

**FARMINGTON CITY**  
**PLANNING COMMISSION MEETING**  
August 4, 2016

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**STUDY SESSION**

*Present: Chair Rebecca Wayment, Commissioners Heather Barnum, Connie Deianni, Kent Hinckley, Alex Leeman, and Dan Rogers, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Commissioner Bret Gallacher was excused.*

**Item #3. Janez Jeraj – Requesting Conditional Use Approval to Exceed the 25% Floor Area Restriction for a Home Occupation**

**Eric Anderson** said this is a conditional use permit to exceed the floor area for a home occupation. Currently, the Ordinance has a maximum limit of 25% of the total home area that an applicant may use for a home occupation. The applicant is applying for an increase of the limit, as he would like to use his full basement for a home occupation. The application said the applicant designs and implements computer systems.

The commissioners asked about some of the regulations regarding home occupations, as outlined in the Ordinance, including size of signs allowed, maximum number of employees, hours of operation, and monitoring of these regulations and conditions. **Eric Anderson** said based on the recently approved zone text changes, the applicant is now allowed one additional non-related employee working on the premises at a time; he said he communicated this to the applicant. **David Petersen** said the applicant is allowed one 12"x12" sign in his window. He also explained that each year when an applicant renews the business license, a checklist is included that covers the requirements of a home occupation. The applicant must complete the checklist and return it with the application to renew the license. This checklist may serve as a reminder of the home occupation requirements and an opportunity for the City to review and ensure compliance to the regulations is taking place. **David Petersen** said that the City of Farmington has approximately 800 home occupations at this time. If the applicant is not in compliance, a business license may be pulled.

The commissioners expressed concern that foot and vehicular traffic may increase in the neighborhood. **Eric Anderson** also added that comments from the neighborhood have also been received. He said according to the applicant's letter, foot and vehicular traffic will not increase. He also added that had the applicant requested a home occupation that met the 25% area of the home, the Planning Commission would not be seeing the request; however, the request to exceed that maximum results in the Planning Commission's review and approval of it. **Eric Anderson** said based on his conversations with the applicant, the use will be low impact and will not be noticeable to the neighborhood.

**Item #4. Farmington City – Requesting a Text Amendment of the Sign Ordinance Regarding Electronic Message Signs**

**David Petersen** said members of the governing body desire to provide Farmington owned and operated electronic message signs (EMS) in certain areas of the community outside the electronic message sign overlay zone. The EMSs could advertise public events similar to the public EMSs found in

other communities. He said the sign ordinance allows for advertising of public and quasi-public uses, which is how the banners advertising 5ks, Forza and other events have been approved in the past.

**Alex Leeman** said Subsection 16 and 17 reference “public and quasi-public events;” however, the definitions for “public” and “quasi-public” reference a “use”. He said an argument could be made that if an event is open to the public, then it could be advertised on the message sign. He said the language needs to be amended so Subsection 16 and 17 tie directly to the ownership of the City and not directly to the event.

The commissioners discussed the approval of EMSs outside of the overlay zone and expressed concern regarding it. **Rebecca Wayment** expressed concern that if this is approved, the high school, junior high, and elementary schools will also request an EMS. The commissioners discussed Knowlton Elementary’s EMS; staff said it is currently in violation of the Ordinance. **Kent Hinckley** feels if the Commission approves the City’s request, others (including businesses) may feel it is their right to have an EMS as well. He suggested speaking with the City’s Attorney to discuss potential repercussions. **Rebecca Wayment** agreed; she feels approving this item may open a “can of worms.”

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## **REGULAR SESSION**

***Present:** Chair Rebecca Wayment, Commissioners Heather Barnum, Connie Deianni, Kent Hinckley, Alex Leeman, and Dan Rogers, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Commissioner Bret Gallacher was excused.*

### **Item #1. Minutes**

**Kent Hinckley** made a motion to approve the Minutes from the July 7, 2016 Planning Commission meeting. **Heather Barnum** seconded the motion, which was unanimously approved.

### **Item #2. City Council Report**

**Eric Anderson** said there have been two City Council meetings since the last time the Planning Commission had met. He said at the July 19, 2016 City Council meeting there were three plat amendments approved in Eastridge Estates Phase I, Oakridge Farms, and Somerset Hollow subdivisions. He also said the mini omnibus zone text change was approved, but that the request for an amendment to the Development Agreement for Rice Farms to remove the trail agreement was denied. **Eric Anderson** said at the August 2, 2016 City Council meeting the 600 N. street vacation, and another plat amendment for Oakridge Farms were both approved. The City Council tabled the street cross-section modification proposal for the Farmington Hills road. He said the applicant Jerry Preston is requesting sidewalk along the east side of the street; however, the Council would like to explore the option of a sidewalk on the west side. He also said the rezone application for Chestnut Farms Phases IV and V was tabled as the City Council wants to enter into a development agreement for the 1525 W. improvements.

## **CONDITIONAL USE PERMIT**

**Item #3. Janez Jeraj (Public Hearing) – Applicant is requesting conditional use approval to exceed the 25% floor area restriction for a home occupation as set forth in Section 11-35-103(9) of the Zoning**

**Ordinance; the subject property is located at 1357 North Compton Road in an LR-F (Large Residential-Foothill) Zone. (C-10-16)**

**Eric Anderson** said the applicant is requesting conditional use approval to exceed the 25% floor area maximum requirement for the home occupation that is set in Section 11-35-103(9) of the Zoning Ordinance. Section 11-35-104 requires a conditional use permit approval by the Planning Commission if the applicant is proposing to use more than 25% of the dwelling in connection to a home occupation. The applicant lives in a rambler style home. The applicant is wanting to use the basement for his home occupation, which would be approximately 50% of his total floor area of his home. **Eric Anderson** referenced the letter the applicant submitted as part of his application. It explained that the home occupation is to design home and electronic systems, which would result in minimal impact to foot and vehicular traffic. The letter also stated that he may like to have up to 8 employees; however, staff discussed the Ordinance's requirement that only one additional non-related employee may be on the premises at any given time. The applicant said he is ok with the requirement. **Eric Anderson** said staff is recommending approval of the item with the listed conditions. Again, he said staff specifically discussed Condition 5 with the applicant that states only one additional non-related employee may be on the premises at any given time; he said the applicant understands and will comply with it.

**Janez Jeraj**, 1357 North Compton Rd., said he has a PhD in electrical engineer and has been building and designing large computer systems for over 20 years. He said he is interested in turning the basement of his home into an office space. He said to someone unfamiliar with the work it would look like a bunch of computers and wires. He said there will not be an increase to traffic, there will not be any retail sales, and there will not be manufacturing onsite. He said his basement would look like a bunch of desks and computers, which he will use to design systems.

**Rebecca Wayment** asked the applicant about his letter, which stated he may want up to 8 employees. She also asked the applicant if what he wants to accomplish is feasible with 1 employee at a time. **Janez Jeraj** said right now he is the only employee, but that he put 8 employees in his letter prior to knowing the requirement. He is fine with one employee at the premises at one time.

**Connie Deianni** asked the applicant to clarify that the activity of the home occupation is just him using computers to build electronic systems that will be made at a different location. She wanted to ensure he will only be designing and not building these systems. **Heather Barnum** also asked if there will be any additional noise related to his work. **Janez Jeraj** said he is only designing parts for consumer electronics, not actually building the systems. He said there will not be additional noise.

**Heather Barnum** asked if the applicant still needs the entire basement if the applicant will have at the most himself and one other employee working at a time. **Janez Jeraj** said he plans to create "stations" to allow him to work on multiple projects, and some of the measurement equipment needs additional space, which is why he needs most of his basement.

**Heather Barnum** asked if the computers and wires will create additional fire hazard or risk. **Janez Jeraj** said no, everything he is using is powered by battery and is very low power.

**Rebecca Wayment opened the public hearing at 7:20 p.m.**

**Mishell Shevket**, 187 Point of View Circ., said she recently moved into the neighborhood. She asked what the square footage for the home occupation will be if it is approximately 50% of the floor area of the home, what type of customer the applicant will design for and what effect it will have on the value of the homes in the neighborhood. She expressed concern that this home occupation could negatively affect the market value of the neighborhood.

**Bonnie Peterson**, 1333 Compton Rd., said her biggest concern is how this home occupation will affect the market value of the homes in the neighborhood. She said the previous owners of the applicant's home had a school and a beauty salon, which generated additional traffic. She felt it negatively affected the area. She is unsure what potential future homeowners of the neighborhood would say if there were a business next door.

**Jo Gough**, 1385 N. Compton Rd., asked if there will be daily deliveries of supplies to the applicant and the expected hours of operation. She asked if the City will be "checking up" on the applicant to ensure there is not suddenly 8 employees at the home. She expressed concern that this business could open the doors to other small business owners working from their home.

**Jenny Sorenson**, 191 Point of View Cir., asked if the City will "police" the applicant to determine when he has outgrown his basement due to number of employees or size of projects. She asked if the applicant would be building prototypes even though he will not be manufacturing onsite. She said she also reviewed the conditions, and asked if the applicant would be able to ask for a variance on any of them in the future. She also expressed concern with the home occupation's noise, traffic, electricity or anything else that may interfere with the neighborhood.

**Dean Bannon**, 1391 N. Compton Rd., asked if the neighbors could review the plan of construction for the business so they can be familiar with the layout of it. He also asked how the City regulates the number of employees to ensure the applicant does not have 3-5 additional employees overnight.

**Margarit Nersisian** submitted an email to staff. She expressed concern with an increase in traffic and clientele. She expressed concern that she may soon live in a neighborhood full of businesses. She asked that the Planning Commission not approve the item.

**Kim Black** submitted an email to staff stating she is in favor of the home occupation.

**Rebecca Wayment closed the public hearing at 7:31 p.m.**

**Janez Jeraj** addressed a few of the concerns by the residents. He said he will be the only employee for a time, and then may increase to one employee in the next year or two. He said if he succeeds at his business, and would like to hire more employees, he would move his business out of his home and into a commercial space where more employees are possible. **Janez Jeraj** also said there will not be an increase in vehicle or foot traffic. He does not have any additional deliveries than a typical resident, and there will not be any retail sales. He explained the design of these systems takes many hours of just working on a computer. **David Petersen** also added that the Ordinance only allows for one non-related employee at the premises at one time. He clarified that even if the applicant wanted additional employees, the Ordinance does not allow him to do so.

**Alex Leeman** asked the applicant if he does any prototyping onsite. **Janez Jeraj** said no, the designs for parts are emailed to other locations where they are manufactured. He said modern electronic systems require specialized equipment that costs millions of dollars. He said even if he wanted to prototype, he would not have the equipment to do so, nor could afford to purchase it.

**Janez Jeraj** said he does not want property values to be affected just as the neighbors do not want it. He said there would not be any visible signs outside of his home that would let others know he has a home occupation. He said there would not be an increase in noise or power consumption. He said his home will look the same as it does now.

**Rebecca Wayment** said she wanted to clarify for those in attendance that there is not a rezone application being presented to allow for a business, but that this is a conditional use permit requesting a home occupation similar to someone requesting a home occupation for math tutoring, teaching piano, a CPA doing taxes, etc. She explained that a similar process would take place if the applicant were requesting even a preschool. She also added that a conditional use permit runs with the property and does not transfer with the sale of a home. If a future homeowner would like to do a home occupation, they would need to submit an application for approval.

**Connie Deianni** said that she lives in a nearby neighborhood, and she has approximately 4 home occupations on her street. She said, in her experience, her property values have not decreased due to these home occupations.

**David Petersen** said that there are approximately 800 home occupations within the City. He said the applicant does not plan to sell products so the hours of operation are insignificant. He also added that most home occupations are handled at the counter; however, the applicant is requesting more than 25% of his floor area for the home occupation, which requires Planning Commission approval. **Alex Leeman** also added that if an applicant wants to change conditions, the applicant would have to reapply and go through the approval process and public hearing again. He also said that each year a checklist is completed to verify compliance when the business license is renewed. If the City receives a complaint regarding the home occupation, the City would work to resolve it.

**Alex Leeman** proposed that Condition #1 be removed as he feels it is up to the applicant on when he chooses to work since it will not affect the neighborhood with increased traffic, retail sales or deliveries. The commissioners agreed.

**Kent Hinckley** suggested putting a time limit on the conditional use permit as has been done in the past. The commissioners discussed this option, but felt that if the applicant expands, he will have to relocate, and if there are any concerns, the neighbors will let the City know about the concerns.

**Dan Rogers** asked what the approximate square footage is of the 50% floor area of the home. **Janez Jeraj** said the home totals approximately 4,000 sq.ft.; 50% of the floor area would be approximately 2,000 sq.ft.

**Motion:**

**Kent Hinckley** made a motion that the Planning Commission approve the conditional use permit subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. Any signs proposed for the project must comply with the Farmington City Sign Ordinance. The sign plan shall indicate the location, height, and appearance of the signs upon the site and the effects upon parking, ingress/egress, and adjacent properties. Such signs shall be compatible with the character of the neighborhood;
2. The applicant must obtain all other applicable permits for the operation of the conditional use including but not limited to a business license from Farmington City, all health department regulations and all applicable building codes;
3. The applicant will provide any necessary parking necessary for additional employees;
4. The applicant shall comply with Section 11-35-103(1) of the Zoning Ordinance which limits additional, unrelated employees to one at any given time.

**Alex Leeman** seconded the motion, which was unanimously approved.



Findings for Approval:

1. The proposed use of the particular location is necessary and desirable and provides a service, which contributes to the general well-being of the community.
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
3. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
4. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
5. The location provides or will provide 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.
6. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.

**SIGN TEXT AMENDMENT**

**Item #4. Farmington City (Public Hearing) – Applicant is requesting a text amendment of the Sign Ordinance regarding standards for electronic message signs related to public uses, and other miscellaneous changes related to the same.**

**Rebecca Wayment** said this item’s discussion of electronic message signs (EMS) is a continuation of the discussion that took place in the Study Session. **David Petersen** said **Alex Leeman** suggested in the Study Session that the proposed wording for text amendment clarify the difference between “events” and “uses.”

**Rebecca Wayment opened the public hearing at 7:53 p.m.**

No comments were received.

**Rebecca Wayment closed the public hearing at 7:53 p.m.**

**Rebecca Wayment** asked if the EMS overlay zone would remain the same if the Commission chooses not to amend the Sign Ordinance. **David Petersen** said yes, the locations discussed for the proposed City owned and operated EMSs would be outside the overlay. The only way to allow for the change is to amend the text, which is what is being presented with the Commission at this time.

**Rebecca Wayment** said she does not like the proposed changes to allow for EMSs. **Heather Barnum** said the Commission has received application for one person seeking text amendments in the past; however, the Commission has been consistent not to approve amendments unless it is a change they are comfortable to allow for everyone. She feels it is not a question if the City should be the exception, but if the Commission is comfortable to allow the change for everyone.

**Alex Leeman** said he feels this application is different because the Commission is discussing a public entity, so presumably the City would be advertising events for everyone as opposed to a specific business advertising their specific products. **Heather Barnum** pointed out that Station Park often holds free events for the public. **Alex Leeman** said the change he proposed is that a public event could be advertised, but that the definition of “public” and “quasi-public” is tied to the ownership of who is

putting on the event. He provided the example that if Station Park put on a free concert, Station Park could not advertise it on a City owned EMS; however, if a public entity, like the Fire Department, put on a public event, it could be advertised on a City owned EMS. He said the change would then allow the use of the EMS to be tied to who the advertiser is and the event's intended audience. **Alex Leeman** said he feels allowing EMSs for "public use" is more justifiable, as the public entities' purpose is the public health, safety and general welfare through the libraries, parks, community buildings, schools, fire stations, police stations, etc.

**Dan Rogers** asked how that would apply to "quasi-public uses" like non-profit religious, recreational, charitable, or philanthropic institutions. **Alex Leeman** said the proposed amendment, as found in the staff report, reads that "quasi-public uses" are not allowed EMSs. **Heather Barnum** asked for clarification on the change **Alex Leeman** suggested. She asked if Subsection 17 would read "quasi-public uses" in lieu of "events." **Alex Leeman** said he suggests that Subsection 16 and 17 should read "public entities" and "quasi-public entities" and that the definition should be amended to the same.

**Heather Barnum** asked if a City can "get away" being the only exception to the rule. **Alex Leeman** said, in his experience, there might be justification for the exemption if there is a rational basis. It might be okay if the City uses the EMSs for advertising to the general public.

**Connie Deianni** asked if there is data that proves attendance would be higher if an EMS advertised a City play to the public or if there would be fewer fires in the mountains if the Fire Department had an EMS cautioning residents during dry seasons. She feels EMSs tend to be useless as the messages are often not effectively communicated. **Kent Hinckley** agreed; he said he often drives by the EMS in Kaysville, but rarely sees the sign long enough to read the entire message. **Rebecca Wayment** also agreed; she said she feels the banners that are currently being used contain all information that is needed. She feels an EMS takes too long to read when you are driving by in a car. **Heather Barnum** said she agrees that EMS's messages are useless as drivers don't have enough time to read the full message.

The commissioners continued to discuss EMS and all agreed they feel they do not have a purpose, they do not like them and they do not want them approved in the city.

**Kent Hinckley** asked the commissioners to explain what they do not like about EMSs. **Connie Deianni** said she feels EMSs would take away from the "small town flare" that much of the City is holding onto. **Heather Barnum** agreed; she feels it would be contradictory if the City that wants to preserve the small town feel would allow themselves to be the exception to a rule that would change that feel. **Rebecca Wayment** said she does not like them as she feels it is an ineffective way to get information out to the public. **Alex Leeman** said he feels EMSs are poorly executed. **Dan Rogers** summed up the commissioners response. The commissioners feel EMSs are a contrast to the ambiance of Farmington, and the commissioners feel EMSs are not useful or productive.

**Heather Barnum** pointed out that the Commission rarely approves something without a proposal. She said if the governing body would like to further pursue EMSs, she suggested a proposal and elevations be compiled so the Commission has a better understanding as to what they are looking to approve. The commissioners agreed; a blanket approval is rarely granted without first seeing a proposal.

**Motion:**

**Dan Rogers** made a motion that the Planning Commission denies the applicant's request for a recommendation of approval to the City Council for amendments to the Sign Ordinance that allow

public electronic message signs as an exempt sign. **Heather Barnum** seconded the motion, which was unanimously approved.

The commissioners asked that staff review the language in the Sign Ordinance with the language suggested by **Alex Leeman**.

## **ADJOURNMENT**

### ***Motion:***

At 8:21p.m., **Heather Barnum** made a motion to adjourn the meeting, which was unanimously approved.



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**Rebecca Wayment**  
**Chair, Farmington City Planning Commission**