommittees: one north and one south of State Street. There are only seven homes south of State Street, and they are zoned Multiple-Family Residential R-2 or R-4. Those north of State Street are mostly zoned Original Townsite Residential (OTR). Three options were discussed at the meetings. Option A was a landmark district over the whole thing with no changes. This would include a Certificate of Appropriateness (COA) for repairs, alterations, additions, relocations, or demolitions to historic resources prior to issuing a building permit. Option B would only have a COA required for demolitions and relocations. Option C was no landmark district. The City Council has not yet decided on which of the three options they want. The Historic Preservation Commission (HPC) is the recommending body to the Council at this point. However, amendments to Chapter 39 do involve the Planning Commission.

New language being proposed includes "the community development director, at the option of the property owner, may appoint an historic preservation architect of reconnaissance architect or professional to consider applications for Certificates of Appropriateness" instead of the seven-member HPC. Staff thought it would be an improvement because it could be quick with a few days turn-around, compared to the HPC meeting only once per month. However, some members of the northern subcommittee said they wanted the option of an HPC or a professional.

Another proposed change includes: "The Zoning Administrator will encourage owners seeking approval for repairs, alterations, or additions for an historic resource on the historic landmark register to counsel 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." Staff feels good about this change, which would require the City to keep a professional on retainer.

Petersen said the National Registry is merely honorary. The HPC is questioning why Main Street could be held to a different, lesser standard than other local landmark districts. Some are asking why the government is getting involved in COAs. He answered that it is to preserve the look and feel of Farmington.

Chair John David Mortensen opened the public meeting at 8:17 pm.

Adam Leishman (254 E. 200 S., Farmington, Utah) has lived in Farmington his whole life, and also represents the historic homes owned by Lagoon. Preservation on Main Street allows homes to look the same as they did when they were built. Lagoon employees live in some. Compromises are important because many homeowners do not want to be part of a local landmark district at all. They do not want to leave objective aesthetic choices up to a group of arbitrary strangers.

Brad Bornemeier (54 S. Main Street, Farmington, Utah) said none of the owners south of State Street want this. He said these compromises seem like compromises on the terms of surrender. He bought his home in 2006 and has heard horror stories of dealing with the HPC and OTR zone. He doesn't want a government-run Homeowner's Association (HOA) telling him what he can and can't do. His home is 98 years old, and it still exists and is looking great. It is a scare tactic that when someone else buys a historic home, they will end up tearing it down.

Connie Gartrell (187 S. Main Street, Farmington, Utah) said she also owns a rental at 189 S. State Street. She doesn't want either of her properties in a landmark district. She wants to do with her properties what she wants to do without answering to anyone.

Sharon Williams (488 N. Main Street, Farmington, Utah) has lived in Farmington her whole life. Her home was built in 1882. Her parents, grandparents, and great-grandparents lived in Farmington as well. When sycamore trees were removed from a portion of Main Street, she felt that her heart was torn out. She feels Main Street is a beautiful part of the town, and it should remain the same it has always been. She wants a historic district to protect the existing homes. Main Street is worth keeping and protecting.

Chair John David Mortensen closed the public meeting at 8:26 pm.

This will not be moved on to the City Council at this point. Staff is looking for the Commission's direction. **Petersen** said this was first contemplated as a local landmark district in May of 2022. The OTR zone designation was created in 2003. There are a few commercial buildings that are part of the district, including an optometrist. Commissioners said this is a tough choice.

Mortensen said there are two stake holders: the City (past, present, and future), and the individual property owner. Heritage is a valuable asset, and the "look and feel" is why people like Farmington. He likes that a property owner could choose the option for a professional or HPC, and that the City would pay for a professional to give property owners valuable advice. He doesn't understand why requirements would be lessened for some landmark districts but not others, so he prefers Options B or C. The difference between B and C is repairs. Homeowners should not be dissuaded from repairing their homes.

Petersen said it could be lessened for everyone, but he is confident residents in other landmark districts don't want things lessened. A "lessened" district is better than no district, **Petersen** said. The HPC is the recommending body appointed by the City Council, which is common across the United States. He has been involved in three landmark designations and has lived in Salt Lake City since 2018.

Sherlock has rentals in Salt Lake City, and she understands these issues and frustrations. After checking with the city prior to some repairs, she ended up having to remove things that had been on the home since 1972. She also understands the importance of preservation. She wants to help the City, but feels pulled in two directions with no clear answer.

FIRST MOTION - DID NOT FINISH

Joey Hansen made a motion that the Planning Commission recommend to the City Council the tabling of Section 11-39-050 F of the Zoning Ordinance and specifically review Option **B** and **C**, and direct City Staff to prepare findings in support of this motion for consideration by the Commission at an upcoming meeting.

George Kalakis seconded the motion, which failed. Chair John David Mortensen

Aye ____Nay

Commissioner Joey Hansen	AyeNay
Commissioner Kristen Sherlock	Aye Nay
Commissioner George Kalakis	Aye XNay
Commissioner Spencer Klein	Aye X Nay

OFFICIAL MOTION

Joey Hansen made a motion that the Planning Commission recommend to the City Council the tabling of Section 13-050 F of the Zoning Ordinance and specifically review Option **A** and **B**, and direct City Staff to prepare findings in support of this motion for consideration by the Commission at an upcoming meeting.

Supplemental Information

1. Proposed Zone Text Change Draft Options table--Section 11-39-050 F (Results of [Landmark Register] Designation)

Kristen Sherlock seconded the motion, which was unanimously approved.

Chair John David Mortensen	X AyeNay
Commissioner Joey Hansen	X AyeNay
Commissioner Kristen Sherlock	X AyeNay
Commissioner George Kalakis	X AyeNay
Commissioner Spencer Klein	X AyeNav

Commissioners want more defined language and education regarding landmark districts.

<u>Item #3 – Farmington City – Applicant is requesting consideration for amendments to Chapter 27, Planned Unit Development (PUD), of Title 11, Zoning Regulations of the Farmington City Municipal Code regarding the process for consideration of Preliminary and Final PUD Master Plans. (ZT-3-24)</u>

Petersen presented this item, a recommendation to update and simplify the PUD Master Plan process to better accommodate qualifying PUDs. It is arranged to do what is already done in practice at the counter. It will help property owners out a lot, as single-family PUDS are much simpler than multi-family or commercial PUDs. Proposed language also includes: "The Planning Commission, at its sole discretion, may delegate future review and consideration of the Final PUD Master Plan to the Planning Department." **Petersen** said Staff can handle simple approvals, which would free up the Commission's future agendas. This is just simple housekeeping.

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

Mortensen said this eases the burden for Mom and Pop PUDS. It keeps the discretion with the Commission, or allows them to pass it off to Staff

MOTION:

Kristen Sherlock made a motion to move that the Planning Commission recommend that the City Council approve the changes to Chapter 27 of the Zoning Ordinance (enclosed in Staff Report) related to the PUD Master Plan approval process.

Findings 1-2:

- Presently, the Planning Commission is the review and approval body for many commercial and multi-family site plans. The
 Commission has the discretion to delegate such review to the Planning Department. This discretion has worked well for the
 City over the years. The proposed Chapter 27 amendment allows the Planning Commission the same delegation authority for
 Final PUD Master Plans.
- 2. The Preliminary PUD Master Plan checklist is detailed and lengthy, and much of this is not relevant to some PUDs. The recommended text changes result in less submittal information for Single-Family PUDs if greater architectural detail and/or open space is not required.

Supplemental Information 1:

Chapter 27 (Planned Unit Development (PUD)) draft text changes.

Spencer Klein seconded the motion, which was unanimously approved.

Chair John David Mortensen	X Ay	eNay
Commissioner Joey Hansen	X Ay	eNay
Commissioner Kristen Sherlock	X Ay	eNay
Commissioner George Kalakis	X Ay	eNay
Commissioner Spencer Klein	X Av	e Nav

<u>Item #4 – Farmington City – Applicant is requesting consideration for amendments to multiple sections of Title 11, Zoning Regulations as it relates to proposed changes within Chapter 11-19 for the Commercial Mixed Use (CMU)</u>

zone and Chapter 11-20 for the Neighborhood Mixed Use (NMU) zone. The proposed changes are to establish a process by which the City Council may consider deviations from the requirements identified in the NMU and CMU zones. (ZT-5-24)

Petersen presented this agenda item. In 2008 when CenterCal came in and wanted to develop Station Park, Farmington thought they already had a good code template. They had to transition into a new ordinance for that area because the initial plan kept morphing. It went to show developers need flexibility because tenants have testy requirements and preferences. After a lot of residential development over the years, Farmington wanted development that would support a day use. After a lot of research, the City came to discover that office parks that are successful have integrated mixed use. Farmington Crossing was initially proposed as a mixed-use project. Because residential was an allowed use, Farmington Crossing resulted in all residential development instead of the proposed mix of other uses. The City didn't want to get burned again, so in 2011 they took residential out of the uses possible. Section 140 was created as a metering tool to weigh office against residential. The pandemic rendered office uses a heavy blow.

The Farmington City Zoning Map and Zoning Ordinance contains seven mixed use districts: **A)** the TMU (Transit Mixed Use), GMU (General Mixed Use), RMU (Residential Mixed Use) and OMU (Office Mixed Use) zones located on the west side of I-15—the primary supporting text for these districts is set forth in Chapter 18 of the Zoning Ordinance; **B)** the CMU (Commercial Mixed Use) and NMU (Neighborhood Mixed Use) zones on the east side of US 89—the text for these zones may be found in Chapters 19 and 20; and **C)** the BR (Business Residential zone) is located in downtown Farmington (see Chapter 15 of the Zoning Ordinance).

Section 140 was initially written for Station Park. Section 140 of Chapter 18 exists for the west side mixed use zones and allows the City to consider alternative land uses and standards proposed as part of the development process in these zones—not foreseen by the existing underlying zone text. No such mechanism is in place for the NMU zone. [Note: All land zoned CMU is developed or entitled and the BR zone has its own set of unique circumstances; consequently, a "Section 140" tool is not necessary at this time for these zones.] Section 140 is a legislative tool done by agreement.

Petersen said the NMU needs the flexibility that would be offered by a Section 140-type tool. This could help when Farmington considers Requests For Proposals (RFPs) on City-owned property in the future. The City's revenue is down, with a new fire station on the west side and Old Mill site development to fund. There are also calls to expand the City's outdoor swimming pool. Selling this City-owned Old Farm property may help balance the City's budget in the future. The proposed Section 180 could help the City prepare for future development proposals on Old Farm. Over the years, Farmington has had proposals for Old Farm including housing, higher-density housing, and industrial agriculture, but very little commercial proposals.

Petersen explained what is different between residential and neighborhood mixed use. RMU on the west side is a form-based code (not about density) that addresses building placement, parking, open space, and building height. NMU is not form-based but dictates that parking has to be tucked to the rear.

Chair John David Mortensen opened and closed the public meeting at 9:14 pm due to no comments received.

Mortensen said it is now nine units per acre, and could go up to 22. He doesn't want to replicate the high density that can be found on the west side. Since the City owns this property, it could be developed to a different standard and there should be more accountability.

MOTION:

Spencer Klein made a motion that the Planning Commission recommend that the City Council enact the enclosed Section 180 to Chapter 20 of the Zoning Ordinance titled "Alternative Approval Process; Development Agreements."

Finding 1:

The entire NMU zone, created in 2005, comprises a developable area almost completely under one ownership. Conditions
have changed since the mid-2000s, and the landowner may need greater flexibility now, and in the future, to better meet a
continual shifting socio-economic and demographic landscape. The proposed Section 180 offers this flexibility.

Supplemental Information 1:

1. Draft Section 11-20-180: Alternative Approval Process; Development Agreements

Joey Hansen seconded the motion, which was unanimously approved.

Chair John David Mortensen	X AyeNay
Commissioner Joey Hansen	X AyeNay
Commissioner Kristen Sherlock	X AyeNay
Commissioner George Kalakis	X AyeNay

Commissioner	Spencer	Klein
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X	Aye	Nay
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OTHER BUSINESS

Item #5 - Miscellaneous, correspondence, etc.

- a) Minutes Approval from March 7, 2024
 - Kristen Sherlock made a motion to approve the minutes from March 7, 2024. George "Tony" Kalakis seconded the motion.

Chair John David Mortensen	X AyeNay
Commissioner Joey Hansen	X AyeNay
Commissioner Kristen Sherlock	X AyeNay
Commissioner George Kalakis	X AyeNay
Commissioner Spencer Klein	X Ave Nav

- b) City Council Report from March 19, 2024. Gibson said it was a late night at Tuesday's City Council meeting. In all cases, the Council followed the Commission's recommendations. They tabled the Charlotte for some questions on the moderate-income housing element. They approved the sign proposal for the Western Sports Park. They approved the plat amendment and Transfer of Development Rights (TDRs) for the boundary line agreement plan off 1100 West. The longest agenda item was the Ericksen Subdivision rezone including discussion about the sidewalk, fencing, and height of wall on Lot 3. The Council negotiated some vegetation between the sidewalk and tall wall to break up the appearance of the concrete wall. Staff closely reviewed the Commission's detailed motion on this item for the Council's reference. The Council did approve the changes to the Commission's bylaws.
- c) Petersen said regarding Chapter 39 tonight, he would like to get strong numbers such as 70% to 80% of homeowners who want to be part of the landmark district. There are three property owners who, no matter what, will not want it. He cautioned the new Commissioners that even though the vocal dissidents show up to the public meeting, it doesn't mean they represent the majority of homeowners who didn't show up. In the northern committee meetings, there was very little resistance. The City Council and majority of the property owners in the proposed landmark district are getting fatigued with this and want it passed.

ADJOURNMENT

Kristen Sherlock motioned to adjourn at 9:34 pm.

Chair John David Mortensen	X AyeNay
Commissioner Joey Hansen	X AyeNay
Commissioner Kristen Sherlock	X AyeNay
Commissioner George Kalakis	X AyeNay
Commissioner Spencer Klein	X AyeNay

John David Mortensen, Chair