



HISTORIC BEGINNINGS • 1847

Farmington City Planning Commission

May 04, 2023



PLANNING COMMISSION MEETING NOTICE AND AGENDA

Thursday May 04, 2023

Notice is given that Farmington City Planning Commission will hold a regular meeting at City Hall 160 South Main, Farmington, Utah. A training and work session will be held at 6:00 PM prior to the regular session which will begin at 7:00 PM in the Council Chambers. The link to listen to the regular meeting live and to comment electronically can be found on the Farmington City website at farmington.utah.gov. Any emailed comments for the listed public hearings, should be sent to crowe@farmington.utah.gov by 5 p.m. on the day listed above.

SUBDIVISION APPLICATION – no public hearing, continued from previous meeting.

1. Paul and Rebecca Hatch and Elise Gubler-Tillett – Applicant(s) are requesting a recommendation for Preliminary Planned Unit Development (PUD) Master Plan and Schematic Subdivision approval for the proposed Cottrell Hills PUD subdivision, located at approx. 20 S 300 E in the OTR (Original Townsite Residential) zone. (S-3-23)

ZONE TEXT AMENDMENTS – no public hearing on item 3; continued from previous meeting.

2. Farmington City – Applicant is requesting consideration for additional text and amendments to Farmington City Code Title 11: ZONING REGULATIONS. This amendment changes an Accessory Dwelling Unit (ADU) from a Conditional Use to a Permitted Use in multiple zoning districts. (ZT-7-23)
3. **Public Hearing:** Farmington City – Applicant is requesting consideration for Amendments to the Farmington City Zoning Ordinance. The purpose of these amendments is to resolve inconsistencies between sub-paragraphs under Section 11-17-050 regarding the location of accessory buildings and garages in Side Corner Yards in the OTR zone, and possibly other zone text changes as well (ZT- 8-23).

OTHER BUSINESS

4. Miscellaneous, correspondence, etc.
 - a. Minutes Approval 04.20.2023
 - b. City Council Report 04.04.2023 and 05.02.2023
 - c. Forza Terra General Plan
 - d. Other

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

CERTIFICATE OF POSTING I hereby certify that the above notice and agenda were posted at Farmington City Hall, the State Public Notice website, the city website www.farmington.utah.gov, and emailed to media representatives on May 1, 2023

Carly Rowe, Planning Secretary



Planning Commission Staff Report May 4, 2023

Item 1: Preliminary PUD Master Plan – Schematic Subdivision Plan Cottrell Hills Planned Unit Development (PUD)

Public Hearing: No
Application No.: S-3-23
Property Address: 9, 35, 79 South 300 East
General Plan Designation: LDR (Low Density Residential)
Zoning Designation: OTR (Original Townsite Residential)
Area: 2.15 acres
Property Owner/Applicant: Paul & Rebecca Hatch/Elise Gubler-Tillett

Request: *A recommendation for Preliminary PUD Master Plan and Schematic Subdivision plan approval.*

Background Information

The Planning Commission reviewed this request on April 20, 2023, but tabled consideration to allow time for the applicant to complete four items (see below). Comments after each item (in italics) show what was done to fulfill these items.

1. Prepare a street tree preservation plan that includes concepts and issues (if any) of adding a sidewalk;
An attached photo shows the existing sidewalk on 300 East adjacent to lots 1 and 2, which connects to the sidewalk on State Street, and another attached photo, which demonstrates that the street trees next to the proposed lots 3 and 6 are also ideally situated to extend the side walk south across these lots. The developer updated his plans to show the location of sidewalk extension and adjacent existing trees.
2. Provide conceptual building elevations for the homes that may be constructed within the project in the future;
The property is zoned OTR, and the applicant provided 11 possible building elevations for homes which may be constructed on lots 3, 4 and 5 and the existing interior lot which fronts State Street (see attached). The first five elevations meet OTR standards, elevations 6, 7 and 8 could meet standards with some modifications, and the last three elevations do not meet the standards of the underlying zone.
3. Come back with a conceptual snow removal plan for the private drive to lots 5 and 6 which will show the location of driveways and a place to stack snow; and
See attached plans.

4. Show implications of maintaining eligibility for the national historic register for the two existing “contributing” homes on the property.

The applicant contacted Cory Jensen, National Register Coordinator for the Utah State Historic Preservation Office, and he emailed back to a representative of the property owners, a list of “many ways that a property can suffer a loss of historical integrity and not be considered eligible anymore, depending on the building and setting”. See enclosed email from Seth Faerber to Dave Petersen, dated April 28, 2023.

Background Information from 4/20/23 PC Staff Report:

The subject property (2.15 acres or 94,961 sq. ft.) consists of three homes on 4 lots, or an average of approximately 23,740 sq. ft. per lot. The site is zoned OTR, which requires a minimum base lot size 10,000 sq. ft.. As per Chapter 17 of the Zoning Ordinance it may be possible for one to create an 8-lot subdivision, or 4 additional lots, but in order to do so one must remove some or all of the existing dwellings, which includes homes constructed in 1895, 1947, and 1954 as noted on State Historic Preservation Office (SHPO) Historic Utah Building map—two of which are eligible for the National Register.

Notwithstanding the forgoing, the applicant desires to create 3 additional lots, or a total of 7 lots (not 8 lots), and preserve the historic homes at the same time. However, in his effort to create as little disruption as possible (i.e. limit the amount of hard surfaced streets) he is requesting two “land-locked” lots serviced by a private drive; meanwhile, building lots must front a public street as required by ordinance. This deviation from the standard may be accomplished through the Planned Unit Development (PUD) process, but at the sole discretion of the City (it is a legislative act). “Every planned unit development shall provide usable common open space, accessible to all lots or units, of not less than ten percent (10%) of the net area (gross area less constrained or sensitive lands), in single-family planned unit developments. . . .” (Section 11-27-120 G 1. of Chapter 27 of the Zoning Ordinance (the PUD chapter)). Nevertheless, sub-paragraph 2 of the same section allows historic preservation as an alternative to open space.

Suggested Motion

Move the Planning Commission recommend that the City Council approve the Preliminary PUD Master Plan and Schematic Subdivision plan for the proposed Cottrell Hills PUD subject to all applicable Farmington City development standards and ordinances and the following:

1. The owners must enter in to an agreement with the City, including but not limited to, memorializing their commitment to preserve and maintain eligibility for the national register for two existing on-site “contributing” historic homes.
2. The applicant must meet all requirements of the City’s DRC (Development Review Committee) including, but no limited to, Fire Department approval of the private drive configuration for the two “land-locked” lots.
3. Update plans to show the location of existing trees and sidewalk on 300 east next to Lots 1 and 2 as part of a street tree preservation plan, and label this portion of the sidewalk as “Existing”, and the sidewalk adjacent to Lots 3 and 6 as “Proposed”, and also identify all trees the entire length of the 300 East frontage as “Existing” as well.
4. All buildings constructed within the PUD, including building elevations, shall meet the standards of the underlying OTR zone.
5. Include the existing interior lot which fronts State Street (Lot 1, Sunset Hill No. 2 subdivision, Parcel #07-038-0001) as part of the Cottrell Hills PUD Master Plan and Schematic Subdivision Plan.

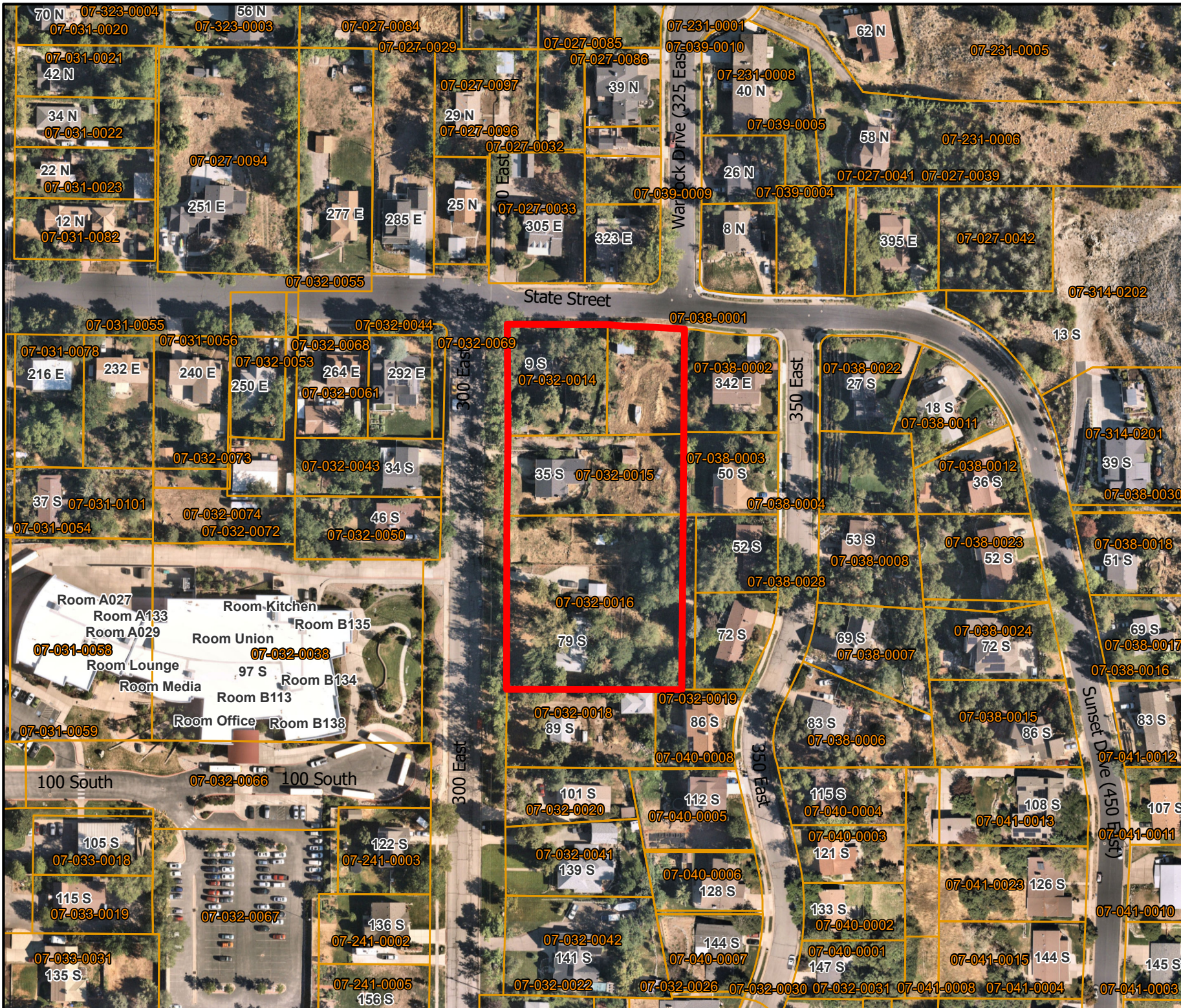
Findings:

1. The PUD will result in the preservation of two historic homes.

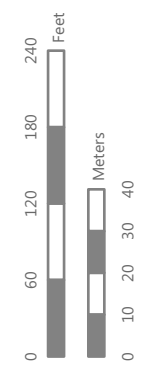
2. The proposed lots are comparable in size and dimensions to other lots found in the area.
3. The density of development is consistent with what is allowed in the OTR zone [Note: The applicant had the opportunity to apply for a density bonus of 20% as per Chapter 27 of the Zoning Ordinance, which if requested and approved, would have resulted in the creation of 9 lots, but the owner limited the size of the proposed development to seven lots].
4. The applicant provided plans showing the existing trees and proposed sidewalk adjacent to Lots 3 and 6, and the proposed motion will supplement this effort by requiring the developer to show all existing trees and existing/future sidewalk the entire length of the project's 300 East frontage in one overall street tree preservation plan.
5. The application is consistent with the goals and purposes of the Farmington City General Plan and Zoning Ordinance, including but not limited to the OTR zone.

Supplemental Information

1. Vicinity map(s).
2. Subdivision Yield Plan of the property.
3. 4/20/23 Preliminary PUD Master Plan and Schematic Subdivision plan (2 pages).
4. 5/4/21 Plan updates (2 pages).
5. Photos of Existing Street Trees which show existing 300 East sidewalk next to Lots 1 and 2 on the plan.
6. Photographs of the three existing homes.
7. Proposed Building Elevations.
8. Section 11-17-050 D. "Garages".
9. Email from Seth Faerber to Dave Petersen, 4/28/23



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

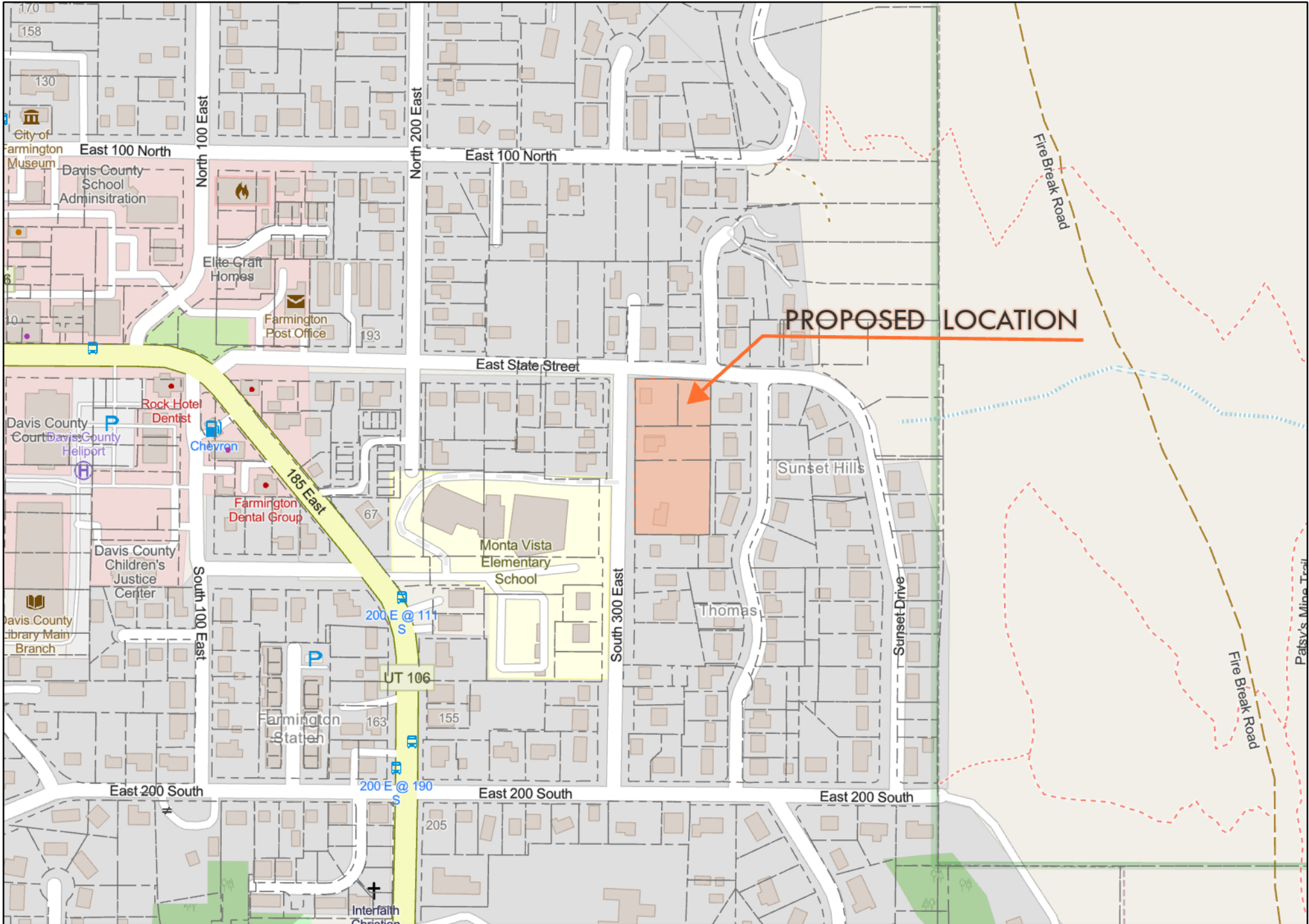


VICINITY MAP
Cottrell Hills PUD

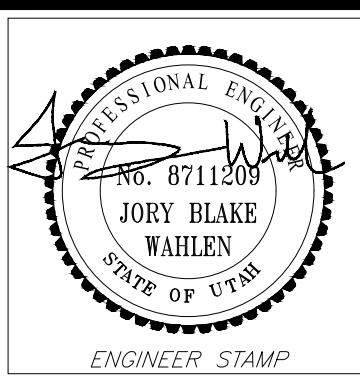




VICINITY MAP



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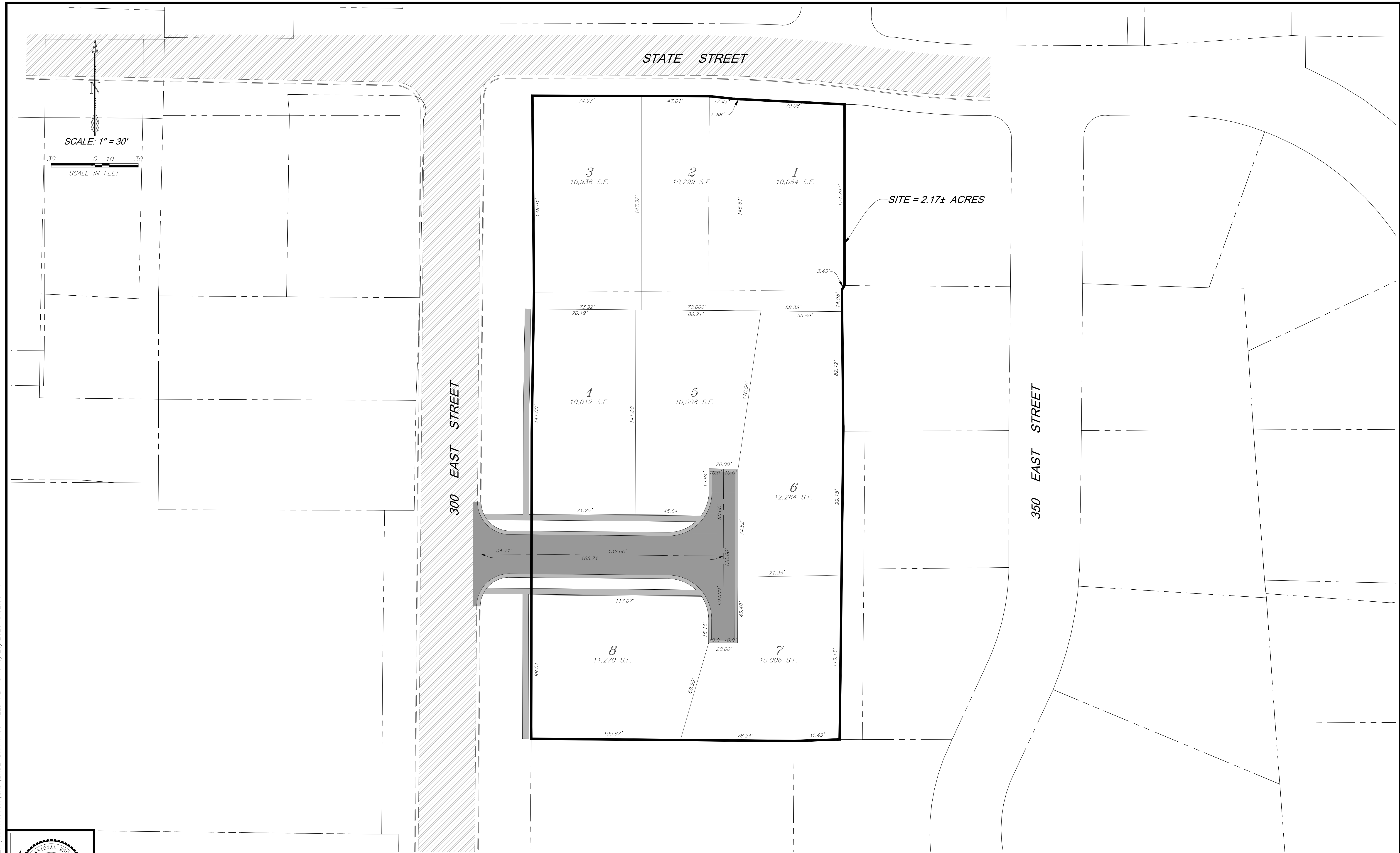
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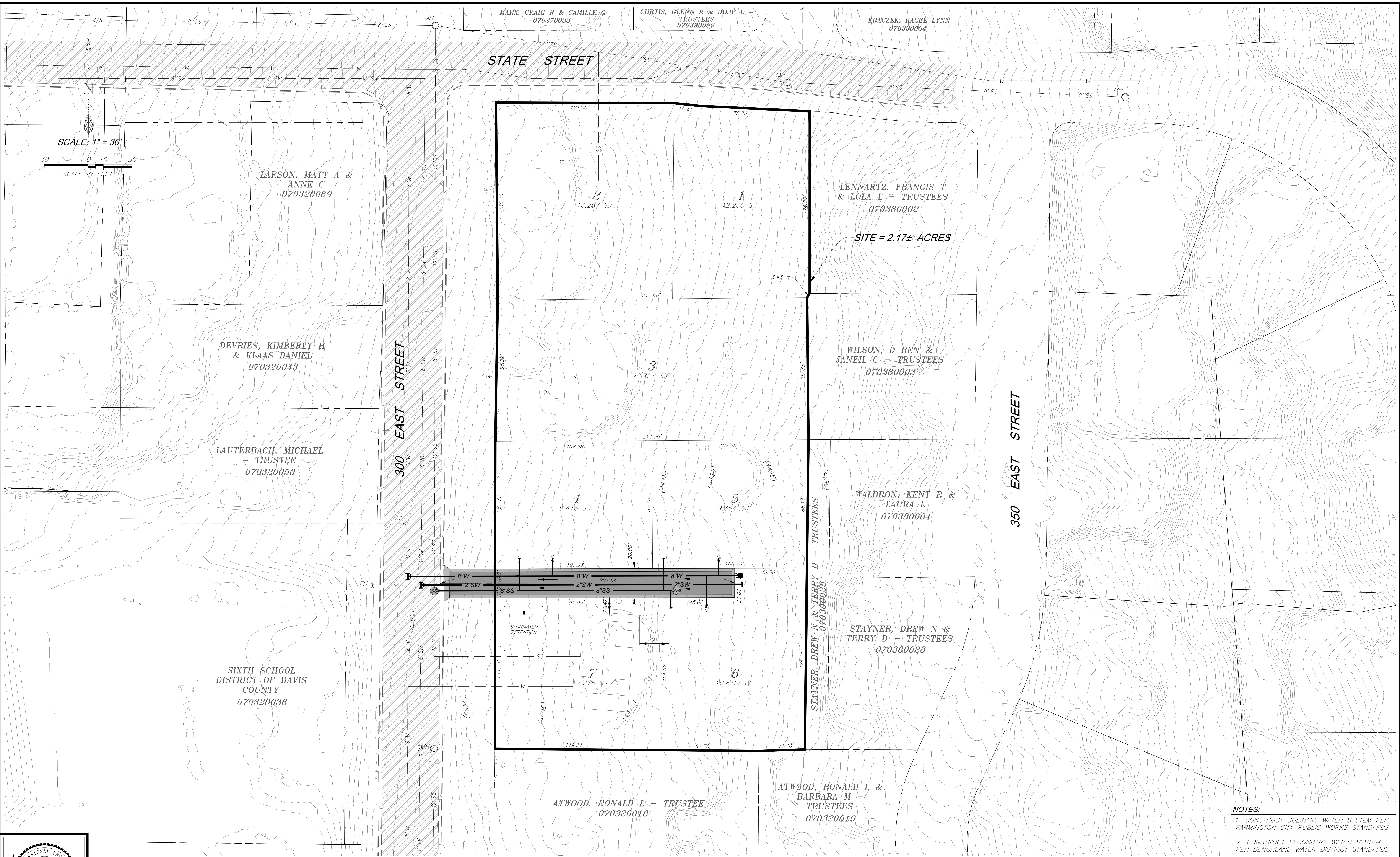
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COTTRELL HILLS SUBDIVISION
YIELD PLAN

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 ANNE C
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DEVRIES, KIMBERLY H
 & KLAAS DANIEL
 070320043

LAUTERBACH, MICHAEL
 TRUSTEE
 070320050

SIXTH SCHOOL
 DISTRICT OF DAVIS
 COUNTY
 070320038

MARX, CRAIG R & CAMILLE G
 070270033

CURTIS, GLENN R & DIXIE L
 TRUSTEES
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KRACZEK, KACEE LYNN
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STATE STREET

300 EAST STREET

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 JANEL C - TRUSTEES
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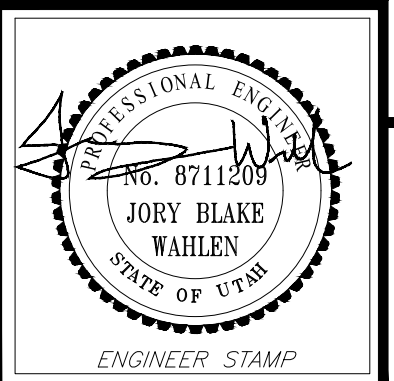
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 BARBARA M - TRUSTEES
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NOTES:
 1. CONSTRUCT CULINARY WATER SYSTEM PER FARMINGTON CITY PUBLIC WORKS STANDARDS
 2. CONSTRUCT SECONDARY WATER SYSTEM PER BENCHLAND WATER DISTRICT STANDARDS



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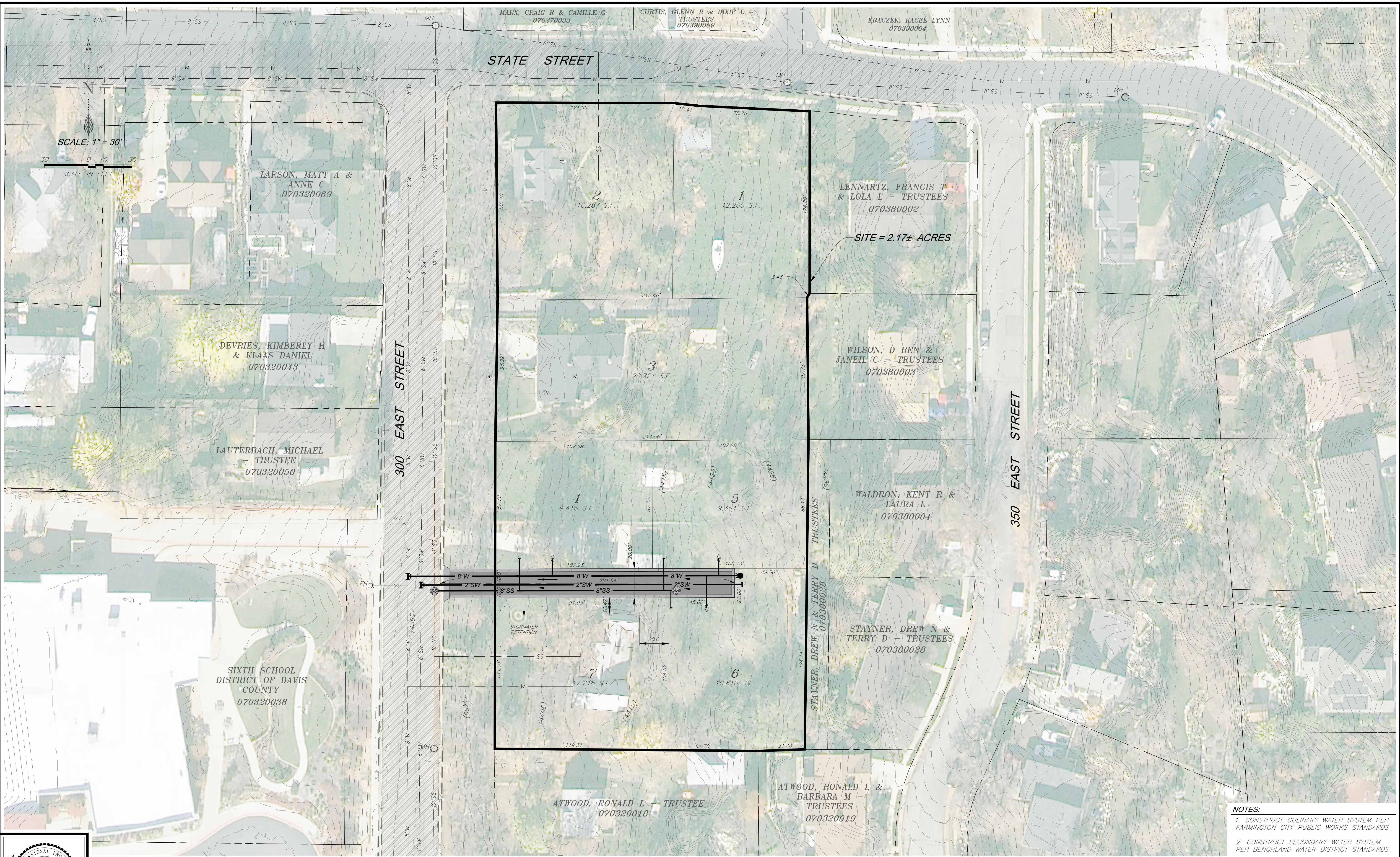
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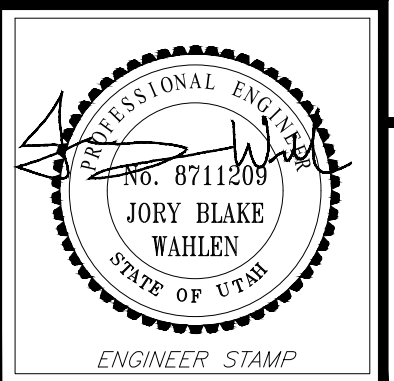
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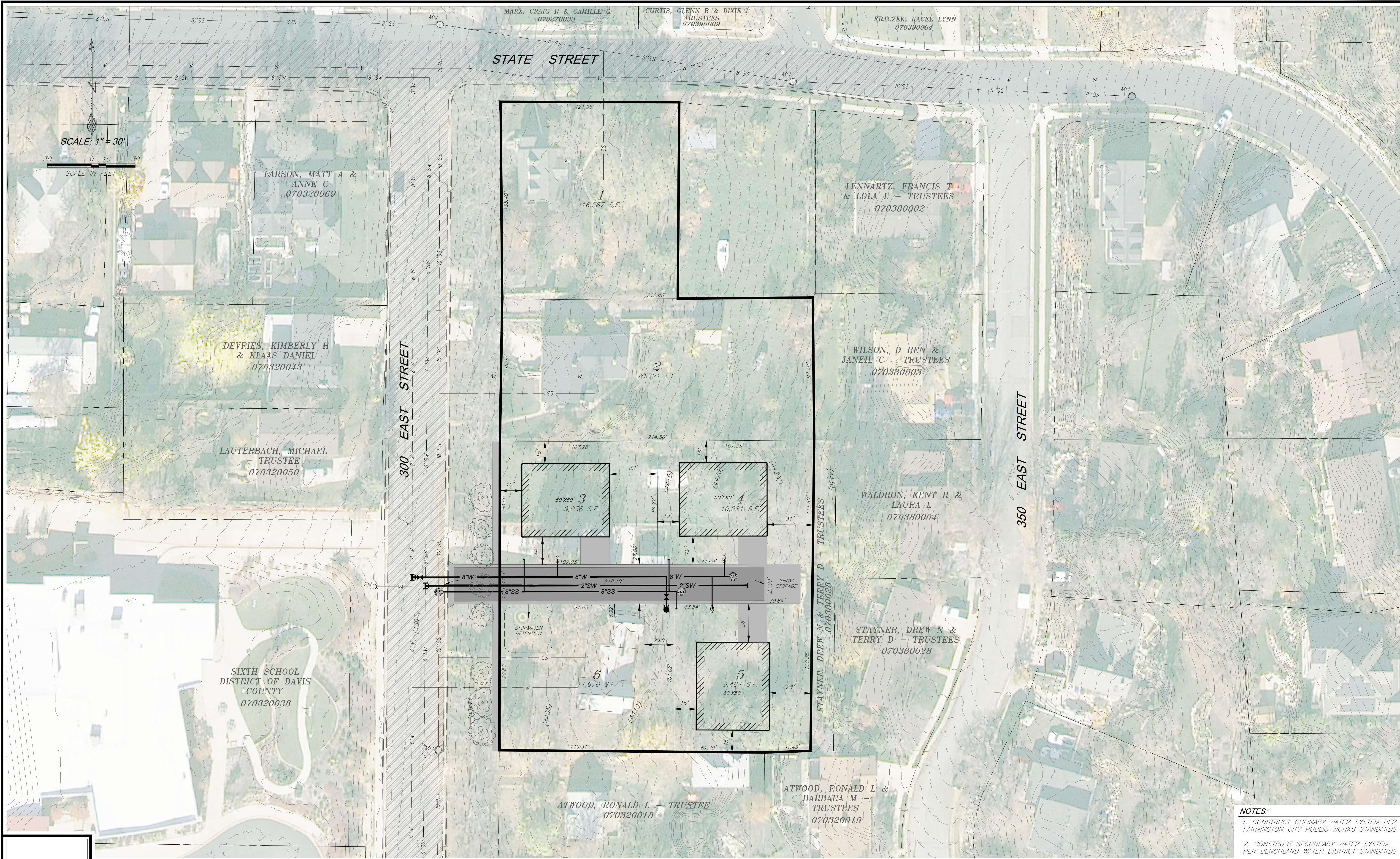
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- NOTES:**
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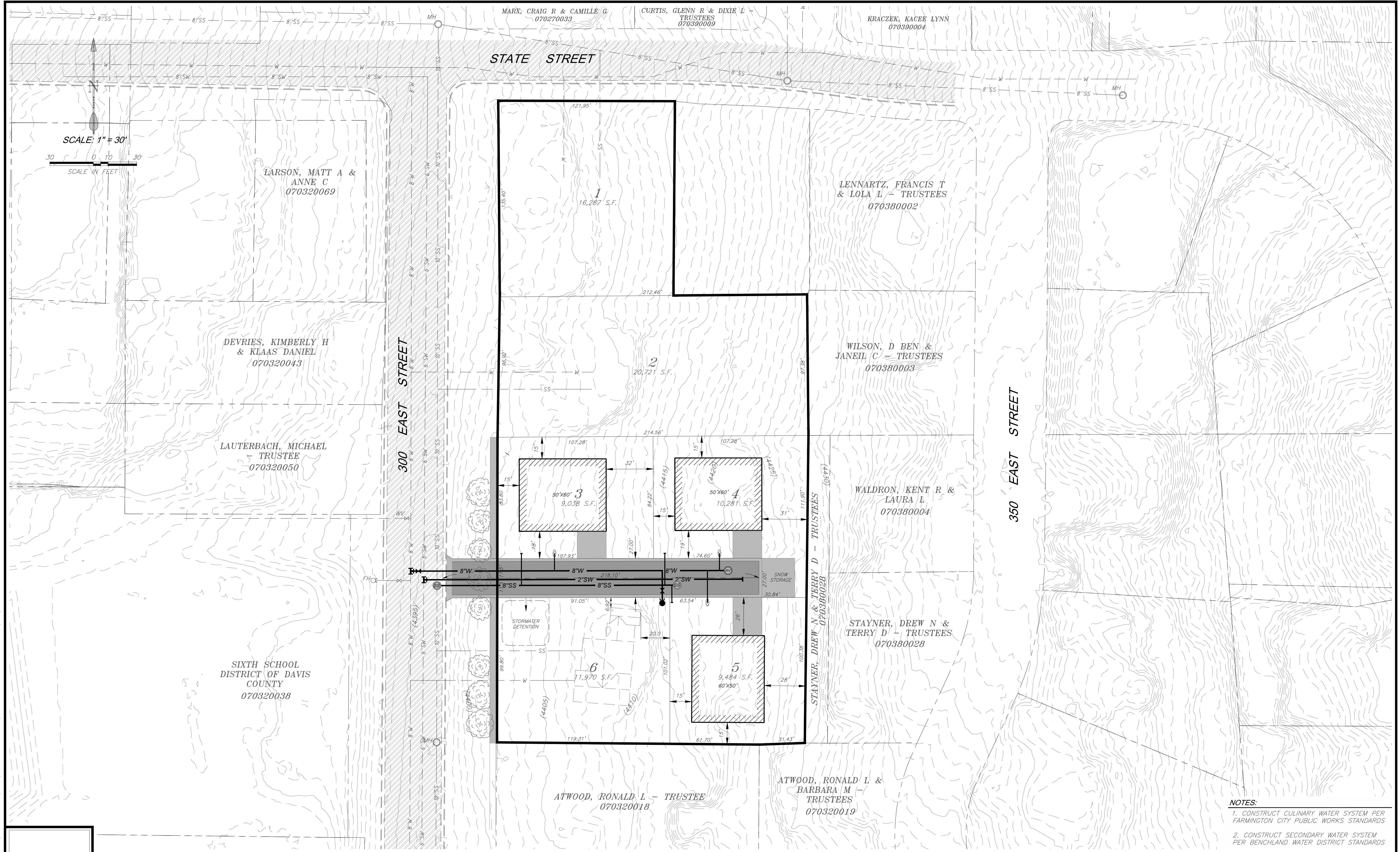
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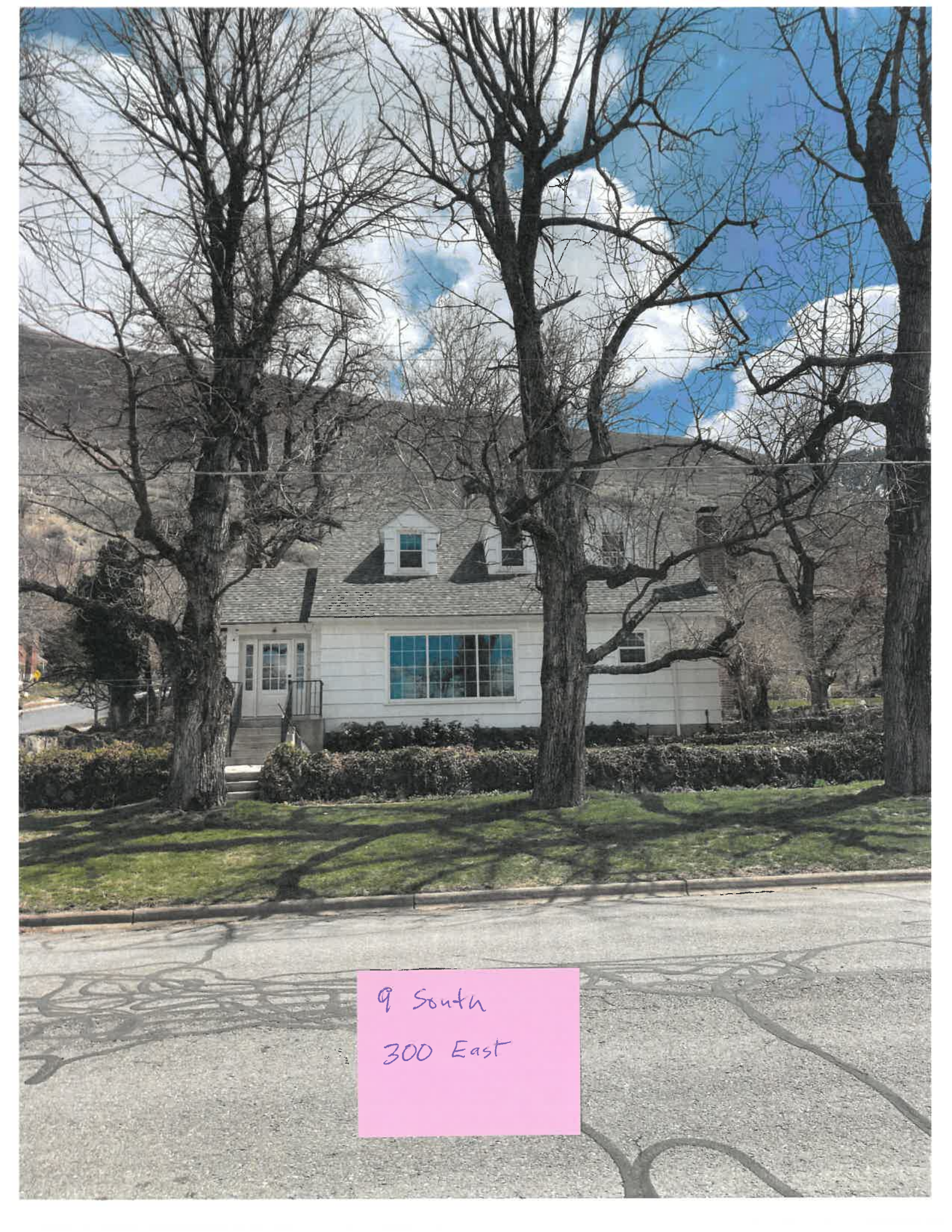
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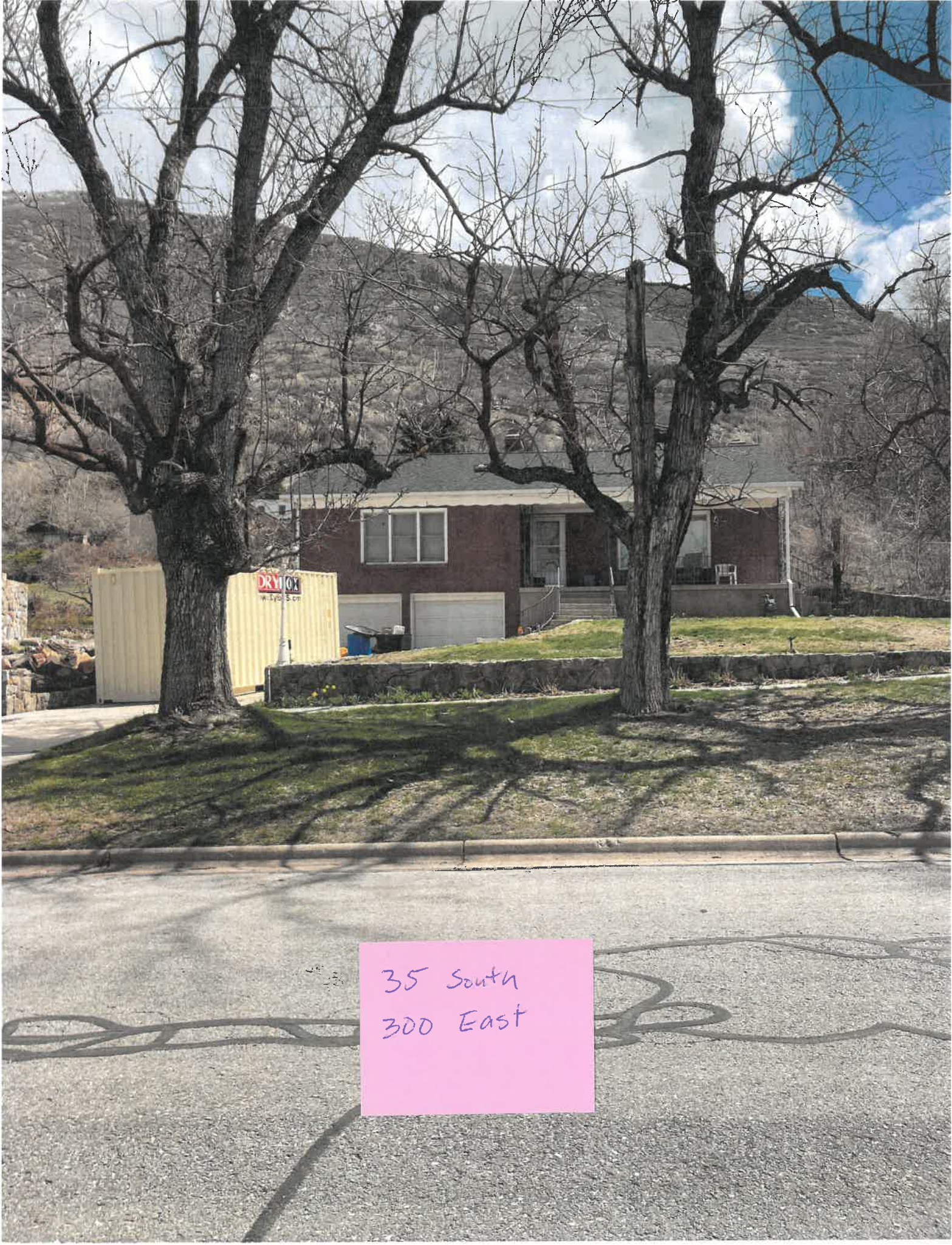
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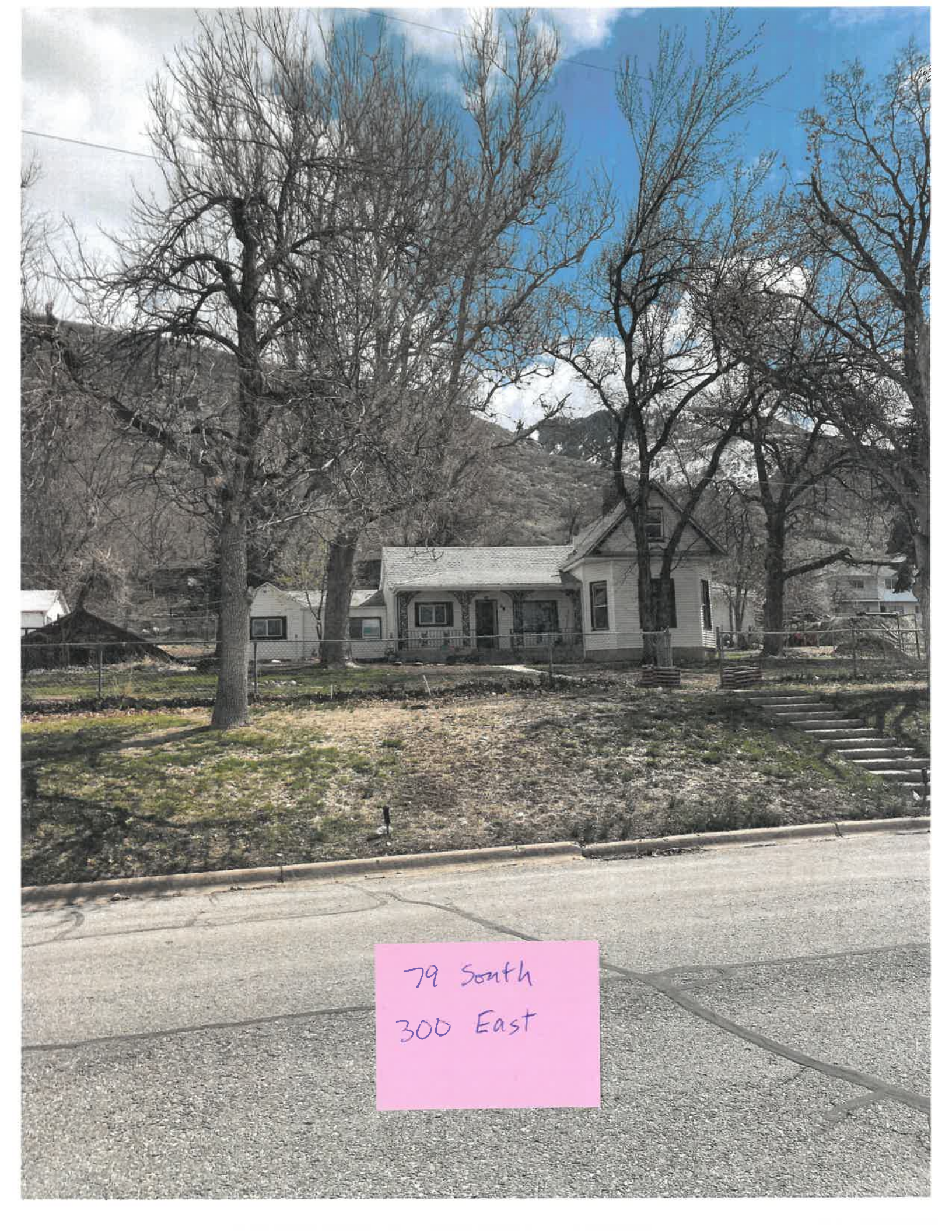




9 South
300 East



35 South
300 East



79 South
300 East







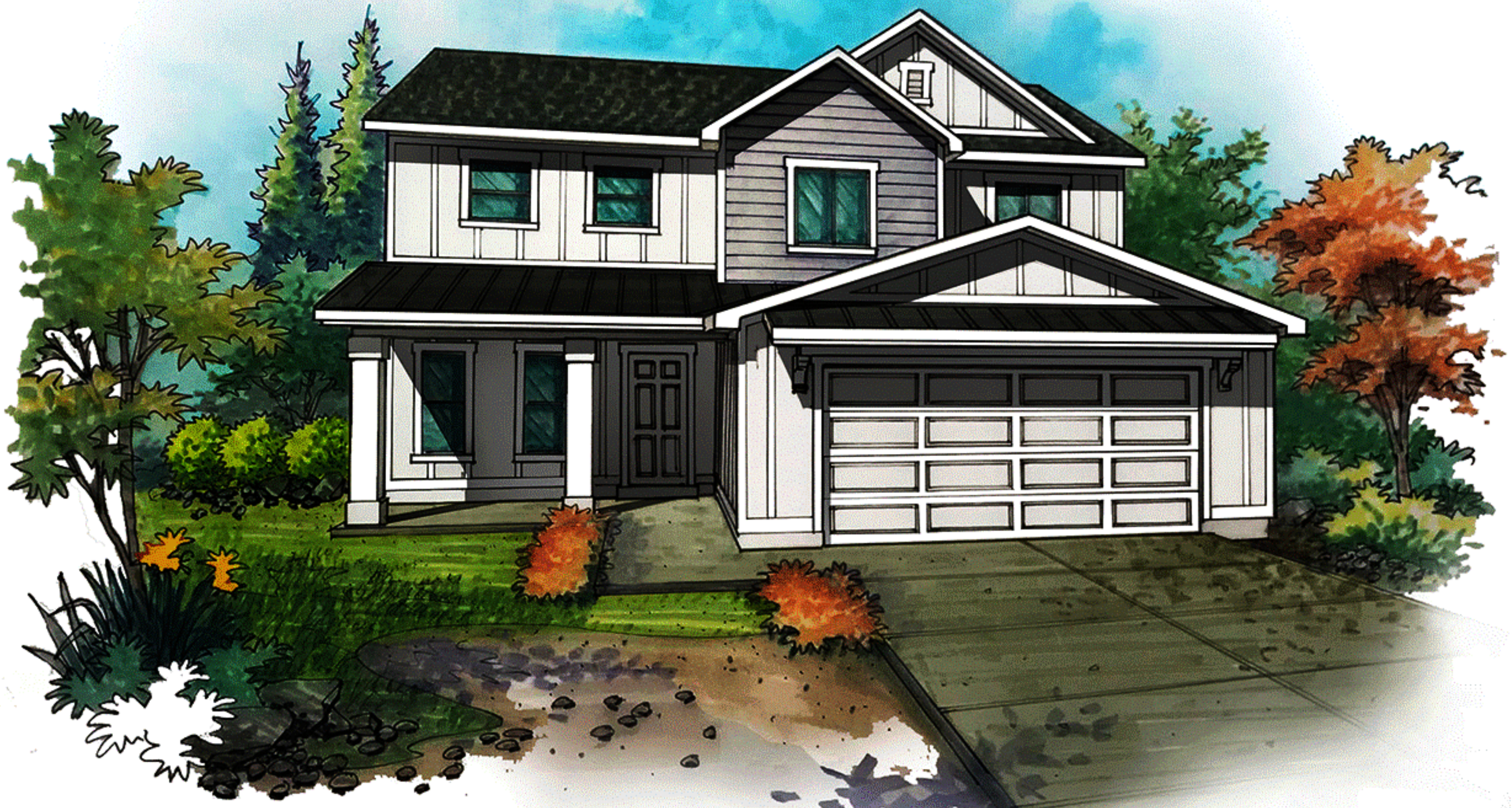
















11-17-050: ACCESSORY BUILDINGS AND STRUCTURES (INCLUDING ATTACHED OR DETACHED GARAGES):

D. Garages: All garages and any similarly related accessory buildings, whether attached or detached, shall be considered for approval as follows:

1. Under no circumstance shall any garage encroach into the front yard or any other yard, except side yards and the rear yard, of the building lot; (Ord. 2007-18, 3-6-2007)

2. Attached garages constructed even with the front setback line, or that are set back (or recessed) from the front setback less than a distance equal to half the depth of the main building shall comprise no more than thirty three percent (33%) of the front plane of the home on lots greater than eighty five feet (85') in width, and up to forty percent (40%) on lots less than eighty five feet (85') in width if for every percentage point over thirty three percent (33%) the garage is set back (or recessed) an additional one foot (1') behind the front plane of the home. (Ord. 2015-11, 3-17-2015)

3. All garages, unless otherwise provided herein, shall be considered as a permitted use.

4. Garages must be compatible and consistent with existing garages in the area. The placement of garages in the general vicinity and on adjoining properties with respect to setbacks and the position of existing garages in relation to the main buildings will be a consideration in determining site plan approval for new garages. Property owners may be asked to provide information regarding such during the building permit application review process. (Ord. 2007-18, 3-6-2007)



David Petersen <dpetersen@farmington.utah.gov>

FW: Farmington homes - Maintaining historic eligibility

1 message

seth@fremontcompanies.com <seth@fremontcompanies.com>
To: dpetersen@farmington.utah.gov

Fri, Apr 28, 2023 at 5:51 PM

Dave,

Last email for today. Below is the forwarded response from the National Register of Historic Places that I received in response to my inquiry about the various changes that would make a home no longer eligible for the historic registry.

I'm not sure how the City would like to proceed in regards to this issue. How have they handled previous similar situations? Have there even been restrictions like this place on any other homes in other projects?

Thanks,



Seth Faerber

Fremont Investments LLC

Mobile: 801-390-8483

Fax: 801-547-1526

Email:
seth@fremontcompanies.com

PO Box 755 Kaysville UT 84037

From: Cory Jensen <coryjensen@utah.gov>
Sent: Wednesday, April 26, 2023 3:41 PM

To: seth@fremontcompanies.com
Cc: Christopher Merritt <cmerritt@utah.gov>
Subject: Re: Farmington homes - Maintaining historic eligibility

Hi Seth. I can answer your questions with regard to the National Register of Historic Places and their requirements. There are many ways that a property can suffer a loss of historical integrity and not be considered eligible anymore, depending on the building and setting. However, there are some general areas that can majorly alter the historical appearance of a building and will apply in the majority of cases. These are:

- Any large out-of-period additions, particularly those that are visible from the public right-of-way. Small additions not on the primary facade may be okay if they minor in massing compared to the house.
- Inversely, removal of a historic portion of a building depending on the prominence of that portion to the overall appearance.
- New cladding/siding that covers historic siding (e.g., vinyl siding over brick, stucco over wood siding, etc.). If the new siding VERY CLOSELY matches that of the original it may not render the building ineligible.
- New or enlarged or reduced window or door openings that impact the original fenestration and appearance of the historical facade
- A change in roofing materials typically will not impact the historic integrity of a building. However, if the building has a steeply pitched roof with high visual exposure, new roofing material may impact integrity (e.g., metal roofing on a house that originally had wood or asphalt shingle roofing, etc.).
- Construction of new buildings on the site of an eligible building in most cases will not impact the integrity of the setting unless it is so large that it intrudes on historical buildings and the massing dominates the site.

Again, these are regarding National Register eligibility. Any major alterations that change the historic appearance of a property can impact its eligibility for inclusion in the Register. As with all assessments of historical integrity, any actual impacts would need to be evaluated on a case-by-case basis. Farmington City may have its own landmarks assessment guidelines and should be consulted.

Let me know if you have any further questions.

Regards,

Cory Jensen

National Register Coordinator

Utah State Historic Preservation Office

coryjensen@utah.gov



****Registration for our annual Historic Preservation Conference on 06/09/23 is open now!****

Currently, I am working 100% remotely. Email is the best way to reach me.

On Wed, Apr 26, 2023 at 12:58 PM <seth@fremontcompanies.com> wrote:

Cory,

Thank you for taking my call yesterday. It was a pleasure speaking with you. As per our conversation, I am putting in writing my request for better understanding of what types of changes to a home would cause it to no longer be eligible for the historic registry.

Farmington City is considering putting a restriction on the homes at [9 S 300 E Farmington UT](#) and [35 S 300 E Farmington](#) that would require current and future home owners to not make alterations to the home that would cause it to no longer be eligible for the historic registry.

With this in mind, I was hoping there was a basic list of those types of things that would cause a home to no longer be eligible. Primarily the city is concerned about exterior changes to the homes.

Please provide any information you can. I appreciate your help in this matter.

Thanks,



Seth Faerber

Fremont Investments LLC

Mobile: 801-390-8483

Fax: 801-547-1526

Email:
seth@fremontcompanies.com

PO Box 755 Kaysville UT 84037



Planning Commission Staff Report May 4, 2023

Item 2: Zone Text Amendments: Accessory Dwelling Units (11-10-020; 11-11-020 - 030; 11-13-020 - 030; 11-17-020 – 030; 11-28-200)

Public Hearing: Yes
Application No.: ZT-7-23
Applicant: Farmington City

Request: *City staff are proposing text amendments to the above referenced sections related to Accessory Dwelling Units.*

Background Information

An accessory dwelling unit is defined in Farmington City’s ordinance as: “A detached dwelling unit within an accessory building, which is subordinate in area and height and is an architectural and integral part of a single-family dwelling located on the same lot.” Staff has decided that since there are no revisions proposed to this definition, it is not included in Supplemental Information #2, however it is still valuable to understand the definition when considering the proposed amendments.

In 2021, the Utah State Legislature passed HB 82 requiring that Internal Accessory Dwelling Units (IADUs) be permitted in most residential zones of a municipality. Prior to this, IADUs were conditional uses requiring the approval of the Planning Commission prior to building permit issuance. In essence, conditional uses are permitted uses which the Planning Commission may impose certain conditions upon prior to approval. The State does not require conditional uses to undergo a public hearing; however, Farmington City’s ordinance does require a public hearing currently.

Mitigating conditions can include requirements regarding the manner in which the use is operated, but do not allow denial based on evidence heard in the public hearing. Since conditional uses are administrative actions, the level of discretion is limited to only what is explicitly stated in the ordinance (11-8 of Farmington’s ordinances). Therefore, if the use meets all applicable requirements of the code, the Commission must approve the use.

Since the passage of HB 82, no changes have been made to the law concerning detached ADUs, which have remained as an allowed conditional uses in the majority of Farmington City’s zoning districts. At the March 23, 2023 Planning Commission meeting, staff put together a table showing all

conditional use permits related to IADUs or ADUs since 2019. Three of 18 ADUs reviewed in the past 4 years had additional conditions listed by the Planning Commission. The remainder were approved with only what was required by the ordinance at the time of approval.

Staff is recommending that ADUs be permitted in all zones in which they were previously conditional. Instead of the Planning Commission reviewing all ADUs, Staff would act as the approval body on building permits containing ADUs based on more robust standards. Additionally, this recommendation does not introduce ADUs as permitted or conditional uses to any zones they were not previously included already. The recommendation specifies that ADUs and IADUs will continue to be required to meet the criteria in 11-28-200.

The Planning Commission reviewed recommended zone text changes on March 23, 2023. The Commission tabled the item in order for Staff to complete a review of the following items:

- Compare and contrast the recommend zone text amendments to the existing ordinances of similar cities' ADU requirements.
- Consider standards that the existing Farmington ordinance does not include for ADUs.
- Review options for a “hybrid” structure, wherein the Zoning Administrator approves most ADUs, but in certain circumstances, the Planning Commission may act as the approval body.

After considering the above goals, revised ordinance amendments were added to the text. The following is a summation of the results corresponding to each point:

- Comparing similar ordinances from other municipalities was limited to only those cities which have already permitted ADUs. The majority of the additions are pulled from North Salt Lake City's ADU ordinance. Salt Lake City also permits accessory dwelling units, but due to the size and population of that municipality, it is difficult to compare as there is much more flexibility regarding standards due to ADU saturation in that community.
- Several standards are added to this revision of the zone text amendment, mostly in 11-28-200:
 - Although already required by underlying zones, additional verbiage was added for lot coverage requirements.
 - An expansion of the ownership definition.
 - Adding specific requirements for address assignment
 - Specifying that an ADU is not intended for sale
 - Accessory Dwelling Unit Permit and a corresponding process
- Finally, it is recommended that a “hybrid” option be added to 11-28-200. In Section F, the proposed amendment opens up a special exception review for ADUs which do not meet standards regarding ADU size, lot coverage, minimum parking, setbacks, and/or building height. The special exception option is not applicable to ownership, number of ADUs or building codes, occupants, lot size minimums, location, or any other not otherwise stated standard. The process for the special exception option will follow 11-3-045.

Suggested Motion

Move that the Planning Commission recommend the City Council approve the zone text amendments as listed in Supplemental Information #2. Subject to all applicable Farmington City development standards and ordinances, and any changes as noted by the Commission.

Findings:

1. The amendments support Farmington City's Moderate Income Housing Plan, by simplifying the permitting process for property owners who wish to build an ADU.
2. By allowing Staff to review and approved ADUs, valuable time on Planning Commission agendas is created.
3. The changes included in this zone text amendment remove public confusion surrounding ADUs and public hearings.

Supplemental Information

1. Recommended zone text changes. March 23, 2023
2. Revised zone text changes, May 4, 2023

11-10-020: SCHEDULE OF USES:

The following table identifies permitted uses by the letter "P" and conditional uses by the letter "C". The letter "X" indicates that the use is not allowed. Uses not listed shall not be allowed, except as provided in subsection [11-4-050F](#) of this title:

Use	Agricultural Zones		
	AA	A	AE
Use	Agricultural Zones		
	AA	A	AE
Accessory dwelling unit	<u>PC</u>	<u>PC</u>	<u>PC</u>

11-11-020: PERMITTED USES:

The following are permitted uses in all single-family residential zones. No other permitted uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Accessory dwelling unit

Agriculture.

Class A animals.

Class B animals (except in the R Zone).

Home occupations complying with the home occupation chapter of this title, except as specified in section [11-11-030](#) of this chapter.

Internal accessory dwelling unit.

Residential facilities for the disabled.

Signs complying with title 15 of this Code.

Single-family residential dwellings.

Uses customarily accessory to a listed permitted use. (Ord. 2017-13, 5-16-2017; amd. Ord. 2021-25, 9-21-2021)

11-11-030: CONDITIONAL USES:

The following are conditional uses in all single-family residential zones. No other conditional uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Accessory dwelling unit.

Home occupations as identified in section [11-35-040](#) of this title.

Private school or hospital.

Public uses.

Public utility installations (except lines and rights-of-way).

Quasi-public uses.

Residential facilities for the elderly. (Ord. 2017-13, 5-16-2017; amd. Ord. 2020-07, 5-5-2020; Ord. 2021-25, 9-21-2021)

11-13-020: PERMITTED USES:

The following are permitted uses in multiple-family residential zones. No other permitted uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Accessory dwelling units (only in the R-2 Zone)

Agriculture.

Class A animals.

Home occupations complying with the home occupation chapter of this title, except as specified in section [11-13-030](#) of this chapter.

Internal accessory dwelling units (only in the R-2 Zone).

Residential facilities for the disabled.

Signs complying with title 15 of this Code.

Single-family dwellings.

Two-family dwellings.

Uses customarily accessory to a listed permitted use. (Ord. 2018-18, 5-15-2018; amd. Ord. 2020-07, 5-5-2020; Ord. 2021-25, 9-21-2021)

11-13-030: CONDITIONAL USES:

The following are conditional uses in multiple-family residential zones. No other conditional uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Accessory dwelling units (only in the R-2 Zone).

Apartment dwelling group.

Class B animals.

Class D animals.

Daycare center.

Dwellings, five- to eight-family in R-8 Zone only (may exceed density standard established by section [11-13-040](#) of this chapter as approved by the Planning Commission up to a maximum density of 15 dwelling units per acre).

Dwellings, four-family (R-4 and R-8 Zones only).

Dwellings, three-family (R-4 and R-8 Zones only).
Greenhouses, private with no retail sales.
Home occupations, as identified in section [11-35-040](#) of this title.
Private school or hospital.
Professional offices (except in R-2 Zones).
Public uses.
Public utility installations (except lines and rights-of-way).
Quasi-public uses.
Residential facilities for the elderly.
Temporary uses. (Ord. 2018-18, 5-15-2018; amd. Ord. 2021-25, 9-21-2021)

11-17-020: PERMITTED USES:

The following are permitted uses in the OTR Zone. No other permitted uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

~~Accessory dwelling unit.~~

Agriculture.
Class A animals.
Class B animals (as provided herein).
Home occupations complying with the provisions of section [11-35-030](#) of this title.
Internal accessory dwelling unit.
Residential facility for the disabled.
Single-family dwellings. (Ord. 2017-13, 5-16-2017; amd. Ord. 2021-25, 9-21-2021)

11-17-030: CONDITIONAL USES:

The following are conditional uses in the OTR Zone. No other conditional uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

~~Accessory dwelling unit.~~

Class D animals.
Daycare center.
Greenhouses, private with no retail sales.
Home occupations requiring a conditional use permit under section [11-35-040](#) of this title.

Private school.

Public uses (as provided herein).

Public utility installations, except lines and rights-of-way (as provided herein).

Quasi-public uses (as provided herein).

Residential facilities for the elderly. (Ord. 2017-13, 5-16-2017; amd. Ord. 2021-25, 9-21-2021)

11-28-200: ACCESSORY DWELLING UNITS AND INTERNAL ACCESSORY DWELLING UNITS:

Accessory dwelling units (ADUs) and internal accessory dwelling units (IADUs) may be allowed as a permitted or conditional use in various zones as designated in this title.

A. Purpose: The purposes of this section and any rules, regulations, standards and specifications adopted pursuant hereto are:

1. Minimal Impacts: To accommodate such housing in residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion and compatible scale and appearance of residential buildings.

2. Decline In Quality: To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, Building Code violations and associated decline in quality of residential neighborhoods.

3. Terms And Conditions: To set forth standardized terms and conditions for ADUs and IADUs and procedures for review and approval of the same.

B. Permitted Use: [ADUs and](#) IADUs may be allowed as a permitted use as designated by the underlying zone(s) found in this title. Applications for an [ADU or](#) IADU shall be submitted and reviewed by the Planning Department.

C. Conditional Use Permit: [IADUs](#) may be allowed as a conditional use as designated by the underlying zone(s) found in this title. Applications for an accessory dwelling shall be submitted and reviewed as a conditional use permit in accordance with chapter 8 of this title.

D. Standards: The following standards and conditions shall apply to all ADUs and IADUs, in addition to any terms and conditions of approval as imposed by the Planning Department or the Planning Commission during the permitted use or conditional use permit process:

1. Location: An ADU or an IADU shall only be allowed as part of, or in conjunction with, a single-family dwelling, and ADUs shall be subordinate in height and area to such single-family dwelling.

2. Number: A maximum of one accessory dwelling, either an ADU or an IADU shall be allowed per single-family home, not one of each. ADUs and/or IADUs shall contain no more than one dwelling unit.

3. Parking: At least one off street parking stall shall be provided for the ADU or IADU. Such parking stall be in addition to all off street parking requirements for the primary single-family dwelling on the lot and shall conform with the City parking standards specified in this title.

4. Design And Character: The ADU or IADU shall be clearly incidental to the single-family dwelling, there should be no significant alteration to the exterior of the single-family dwelling to accommodate the ADU or IADU and such ADU or IADU shall not adversely affect the residential character of the surrounding neighborhood. An ADU or IADU shall be designed in such a way that neighbors or passersby would not, under normal circumstances, be aware of its existence.

5. Size: An ADU or IADU shall be equal to or subordinate in floor area to, or the remaining floor area, occupied by the single-family dwelling.

6. Lot Size: The creation of an ADU or IADU is prohibited if the lot containing the primary dwelling is six thousand (6,000) square feet or less in size.

7. Construction Codes: The ADU or IADU shall comply with all Construction, Housing and Building Codes in effect at the time the secondary dwelling is constructed and shall comply with all procedures and requirements of the City building regulations.

8. Occupants: The ADU or IADU shall be occupied exclusively by one family.

9. Ownership: Either the single-family dwelling or accessory dwelling (ADU or IADU) shall be owner occupied.

10. Absentee Owner: Temporary absentee property ownership may be allowed due to unforeseen circumstances, such as military assignments, employment commitments, family obligations and quasi-public service. Notwithstanding the foregoing, the maximum time period allowed for absentee property ownership shall not exceed four (4) years. In the event such absentee property ownership occurs, the property owner may rent both the accessory dwelling (ADU or IADU) and the primary dwelling.

[11. Site Development: Construction and Design of an ADU or IADU shall meet all applicable provisions of Chapter 7 of this title.](#)

124. Notice Of ADU Or IADU: Farmington City may record a notice in the office of the Davis County Recorder on the lot in which the ADU or IADU is located. The notice shall include:

- a. A statement that the lot contains an ADU or an IADU; and
- b. A statement that the ADU or IADU may only be used in accordance with the City's regulations.

The City shall, upon recording the notice deliver a copy of the notice to the owner of the ADU or IADU.

~~[E. Site Development: Upon approval of a permitted use, or a conditional use permit for an accessory dwelling \(ADU or IADU\), an application for site development shall be submitted in accordance with the provisions of chapter 7 of this title. \(Ord. 2018-18, 5-15-2018; amd. Ord. 2020-07, 5-5-2020; Ord. 2021-25, 9-21-2021\)](#)~~

11-10-020: SCHEDULE OF USES:

The following table identifies permitted uses by the letter "P" and conditional uses by the letter "C". The letter "X" indicates that the use is not allowed. Uses not listed shall not be allowed, except as provided in subsection [11-4-050F](#) of this title:

Use	Agricultural Zones		
	AA	A	AE
Use	Agricultural Zones		
	AA	A	AE
Accessory dwelling unit	<u>PC</u>	<u>PC</u>	<u>PC</u>

11-11-020: PERMITTED USES:

The following are permitted uses in all single-family residential zones. No other permitted uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Accessory dwelling unit

Agriculture.

Class A animals.

Class B animals (except in the R Zone).

Home occupations complying with the home occupation chapter of this title, except as specified in section [11-11-030](#) of this chapter.

Internal accessory dwelling unit.

Residential facilities for the disabled.

Signs complying with title 15 of this Code.

Single-family residential dwellings.

Uses customarily accessory to a listed permitted use. (Ord. 2017-13, 5-16-2017; amd. Ord. 2021-25, 9-21-2021)

11-11-030: CONDITIONAL USES:

The following are conditional uses in all single-family residential zones. No other conditional uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Accessory dwelling unit.

Home occupations as identified in section [11-35-040](#) of this title.

Private school or hospital.

Public uses.

Public utility installations (except lines and rights-of-way).

Quasi-public uses.

Residential facilities for the elderly. (Ord. 2017-13, 5-16-2017; amd. Ord. 2020-07, 5-5-2020; Ord. 2021-25, 9-21-2021)

11-13-020: PERMITTED USES:

The following are permitted uses in multiple-family residential zones. No other permitted uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Accessory dwelling units (only in the R-2 Zone)

Agriculture.

Class A animals.

Home occupations complying with the home occupation chapter of this title, except as specified in section [11-13-030](#) of this chapter.

Internal accessory dwelling units (only in the R-2 Zone).

Residential facilities for the disabled.

Signs complying with title 15 of this Code.

Single-family dwellings.

Two-family dwellings.

Uses customarily accessory to a listed permitted use. (Ord. 2018-18, 5-15-2018; amd. Ord. 2020-07, 5-5-2020; Ord. 2021-25, 9-21-2021)

11-13-030: CONDITIONAL USES:

The following are conditional uses in multiple-family residential zones. No other conditional uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Accessory dwelling units (only in the R-2 Zone).

Apartment dwelling group.

Class B animals.

Class D animals.

Daycare center.

Dwellings, five- to eight-family in R-8 Zone only (may exceed density standard established by section [11-13-040](#) of this chapter as approved by the Planning Commission up to a maximum density of 15 dwelling units per acre).

Dwellings, four-family (R-4 and R-8 Zones only).

Dwellings, three-family (R-4 and R-8 Zones only).
Greenhouses, private with no retail sales.
Home occupations, as identified in section [11-35-040](#) of this title.
Private school or hospital.
Professional offices (except in R-2 Zones).
Public uses.
Public utility installations (except lines and rights-of-way).
Quasi-public uses.
Residential facilities for the elderly.
Temporary uses. (Ord. 2018-18, 5-15-2018; amd. Ord. 2021-25, 9-21-2021)

11-17-020: PERMITTED USES:

The following are permitted uses in the OTR Zone. No other permitted uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

~~Accessory dwelling unit.~~

Agriculture.
Class A animals.
Class B animals (as provided herein).
Home occupations complying with the provisions of section [11-35-030](#) of this title.
Internal accessory dwelling unit.
Residential facility for the disabled.
Single-family dwellings. (Ord. 2017-13, 5-16-2017; amd. Ord. 2021-25, 9-21-2021)

11-17-030: CONDITIONAL USES:

The following are conditional uses in the OTR Zone. No other conditional uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

~~Accessory dwelling unit.~~

Class D animals.
Daycare center.
Greenhouses, private with no retail sales.
Home occupations requiring a conditional use permit under section [11-35-040](#) of this title.

Private school.

Public uses (as provided herein).

Public utility installations, except lines and rights-of-way (as provided herein).

Quasi-public uses (as provided herein).

Residential facilities for the elderly. (Ord. 2017-13, 5-16-2017; amd. Ord. 2021-25, 9-21-2021)

11-28-200: ACCESSORY DWELLING UNITS AND INTERNAL ACCESSORY DWELLING UNITS:

Accessory dwelling units (ADUs) and internal accessory dwelling units (IADUs) may be allowed as a permitted or conditional use in various zones as designated in this title.

A. Purpose: The purposes of this section and any rules, regulations, standards and specifications adopted pursuant hereto are:

1. Minimal Impacts: To accommodate such housing in residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion and compatible scale and appearance of residential buildings.

2. Decline In Quality: To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, Building Code violations and associated decline in quality of residential neighborhoods.

3. Terms And Conditions: To set forth standardized terms and conditions for ADUs and IADUs and procedures for review and approval of the same.

B. Permitted Use: ADUs and IADUs may be allowed as a permitted use as designated by the underlying zone(s) found in this title. Applications for an ADU or IADU shall be submitted and reviewed by the Planning Department.

C. Conditional Use Permit: IADUs may be allowed as a conditional use as designated by the underlying zone(s) found in this title. When required by the underlying zone, Applications for an accessory dwelling shall be submitted and reviewed as a conditional use permit in accordance with chapter 8 of this title.

D. Standards: The following standards and conditions shall apply to all ADUs and IADUs, in addition to any terms and conditions of approval as imposed by the Planning Department or the Planning Commission during the permitted use or conditional use permit process:

1. Location: An ADU or an IADU shall only be allowed as part of, or in conjunction with, a single-family dwelling, and ADUs shall be subordinate in height and area to such single-family dwelling.

2. Number: A maximum of one accessory dwelling, either an ADU or an IADU shall be allowed per single-family home, not one of each. ADUs and/or IADUs shall contain no more than one dwelling unit.

3. Parking: At least one off street parking stall shall be provided for the ADU or IADU. Such parking stall be in addition to all off street parking requirements for the primary single-family dwelling on the lot and shall conform with the City parking standards specified in this title.

4. Design And Character: The ADU or IADU shall be clearly incidental to the single-family dwelling, there should be no significant alteration to the exterior of the single-family dwelling to accommodate the ADU or IADU and such ADU or IADU shall not adversely affect the residential character of the surrounding neighborhood. An ADU or IADU shall be designed in such a way that neighbors or passersby would not, under normal circumstances, be aware of its existence.

5. Size: An ADU or IADU shall be equal to or subordinate in floor area to, or the remaining floor area, occupied by the single-family dwelling.

6. Lot Size: The creation of an ADU or IADU is prohibited if the lot containing the primary dwelling is six thousand (6,000) square feet or less in size.

7. Lot Coverage: The combined building coverage for the detached accessory dwelling units, main dwelling and additional accessory buildings may not be larger than the maximum coverage allowed in the zone for lots, side yards and/or rear yards, and/or side corner yards as permitted by the underlying zone.

~~8.7-~~ Construction Codes: The ADU or IADU shall comply with all Construction, Housing and Building Codes in effect at the time the secondary dwelling is constructed and shall comply with all procedures and requirements of the City building regulations.

~~9.8.~~ Occupants: The ADU or IADU shall be occupied exclusively by one family.

~~10.9-~~ Ownership: Either the single-family dwelling or accessory dwelling (ADU or IADU) shall be owner occupied: No accessory dwelling unit shall be created, established, or occupied in a single-family dwelling unless the owner of the property occupies either a portion of the main dwelling or a detached accessory unit on the same single-family lot. For the purpose of this section, the term "owner occupied" shall be defined as full time residency within the home by the bona fide property owner(s) as shown on the Davis County tax assessment rolls.

~~11.40-~~ Absentee Owner: Temporary absentee property ownership may be allowed due to unforeseen circumstances, such as military assignments, employment commitments, family obligations and quasi-public service. Notwithstanding the foregoing, the maximum time period allowed for absentee property ownership shall not exceed four (4) years. In the event such absentee property ownership occurs, the property owner may rent both the accessory dwelling (ADU or IADU) and the primary dwelling.

12. Address: The principal dwelling unit and the accessory dwelling unit shall have the same address number, but shall refer to the accessory dwelling unit as unit B. Addresses must be located in a visible location on the street frontage side of the home.

13. Not Intended For Sale: The accessory dwelling unit shall not be sold or detached from the primary dwelling by deed, or any other means, and shall only be rented.

14.14. Site Development: Construction and Design of an ADU or IADU shall meet all applicable provisions of Chapter 7 of this title.

~~15.424.~~ Notice Of ADU Or IADU: Farmington City may record a notice in the office of the Davis County Recorder on the lot in which the ADU or IADU is located. The notice shall include:

- a. A statement that the lot contains an ADU or an IADU; and

b. A statement that the ADU or IADU may only be used in accordance with the City's regulations.

The City shall, upon recording the notice deliver a copy of the notice to the owner of the ADU or IADU.

~~E. Site Development: Upon approval of a permitted use, or a conditional use permit for an accessory dwelling (ADU or IADU), an application for site development shall be submitted in accordance with the provisions of chapter 7 of this title. (Ord. 2018-18, 5-15-2018; amd. Ord. 2020-07, 5-5-2020; Ord. 2021-25, 9-21-2021)~~

E. Accessory Dwelling Unit Permit – IADUs and ADUs: Any person owning an existing accessory dwelling unit that has not previously been permitted by the City, or any person constructing or causing the construction of a residence that has an accessory dwelling unit, or any person remodeling or causing the remodeling of a residence for an accessory dwelling unit, shall obtain a land use permit for the accessory dwelling unit from the Community Development Department. This shall be in addition to any required building permit for the work to be performed. In order to meet the requirements of the land use permit, the applicant shall:

1. Submit a completed application form including a site plan that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

2. Include detailed floor plans with labels on rooms indicating uses or proposed uses.

3. Pay building permit fees, if applicable, for the construction of a new dwelling, or the remodeling of an existing dwelling, in accordance with the established fees and charges.

4. Make all corrections identified as necessary to comply with Building Code requirements, as identified by the chief building official or their designee, and provide documentation of the life safety items required by Building Code, including carbon monoxide detectors, smoke detectors, and earthquake strapping on water heaters, and

5. Demonstrate and affirm that their property is otherwise in compliance with all other provisions of the zoning ordinance.

F. Exceptions To Standards: The Planning Commission may consider and may issue a special exception according to the process outlined in 11-3-045 for ADUs which modify the requirements for an ADU with respect to ADU size, lot coverage, minimum parking, or setbacks. Standards which are not identified in the following subsections are not applicable, and will not be considered for special exception, unless otherwise stated in the underlying zone.

1. In approving a special exception the Planning Commission may require additional conditions to mitigate the impact of the ADU on surrounding properties. Specifically the Planning Commission may require:

- a. Size: For ADUs that exceed the area of the primary dwelling: increased setbacks, privacy fencing, limitation on windows and doors adjacent to abutting property lines, and additional parking.

- b. Lot Coverage: For ADUs that exceed the maximum lot coverage for accessory structures as allowed by the underlying zone, increased setbacks, privacy fencing, limitation on windows and doors adjacent to abutting property lines, and additional parking.
- c. Height: For ADUs that exceed the height of the main dwelling, and/or accessory building height as required by the underlying zone, a special exception may be granted according to 11-3-045 of this Title.
- d. Parking: For ADUs with reduced or no additional parking: restrictions on occupancy to tenants without vehicles.
- e. Setbacks: For ADUs with reduced setbacks: privacy fencing and limitation on windows and doors adjacent to abutting property lines.



Planning Commission Staff Report May 4, 2023

Item 3: Zone Text Amendments - Accessory Buildings/Garages in Side Corner Yards in the OTR Zone (11-17-050 A. and D. 1)

Public Hearing: Yes
Application No.: ZT-8-23
Applicant: Farmington City

Request: *Recommend the proposed text amendments to the City Council to clearly allow garages in side-corner yards, but not required side corner yards, in the OTR zone.*

Background Information

With regard to corner lots, Section 11-2-020 of the Zoning Ordinance defines a “Side Corner Yard” and a “Required Side Corner Yard” as follows:

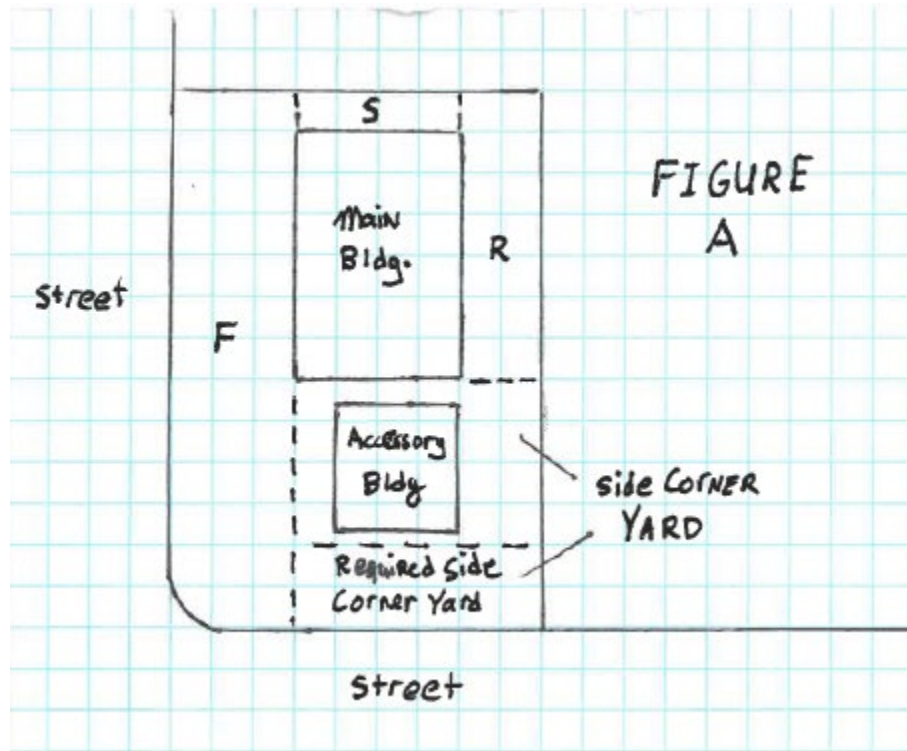
YARD, SIDE CORNER: Any yard between the other front lot line that is not used to designate the front of the main building and the setback of a main building and extending between the rear lot line and the front setback parallel to the street.

[Note: a “Front Yard” is “Any yard between the front lot line and the front setback line of a main building and for inside lots extending between side lot lines, or for side corner lots extending between a side lot line and the other front lot line that is not used to designate the front of the structure, parallel to the frontage of the lot. . .”]

YARD, REQUIRED SIDE CORNER: Any yard between the other front lot line that is not used to designate the front of the main building and the minimum side corner setback of a main building required in a particular zone extending between the rear lot line and the front yard parallel to the street.

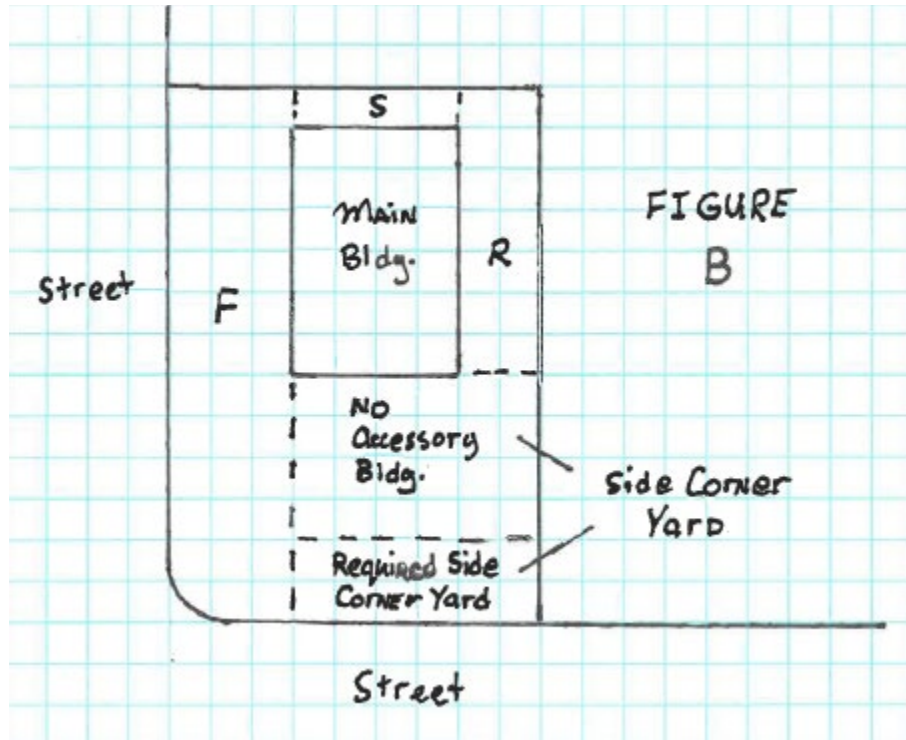
In other words, even though the width of a “required side corner yard” in the OTR zone is 20 feet, a “side corner yard” width may be much larger depending on the location of the main building on the lot. Section 11-17-050 A. allows one to construct an accessory building in the OTR zone, which includes garages, in the “side corner yard” but not the “required side corner yard”. See *italicized/bold* phrase at the end of the paragraph below:

- A. Location: Accessory buildings, except for those listed in subsection B of this section, may be located within one foot (1') of the side or rear property line, provided they are at least six feet (6') to the rear of the dwelling, do not encroach on any recorded easements, occupy not more than twenty five percent (25%) of the rear yard, are located at least fifteen feet (15') from any dwelling on an adjacent lot, and accessory buildings shall, without exception, be subordinate in height and area to the main building **and shall not encroach into the front yard and required side corner yard.** [See Figure A below]



Meanwhile, except for side and rear yards, subparagraph D.1. of the same section prevents one from building a garage, or “similarly related accessory building”, in the front yard “or any other yard,” which includes side corner and required side corner yards:

- D. Garages: All garages and any similarly related accessory buildings, whether attached or detached, shall be considered for approval as follows:
1. Under no circumstance shall any garage encroach into the front yard or any other yard, except side yards and the rear yard, of the building lot; [See Figure B below]



Suggested Motion

Move that the Planning Commission recommend that the City Council amend Section 11-17-050 D.1. of the Zoning Ordinance as follows:

- D. Garages: All garages and any similarly related accessory buildings, whether attached or detached, shall be considered for approval as follows:
1. Under no circumstance shall any garage encroach into the front yard **or required side corner yard** ~~or any other yard~~, except side yards and the rear yard, of the building lot;

Findings:

1. The zone text amendment will result in consistent application of garage and accessory building location standards in side corner yard and required side corner yards in the OTR zone.
2. Property owners with overly sized side corner yards in the OTR zone will enjoy greater use of their property.

**FARMINGTON CITY
PLANNING COMMISSION**

April 20, 2023

WORK SESSION

Present: Chair Erin Christensen; Vice Chair John David Mortensen; Commissioners Larry Steinhorst, Frank Adams, Samuel Barlow, Tyler Turner, and Mike Plaizier. **Staff:** Community Development Director David Petersen and City Planner/GIS Specialist Shannon Hansell. **Excused:** Planning Secretary Carly Rowe and Community Development Director/City Planner Lyle Gibson.

REGULAR SESSION

Present: Chair Erin Christensen; Vice Chair John David Mortensen; Commissioners Larry Steinhorst, Frank Adams, Samuel Barlow, Tyler Turner, and Mike Plaizier. **Staff:** Community Development Director David Petersen and City Planner/GIS Specialist Shannon Hansell. **Excused:** Planning Secretary Carly Rowe and Community Development Director/City Planner Lyle Gibson.

Chair **Erin Christensen** opened the meeting at 7:04 PM.

CONDITIONAL USE PERMIT APPLICATION – *public hearing*

Item #1 - Lyndi Daly/Tiny Town Preschool – Applicant is requesting conditional use permit approval for a preschool to operate out of the home, with more than the allowed number of kids per session, located at 1951 Buffalo Circle, in the AA (Agricultural Very Low Density) zone. (C-5-23)

City Planner/GIS Specialist **Shannon Hansell** presented this agenda item. The applicant already has a home occupation/preschool business license for Tiny Town Preschool that was issued in 2018. However, during the most recent renewal cycle, it came to the attention of the business license official that there was no Conditional Use Permit (CUP) issued to establish the number of students per class. The applicant currently has 10 students.

The applicant must receive approval for a Conditional Use Permit to allow the home occupation/business license for the preschool, because she is requesting a student count as per the section of the Zoning Ordinance referenced below:

Section **11-35-040** of the Zoning Ordinance, which regulates home occupations states:

A. *Permitted Conditional Uses: The following home occupations may be allowed only upon approval of a conditional use application by the Planning Commission and issuance of a conditional use permit: (Ord. 2010-21, 5-18-2010)*

1. *Uses in which over eight (8) but not more than sixteen (16) individuals (including any natural, adopted or foster members of the operator's household) are cared for or receive instruction in the home at any one time. Such uses may include dance instruction, aerobics classes, music lessons, **preschools**, child daycare, crafts classes and other similar uses. For all such uses, the Farmington City building official and Fire Marshal shall inspect the facilities to ensure compliance with the requirements of the International Building Code. (Ord. 2015-16, 5-26-2015; amd. 2016 Code)*

Preschool and child daycare uses shall submit documentation within thirty (30) days of approval that all Utah State Department of Social Services requirements have been met. The entire yard, or minimum outside area required by the State Social Services, shall be fenced.

Applicant **Greg Daly** (1951 W. Buffalo Circle, Farmington, Utah) addressed the Commission via Zoom, saying his wife teaches preschool out of their home for a lot of the neighborhood kids. She has been doing this for four years, and they just found out when she was getting her business license renewed that there is a limit of eight kids. They are asking for a CUP to have two extra kids in the class. They have never had any issues with the neighbors. She holds classes in the middle of the day when all the elementary, junior high, and high school students are at school.

Vice Chair **John David Mortensen** said the state allows up to 16, and he asked if there were any plans to go above 10. It may make sense to put the limit at 16 so they don't have to come back again. **Daly** said 14-16 would be more than enough, as his wife usually teaches alone.

Christensen asked about traffic flow during drop-off and pick-up. **Daly** said they built a circle driveway to handle traffic. They built their house so the northwest side would be dedicated to the preschool with its own entry and traffic area. They haven't had any

complaints or issues from the neighbors. Increasing traffic by a couple cars would not hurt the situation. When the preschool holds programs, **Daly** lets people park in the circle driveway or his long personal driveway. Only a few cars have ever parked on the road.

Christensen said there will be an inspection required, and they will have to report on some state standards. She noticed there is a pool and it may need to be fenced off. **Daly** said the kids don't go outside, and the pool is fully fenced off with locks.

Erin Christensen opened and closed the Public Hearing at 7:11 PM due to no comments received.

MOTION

Tyler Turner made a motion that the Planning Commission approve the conditional use subject to all applicable Farmington City ordinances and development standards and the following conditions 1-3:

1. The preschool cannot have more than 16 students per class session.
2. A fire inspection must be completed by the City's Fire Marshal within 30 days of approval.
3. Required documentation to be given to the Business License Official, from the State of Utah including the Department of Commerce business name registration and Department of Social Services requirements outlined above within 30 days of approval.

Findings 1-4:

1. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
2. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
3. 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.
4. The proposed use has proven itself not to be detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.

Samuel Barlow seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye _____ Nay
Vice Chair John David Mortensen	X Aye _____ Nay
Commissioner Frank Adams	X Aye _____ Nay
Commissioner Samuel Barlow	X Aye _____ Nay
Commissioner Tyler Turner	X Aye _____ Nay
Commissioner Mike Plaizier	X Aye _____ Nay
Commissioner Larry Steinhorst	X Aye _____ Nay

SUBDIVISION APPLICATION – public hearing

Item #2 - Paul and Rebecca Hatch and Elise Gubler-Tillett – Applicant(s) are requesting a recommendation for Preliminary Planned Unit Development (PUD) Master Plan and Schematic Subdivision approval for the proposed Cottrell Hills PUD subdivision, located at approx. 20 S. 300 East in the OTR (Original Townsite Residential) zone. (S-3-23)

Community Development Director **David Petersen** presented this agenda item. The subject property (2.15 acres or 94,961 square feet) consists of three homes on four lots, or an average of approximately 23,740 square feet per lot. The site is zoned OTR, which requires a minimum base lot size 10,000 square feet. It is in the southeast corner of 300 East and State Street. There are primarily four lots right now with three existing homes and one lot in Sunset Hills Phase 2.

As per Chapter 17 of the Zoning Ordinance, it may be possible for one to create an eight-lot subdivision, or four additional lots. However, in order to do so, one must remove some or all of the existing dwellings, which includes homes constructed in 1895, 1947, and 1954 as noted on State Historic Preservation Office (SHPO) Historic Utah Building map—two of which are eligible for the National Register. One home is considered a non-contributing home at this time. To get eight lots, the applicant would have to build a street to City standards. To install a 56-foot Right of Way (ROW) with a 7.5 foot park strip, they would have to demolish the southerly home as well as the one in the corner due to setbacks. However, they don't want to do that.

They instead want to make this a PUD in order to preserve all three homes and create three additional lots, or a total of seven lots (not eight lots). However, in his effort to create as little disruption as possible (i.e. limit the amount of hard surfaced streets), the applicant is requesting two "land-locked" lots serviced by a private drive. Meanwhile, building lots must front a public street as required by ordinance. This deviation from the standard may be accomplished through the PUD process, but at the sole discretion of the City (as a legislative act). "Every planned unit development shall provide usable common open space, accessible to all lots or units, of not less than ten percent (10%) of the net area (gross area less constrained or sensitive lands), in single-family planned unit developments. . . ." [Section 11-27-120 G 1. of Chapter 27 of the Zoning Ordinance (the PUD chapter)]. Nevertheless, sub-paragraph 2 of the same section allows historic preservation as an alternative to open space.

Petersen said normally two landlocked lots cannot be approved without frontage on a public street. However, they want to preserve the ambiance of the neighborhood as well as historic homes. The trees are quite impressive there, and Staff would hope those are preserved. A sidewalk may disrupt the trees, so it may not make sense.

Sutton Faerber (598 N. Hill Farms Lane, Kaysville, Utah) addressed the Commission representing **Paul and Rebecca Hatch** and **Elise Gubler-Tillett**. The proposal is to approve three more lots to build three new homes on this property. Lot 1 is a mostly-improved lot already. **Gubler** lives in the home at 35 South. Although the home at 79 South does not qualify for the National Register, they are not planning to demolish it. **Petersen** said that home is not eligible for the National Register because someone put vinyl siding on it. It may be possible to make it eligible in the future. **Faerber** said the lot at 79 South will likely be sold in the future. He would like to enter into an agreement not to tear the other two down, not necessarily to get them on the National Register. The two homeowner/applicants currently live in those two homes. The **Hatches** (**Faerber's** aunt and uncle) want to build and occupy a new home, and have their daughter live in their former home.

Christensen asked about elevations for the new homes. **Faerber** said they haven't chosen the floor plans yet, but the elevations can be provided in the future. He owns a construction company and will likely be building the new homes. Rather than go through the challenges that come with a Homeowner's Association (HOA), he wants an owner's agreement for property maintenance. **Petersen** said this must be entered into before property is sold off.

Christensen said there was discussion in the previous work session about preserving the natural trees. **Faerber** said there is no intention to take trees down along 300 East, with the exception with any that would be in the middle of the proposed private lane. There are two large trees that may have to come down in the middle of the property. They will err on the side of keeping trees. The applicant will be cleaning up the property in general while preserving the look and feel of the neighborhood.

Erin Christensen opened the Public Hearing at 7:29 PM.

Michael Lauterbach (46 S. 300 East, Farmington, Utah) lives across the street and is concerned about notice for shutting off utilities during the construction phase. He would like proper notice. He may be gone during the summer but wants to know if utilities are off. He also wants to know what the plans are for snow removal, as it is uphill from other houses.

Camille Marx (305 E. State Street, Farmington, Utah) lives across the street north of **Hatch's** existing home. She lives on a flag lot, which is a horrible thing as it is not maintained by adjacent landowners. She has had nothing but a bad experience with their own flag lot. The sewer system is difficult because of the roots from all the trees. Someone has to clean out the drains constantly. She wants to know where the new sewer connections will be linked in, and if there is capacity. She would like a survey to answer these questions and to not have the sewer system overloaded. Flag lots are not easy for delivery drivers such as Amazon, FedEx, and Uber Eats. Also, there are children and visitors on the major thoroughfare of 300 East walking to and from elementary and junior high school. They have to walk in the middle of the street or on people's properties trying to figure out where to walk among parked cars. Having no sidewalks is a safety issue. Motorists have to go slowly because of the number of kids walking there. She noted Lots 4 and 5 don't meet the 10,000 square foot minimum, and she prefers that they do. There is a historic ice house that would be demolished if the plans are approved. She wants to preserve that ice house that has been there since the 1800s. She would like the historic homes to stay regardless of who owns them in the future.

Katheryn Reeves (139 S. 300 East, Farmington, Utah) addressed the Commission, saying she lives a few doors down on the same side of the street. She wanted to know where the utilities would enter the property, and if it was under the same OTR restrictions as the rest of the street.

Erin Christensen closed the Public Hearing at 7:38 PM.

Hansell said the Building Department and Building Official handle the shutting off of utilities. For sewer and drainage issues, the Development Review Committee (DRC) reviews new development, including small projects. **Petersen** said the Building Official said on 300 East, they would likely not have to shut off any utilities while under construction. An exception would be if they are laying a new main, but they wouldn't do that for three homes. As long as it is not an emergency, they give at least 24 hours' notice by putting something on neighbors' doors. In an emergency, things are shut off without notice. The City does not usually approve flag lots on purpose. What is being proposed is different because it would be memorialized, platted, and done by agreement. Lots cannot be sold until they are platted. The agreement would spell out who has access and who is responsible for maintenance. Up to four people can use one access.

Petersen believes the sewer can handle the capacity of three additional homes. It will be in good hands with the DRC. The developer decides whether or not to put signage on private drives. He said he doesn't think that many kids in that neighborhood go to Bona Vista School. Putting sidewalks in on that side of the road would be very expensive. The front property line is 30 feet away from the curb and gutter. The typical ROW is 56 feet, and this is 99 feet. As such, the homes have an appearance of being set back very far. The City would be financially responsible for sidewalks there connecting State Street and 2nd South, and they have many other needs more pressing than this.

Faerber said the PUD master plan allows the applicant some concessions such as decreased lot sizes in exchange for historic preservation. **Petersen** said that is correct. He said it has been determined that there can legally be eight 10,000 square foot lots on this site, but the applicant is trying to do seven. Anything under 8,000 square feet is acceptable, even in Old Town. **Christensen** asked if there is a possibility of shifting boundary lines to make each 10,000 square feet. **Faerber** said they didn't want to change existing property lines, as it could become problematic. The root cellar/ice house is located right in the middle of the road. Although it is a neat building, it would have to be removed. During snow removal, snow would need to be kept on the subject property. As such, the plow would push the snow east up to the end of the street.

Petersen said the agreement to not demolish the historic homes would run with the land, but he is not sure for how long. It is not easy and it costs money to get a home on the National Register. There is sidewalk along the entire west side of 300 East except one lot, and that can be used by the school children. The City engineer would estimate the cost for the sidewalks. Public Works doesn't like extension agreements, but prefers cash instead. This will be an easy project for the DRC to review.

Faerber said all the major utilities are on 300 East, so the private lane will be where they are all connected. There is low voltage running in the backyards of some of the homes, and they will likely need to be removed to the property line. Power is overhead along 300 East. The home at 79 is in the worst condition and has had a number of additions made to it over the years. **Petersen** said the agreement would be to preserve the homes, not put them on the National Register.

Rebecca Hatch (9 S. 300 East, Farmington, Utah) said the Utah Historic Preservation Society emailed that 79 S. 300 East was noncontributing because of non-historic window alterations and an addition. This determination was made in 2005. This land belonged to her great-great grandparents, great grandparents, etc. It is precious family land to her. Her grandfather planted the trees on Main and State Streets, so she would like to preserve the trees as well as her home at 9 South.

Commissioner **Frank Adams** said there are still some determinations to be made such as the sidewalk, and a cash bond of 120% of improvements would be required. Tabling or continuing to another date may be necessary so home elevations can be provided. The preliminary PUD master plan and schematic plat are on the agenda tonight. This is to approve the lot layout. **Petersen** said there is no preliminary plat on this, since there is no street dedications and it is under nine lots. They would jump directly from preliminary PUD master plan to final, skipping the middle stage. It is considered a minor subdivision. The Commission would like to see the street tree preservation plan along 300 East and elevation concepts at their next meeting, which will be held before City Council's next meeting.

Mortensen would like the two homes to remain eligible for the National Register, although he doesn't feel actual inclusion on the register should be forced. **Faerber** said he is not familiar with the requirements or what makes a home eligible for the National Register, and he wants to have a list available. **Petersen** said the City has a historic preservation architect on retainer who can assist.

MOTION

John David Mortensen made a motion that the Planning Commission table the Preliminary PUD Master Plan and Schematic Subdivision plan for the proposed Cottrell Hills PUD to allow the applicant time to answer a few specific issues:

1. They come back with a tree preservation plan that includes concepts and implications of adding a sidewalk.

2. They come with conceptual plans for the homes that will be constructed that would include elevations.
3. They come with a proof of concept for the snow removal plan which would be indicating the locations of the driveways for Lots 5 and 6.
4. They come with implications of maintaining eligibility for the National Historic Register for the two homes.

Tyler Turner seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye _____ Nay
Vice Chair John David Mortensen	X Aye _____ Nay
Commissioner Frank Adams	X Aye _____ Nay
Commissioner Samuel Barlow	X Aye _____ Nay
Commissioner Tyler Turner	X Aye _____ Nay
Commissioner Mike Plaizier	X Aye _____ Nay
Commissioner Larry Steinhorst	X Aye _____ Nay

MASTER PLAN/ZONING APPLICATIONS – public hearing

Item #3 - Ace Athletic Holdings LLC – Applicant is requesting a Schematic Site Plan approval, and a recommendation for a Development Agreement, and application for the Agriculture Planned (AP) District overlay zone for an additional building and site plan alterations for Ace Athletics at 874 South Shirley Rae Drive. (Z-1-23)

Hansell presented this agenda item, which is the expansion of a tennis facility and creation of an AP District. Ace Athletics initially approached the Planning Commission and City Council in 2022 with their desire to expand their facility at the corner of Glovers Lane and Shirley Rae Drive. They want to add courts and cover those courts. Currently, the site includes a 20,000 square foot building and parking along the north half of the lot accessed from Shirley Rae Drive.

The existing facility was approved as a private school under a Conditional Use Permit (CUP). Similar uses allowed in the Agriculture (A) zoning district include commercial recreation, but their interest in 2022 to expand was hindered by the lot coverage restrictions of the underlying zone, which at the time set a limit of 25% coverage for buildings. The Planning Commission considered a rezone request to a commercial district that would allow for more coverage, but determined that there were too many uses allowed in a different district that may not be appropriate for the site if pursued. Following that consideration, changes to the A zoning districts to modify uses allowed within the districts and making changes to the lot coverage allowance were approved before the City determined that there was a more appropriate way to consider a handful of requests that were on the radar: the AP District process.

Since the beginning of the year, the Planning Commission worked to create a new section of ordinance titled Agriculture Planned Districts (11-27B) which allows for the consideration of variation from the normal standards and uses permitted in the underlying zone by Development Agreement (DA). This process has been approved by the City Council and sets the stage for discretionary approval through a legislative action for unique projects which would not normally work in the Agricultural zoning districts. The Ace Athletics expansion is one of those projects. When the AP District was approved, the agricultural zones were also amended to remove a few uses including the commercial recreation uses, indoor sports courts for commercial or private use, and private schools, unless the applicant applies for the General Development Plan (GDP) and the AP District. They would like to add those uses back in and expand their current use. They are also looking to go over the maximum lot coverage. The A zoning would only allow them to cover 15,000 square feet of their parcel with building. Their proposal is two 20,000 square foot buildings, or 44% lot coverage. They have added in parking, detention, and landscaping area. They are looking for direction regarding parking. They comply with setbacks, building height, and landscaping percentage of the A zone.

A recommendation from the Planning Commission as to whether or not to approve the AP District should be based on their findings of whether or not the proposal meets the purpose of the AP District and applicable Standards and Requirements identified within 11-27B.

11-27B-010: PURPOSES:

The purposes of the AP District are:

A. To provide, where deemed appropriate by the City Council, non-residential and non-agriculture development compatible with and which enhances the purposes of the AA, A, and AE zones.

B. To allow sustainable and economically viable development which will enhance the community as a whole as well as immediately surrounding neighborhoods and existing property uses.

C. To protect environmentally sensitive areas, including, but not limited to: wetlands, open space, and areas in close proximity to the stream channels, ponds, and the marsh lands of the Great Salt Lake.

D. To ensure for orderly preplanning and long-term development of properties; and the creation of a cohesive development plan that will be viable, sustainable, and implements the goals and objectives of the Farmington City General Plan and other plans as adopted.

E. To give the property owner reasonable assurance that development plans prepared in accordance with an approved general development plan will be acceptable to the City.

F. To enable the adoption of measures providing for development harmonious with surrounding areas.

11-27B-020: STANDARDS AND REQUIREMENTS:

The following provisions shall apply in an AP District, which district shall also be subject to other provisions of this title, except that where conflict in regulations occurs, the regulations specified in this chapter, or on a general development plan approved pursuant to this chapter, shall apply:

A. AP Districts may be established on parcels of land which are suitable for, and of sufficient size, to be planned and developed in a manner consistent with the purposes and objectives of this chapter, the Farmington City General Plan and/or other area plans as adopted.

B. Before detailed studies of any AP District development plans shall be undertaken by the Planning Staff or the Planning Commission, there shall be a complete development application on file with the City.

C. Applicable zoning regulations shall apply except as otherwise set forth in an AP District shall be as established by the General Development Plan and Development Agreement and may include:

- 1. Permitted or conditional permitted land uses, including accessory uses;*
- 2. Minimum development area or lot size, which may not be less than allowed in the underlying zone;*
- 3. Maximum building height;*
- 4. Landscaping;*
- 5. Fencing;*
- 6. Signage;*
- 7. Parking;*
- 8. Required amenities, private or public;*
- 9. Circulation: pedestrian and vehicular;*
- 10. Building design standards;*
- 11. Other site-specific regulations as deemed appropriate.*

D. AP District regulations that are inconsistent with zoning regulations in this Title shall have precedence and shall supersede such zoning regulations with the exception of subdivision processes, standards for public improvements, and Building Codes, including but not limited to plumbing, mechanical, and electrical regulations. For those regulations not specifically addressed in the Development Agreement, previously adopted ordinances and regulations shall apply. All such exceptions shall be specified in the DA showing all such deviations from existing regulations and the existing regulation from which the deviation occurs.

E. The applicant has an affirmative duty to demonstrate that the overall development and any deviations from the underlying zone or other applicable ordinances enhances the purposes of the underlying zone.

A GDP has been created as a conceptual or schematic plan per 11-17B-030 A(1). Should the plan be approved by the City Council, a more detailed site plan and project details would be provided at a future date for a final review by the Planning Commission.

The Development Agreement defines or sets the parameters under which the property may be built and operated and identifies standards which would require variation from the underlying zone to accommodate the proposed project:

1: Use of Property:

- The use has already been established as there is an existing facility, but the DA would clarify the permitted use and allow for its expansion.

2. Lot Coverage:

The existing lot coverage allowance of the A zoning district based on the recently updated ordinance is as follows:

11-10-040 (C)

Lot Coverage. The gross area of a lot covered by the main building, accessory buildings and other structures shall meet the following standards:

1. *Lots Less than 0.5 Acres in Area. The coverage and size requirements set forth in Chapter 11 of this title shall apply.*
2. *Lots Equal to or Greater than 0.5 acres in Area. A coverage base of 6,000 square feet plus one square foot of additional coverage for every eight (8) square feet of gross lot area more than 0.5 acres (or 21,780 square feet), but the base plus additional coverage shall not exceed 20,000 square feet. For illustrative purposes, the table below shows a few of the many possible coverage outcomes on the continuum between 6,000 and 20,000 square feet.*

Gross Lot Area Acres	0.5	1.0	1.5	2.0	2.5	3.0
Coverage Area (S.F.)						
Base	6,000	6,000	6,000	6,000	6,000	6,000
Additional *	0	2,750	5,500	8,250	11,000	13,750
Total	6,000	8,750	11,500	14,250	17,000	19,750

* Additional Coverage = One S.F. coverage for every 8 S.F. of gross lot area over 21,780 S.F. or 0.5 acres

Based on this ordinance, the property would normally only be allowed 15,093 sq. ft. of building coverage. The existing building alone is already larger than that figure with an expansion looking to essentially double the existing coverage.

Parking – Per ordinance, determined by Planning Commission for recreation use
 Existing 23 per court
 Proposed 22.5 per court (45 total)

Other elements considered with a site plan which do not require exceptions:

Setbacks –

- A zone:
- Front: 30
- Side: 10 – total 24
- Side Corner: 25
- Rear: 30

Building Height

A zone allowance 27 feet

Landscaping

15% of site or more

Of note during previous public hearings from 2022, neighbors primarily expressed interest in creating an access for traffic onto Glovers Lane to reduce the number of cars coming in and out of Shirley Rae Drive. This is accounted for with the proposed plan. At the concept/schematic level, the DRC has indicated that the proposed expansion will need to continue to accommodate the storm water runoff of the existing site plus anything new. A detention area is indicated with the concept plan, but engineering has not yet been provided or verified to determine if the design is sufficient. This would be a final review stage item.

The entire property lies in the Agricultural Estates (AE) flood zone identified by Federal Emergency Management Agency (FEMA), including the existing building. Design for a new structure and site improvements would have to take this into consideration for final approval. Typically, this requires that the lowest floor in a structure be at or above the base flood elevation.

Hansell said they currently have 23 parking stalls and they are asking for 22 more. By default, the Planning Commission must decide how much parking is required for this use. A landscaping plan was not received as part of their application. **Hansell** said more detail is needed for landscaping at this stage. The DRC has seen this. The site plan process would need a traffic study, and the DRC does not have a member that actively does traffic studies. But the City does have a consultant to use when needed. Glovers Lane is pretty much insufficient for most uses due to growth. It is a rural road. **Hansell** said detention was required by the DRC and Federal Government, as the applicant must be able to retain 80% of a 100-year storm. Commissioners would like to get more detail to figure out if the detention area is real estate that would be available for parking. **Hansell** said the Glovers Lane access is beneficial to the site.

Christensen asked what else is planned for the surrounding area, as much land is still open, the West Davis Corridor (WDC) highway is set to come through, and there are some residential homes on Shirley Rae. This needs to be compatible with surrounding uses.

Hansell said anything that is west is part of Davis County. There is a large easement for electrical transmission lines. UDOT owns some property. There is a nearby school. She is not sure if there is anything planned to the south. A lot of this land is wet.

Applicant **Scott Adamson** (1498 W. Glovers Lane, Farmington, Utah) addressed the Commission. They are flexible to do what the Commission recommends for parking. The engineered design was a flow-through traffic parking lot, closing Shirley Rae most times and having only one entrance and exit. If there was an event that required more traffic, Shirley Rae would be opened to provide more of a flow. The parking stalls are rarely full. The current use is three tennis courts with classes of six children per class. That allows 18 kids and three coaches in the building at one time. Parents typically drop their kids off for class and return to pick them up. He hasn't seen any problems with the parking yet. The landscaping plan is to replicate what is there currently, essentially gravel and bushes planted in the island area. The bushes will grow to about 3 feet tall. However, the applicant is flexible to do what is requested. This building was built in 2019. Tennis has become popular lately with the local population. They have waiting lists, which is why they are requesting an expansion. During construction of the building, they built a canal along Glovers to Farmington Creek. The retention pond was done to fulfill requirements. He is interested in acquiring the lot west of the building currently owned by UDOT once it is put up for bid. They may want to put three outdoor courts there. They currently have three indoor courts, three outdoor courts on 650, and are asking for three more indoor courts. Adding three more on the UDOT property in the future would bring a total to 12 courts. They may even consider building a home on the UDOT property. There are plans to put up a mezzanine in the new section of building so parents can watch their kids play. He has talked to the neighbors about the expansion, and their main concern is traffic. They would be happy if Shirley Rae was shut off. There are five houses on Shirley Rae Drive.

Hansell said there are areas in the City with no parking signs on the street (except for abutting property owners and their guests) such as those on Main Street and The Avenues at Station Park. She is not sure who enforces that. **Adamson** said with some of the women's classes, they have parked on the street, which was noticed by the neighbors. Commissioners said having one ingress and egress may not be a good idea, especially if traffic will be increasing. They want the City traffic engineer to look at it. **Adamson** said the tennis industry has changed to not have tournaments. The new UTR Universal Tennis Registry (UTR) system ranks each player, and the ranking is determined by how well a person performs against each player, which doesn't require the typical tournament. These UTR events alleviates big crowds. Ace Athletics was named a certified UTR facility, and they will be in charge of running the youth sessions for the State of Utah. They have Weber State University (WSU) tennis players and previous players acting as Ace Athletics coaches. WSU may be interested in training at Ace's new facility. Typical hours are 7 to 10 p.m.

Christensen said there was something missing from the design of the elevation of the new building. **Adamson** said it would match the design, color, materials, and façade of the existing building. She says it feels like a lot of big warehouse-looking building, and she may want to see a layer of rock/brick or columns added for aesthetic interest. **Adamson** said they were thinking of adding interest by adding new trees, having the south side all lined with trees. **Christensen** said she would like to see more detail. Commissioners said this application is not complete because of the lack of landscaping, traffic, and traffic patterns. Some big trees on the south would be helpful.

Erin Christensen opened the Public Hearing at 9:08 PM.

Guy Beynon (875 Shirley Rae Drive, Farmington, Utah) lives across the street. He assumed the zoning has not been changed yet. Sometimes traffic visiting Ace has been as early as 5:30 a.m. Doubling the size of the building would double the amount of parking needed, and double the amount of traffic in the area. Twice the traffic on Shirley Rae is a concern to him. Water flows from the creek going east toward his property. It doesn't flow west. He hasn't noticed parking on the street being an issue.

Erin Christensen closed the Public Hearing at 9:18 PM.

Commissioners said there are many unknowns on traffic, parking, detention, and aesthetics. It may be worth having two access points on Glovers for traffic circulation while eliminating the access on Shirley Rae. Moving the detention pond to the west may open up space for parking. Renderings are needed for the landscaping and maybe building improvements. A landscaping plan is also needed. **Mortensen** said he likes that this could become a tennis mecca for youth. This would justify a deviation in the zoning. He thinks it is viable and enhancing the community as a whole. The City is becoming a youth sports hub. Therefore, better aesthetics are in order. Traffic studies need to address not only the viability of the project, but the impacts on the neighborhood. The usage assumptions such as number of cars, peak hours, etc. need to be provided. Glovers Lane is not a major thoroughfare, and the traffic study needs to take that into account. Commissioner **Larry Steinhorst** said he is leaning toward making it work, if traffic is addressed. Commissioner **Sam Barlow** said there are questions about community impact. **Christensen** recommends strengthening the applicant's package before sending it on to the City Council.

MOTION

Frank Adams made a motion that the Planning Commission table this item until the applicant is ready to come back, in order to see a more complete application addressing the neighbor’s concerns and concerns raised among the Commission, including:

1. Traffic study that looks at not just viability of traffic, but states the actual usage assumptions, and the impacts on the neighborhood, specifically Shirley Rae, but also what it would do to Glover.
2. Assessment of parking, including the possibility of expanding parking and looking at detention pond placement.
3. Strongly encourage conceptual elevations on material enhancements that would further aesthetics of the building such as rock, columns, and other things.
4. Encourage a detailed landscaping plan including the use of trees, which enhance the neighborhood and are aesthetically pleasing.
5. Potential ingress and egress on Glover, maybe a three-lane with a turn lane going right and one going left.
6. Thoughts on the economic impacts this could bring to Farmington.

John David Mortensen seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye ____ Nay
Vice Chair John David Mortensen	X Aye ____ Nay
Commissioner Frank Adams	X Aye ____ Nay
Commissioner Samuel Barlow	X Aye ____ Nay
Commissioner Tyler Turner	X Aye ____ Nay
Commissioner Mike Plaizier	X Aye ____ Nay
Commissioner Larry Steinhorst	X Aye ____ Nay

Item #4 - Forza Terra LLC – Applicant is requesting a General Plan Amendment for a CA-BP (Class A Business Park) designation, for the properties located at 77 and 11 S. 650 West (MP-1-23)

Petersen presented this agenda item. The applicant owns the above-referenced property located at the southeast corner of 650 West and State Street. With 364 feet of frontage, three lots and possibly a fourth single-family flag lot could be located on site. The owner’s application states: “Given the high-profile location and traffic, a commercial use seems more appropriate than a residential use. An Office Mixed Use (OMU) zoning designation is what we would like to obtain.”

The following may support such a request:

- 1) The subject property is zoned Agricultural Estates (AE) (half-acre lots), which allows, among other things, single-family residential. In general, non-residential uses or apartments occupy the other three corners of the intersection and a single-family dwelling on the applicant’s property may be okay, but possibly not the most desirable use long-term at this location.
- 2) Full ingress and egress from the property, if developed as a single-family home, becomes cumbersome in such close proximity to a traffic light, even if the driveway configuration is designed to allow vehicles to enter traffic moving forward and not backward.
- 3) If “done right,” an office building which generates less traffic, and other impacts, on week nights and weekends may be more acceptable as a transition use to the single-family neighborhood south of the site than other non-residential uses.
- 4) The applicant states that he would like to apply for an OMU zone in the future. Residential uses are not allowed in the future.
- 5) The text of the Zoning Ordinance contains high design standards for buildings constructed in the OMU zone.
- 6) Ascent Academy across the street is a Charter School now, but is may be possible for one to convert it to an office building sometime in the future if the owner is successful in obtaining a zone change some time in the future, but at the sole discretion of the City Council. An office use is consistent with applicant proposal if approved.

Other comments:

- 1) Schools are a use typically found in residential areas, and Farmington Creek to the north and west of the site may provide a sufficient transition area already between single-family homes and more “intense” development.
- 2) Even If a General Plan amendment is approved, the City still has discretion to not rezone the property if it receives an application to do so (accompanied by a conceptual site plan) and if such a request does not result in findings for approval.

However, is there merit to consider a General Plan request and a zone change application at the same time? Both are legislative acts which provide more opportunity for public input.

- 3) How can the Planning Commission and City Council determine if a non-AE use at this location is better for the district as a whole without additional information?

Petersen said the General Plan amendment application is for a CA-BP. Because it is hard to tell what a good use is, the design needs to be in place to prevent commercial creep. A concept plan would be needed.

Applicant **Shane Smoot** (152 W. Sunset View Drive, Centerville, Utah) said this is a joint venture between Forza Terra LLC and **Lloyd and Sandra Carr** (owners of 111 South) after 77 South was acquired. The joint venture now owns both parcels. Forza Terra was part of the development of the lots for Mountain View Subdivision. Rainey Homes was the builder. Phase 1 has been built out and Phase 2 is in the process of being built out. This doesn't lend itself well to single-family homes due to the terrain and needing four driveways to come out onto the highway. They have talked to residents and the City about higher density homes such as twin homes or apartments there, and there has been resistance. They are looking for a good use for the 1.7 acres that won't heavily impact existing residential but would be near the viaduct and intersection. They can't market for tenants until they know what is possible. They wonder if it can be used for office or medical office. They did not submit a zoning application because they want a tenant first. OMU and BP may be possible future zones.

Smoot met with Assistant Community Development Director/City Planner **Lyle Gibson** this week to come up with a possible layout. He comes to the Commission tonight looking for guidance. They think office would be the least impactful and a good transition. There seems to be opposition to apartments. They are looking for an amendment to the general plan to allow Class A Office space. They would then go out, find the tenants, then return with a rezone request. They purchased the Maxfield home (at 121 South) to the south and they would be amenable for it to be a commercial use. That has since been sold. They are sensitive that neighbors are comfortable with it being commercial and office, and have signed a document along those lines. They are proposing a three-story building with 33,000 square feet. **Petersen** said that would be equivalent to the Arbinger building north of Burke Lane. **Smoot** said it would be similar to the Ascent building. **Smoot** said the OMU Zoning would require that it be lined up against 650 West, so it would be pushed up into the corner. There would be a 6-foot wall with landscaping on the office side. They are aware of the possibilities of uses such as a nursing home, vet clinic, and preschool. They are open to assisted living, but there has been a lot of capacity built lately that already exists. **Smoot** said this is not a good location for half-acre home sites. He said both neighbors and the City didn't like a previous twin home/duplex proposal here. They are looking to move forward with developing the property.

Erin Christensen opened the Public Hearing at 10:00 PM.

Jim Checketts (576 W. 350 S., Farmington, Utah) lives three blocks south of this site. He appreciates his opportunity to give input. He built his home in the summer of 1999. He doesn't want apartments here. The area is quite flat with an incline going north and is perfect for three or four houses. The lot to the south is a business, not a resident. The old Maxfield house is for sale. Just east of the top big lot is **Don Whitaker's** property, and he didn't have a clue that anything is happening with this land directly bordering him. There would be a traffic issue. The charter school has traffic that is already a nightmare, and soccer and baseball games contribute to the traffic. He often can't turn on 650 West at lunch time between 11:20 AM and 1 PM. He thinks three or four single-family lots would sell quickly there, but admitted that may not get ongoing income.

Jeff Hewitt (541 W. 250 S., Farmington, Utah) said **Smoot** didn't talk to him or other neighbors who live in the subdivision right next to where they want to put an office building.

Paulette Hewitt (541 W. 250 S., Farmington, Utah) asked why there is a master plan if development keeps being hodge-podge. The City seems to not follow the master plan. The Mountain View subdivision made promises to her and Mr. **Whitaker** that have not been kept. UDOT's plan to widen Glover Lane will impact this and the tennis courts, and this could shoot more traffic down 650 West. To have an office building or big business will contribute even more traffic. Most of the lots in the second phase of the subdivision will be on sewer pumps. If the electricity goes off, the waste will flow downhill. This does not conform with the zoning and what is around it. They are not against development; they just want it done right. This is a big decision, but she hopes the Commission holds true to the Master Plan and not a developer's profit margin.

Rob Archibald (553 W. Peak View Lane, Farmington, Utah) lives in Mountain View subdivision across from the tennis courts. He is concerned with traffic flow. At peak traffic hours it would be extremely difficult to turn and access this land. The school across the street cones areas to inhibit flow for the safety of their students. The traffic would significantly affect his neighborhood, which is

already a parking lot Monday through Saturday during summer months due to the private school across the street. He is worried that traffic would be diverted into his neighborhood, causing more danger to children. Traffic flow from the school will inhibit access to the land in question in the morning, lunch time, and afternoon. His last home was next to commercial property with garbage bins that were noisily emptied at 3 and 4 AM, which disturbed him and his neighbors.

Matthew Caldwell (205 S. Horizon, Farmington, Utah) lives in the Mountain View development. Phase 2 was approved with 16 additional lots, with one lot on 650 West that is now being asked to be included in the rezoning. He is concerned this will impact the forced Homeowners Association (HOA) green space on 200 that has not yet occurred. He understands the deadline for this is June. They were contemplating a park on land that previously belonged to UDOT. The City would then manage the care of the parking lot that is a trail head. He is concerned that the subdivision residents have continued to pay an HOA fee for no services. The HOA has been in violation of City code for snow removal all winter. Now another adjustment is being considered to remove Lot 1. Because of Davis School guidelines of homes being 1.5 miles away from school, the elementary students are either walking or being driven to school. There is no safety access to cross the street near the park. He doesn't intend to have his children walk to school because 650 is way too busy. Ace Academy has added more cars as well. There is no safe way to get to the park without being driven there. Their HOA is being run by the developer, and **Shane Smoot** is the chair. Homeowners are being left out of the loop and out of control. **Caldwell** has reported his concerns to the Department of Commerce.

Erin Christensen closed the Public Hearing at 10:20 PM.

Applicant **Shane Smoot** addressed the Commission again. The rise of the road is a concern with the individual lots. The land is not sloped in a serious way. The concern is the number of driveways backing onto the road. The reason to joint venture with the **Carrs** is to put the curb cuts as far south as possible, so they can be 300 feet off the corner. He promised to visit with homeowners in the HOA, and said he has not been contacted about their concerns. He welcomes discussion with residents and hopes to find a resolution. The back half of a lot will stay in the subdivision, but the front half will not be in Mountain View. The retention area will be landscaped.

Commissioners said they would like to table this item for more consideration to get a handle on the concept. Every concern seems to be traffic in that spot. Traffic studies for general use, single-family homes, and office would help the Commission consider this. **Adams** said it is difficult to decide without a concept. Commissioners said that high density residential is going in west of Cabela's and that is where it should be. Half-acre lots would sell quickly in this location. Four twin homes (for a total of eight units) may be a possibility with one entrance, reducing the number of driveways.

Petersen said this could go to two or three zones such as OMU or BP. It may be easier to put all potential zones on the list for one hearing. He is going to talk to the City Attorney about if this should next go to the City Council, or if the applicant should pull together a better concept first. Joint meetings with the City Council may be a possibility. **Christensen** said she favors lower density such as half acre lots or duplexes. She is not convinced that office is the best way to go.

MOTION:

Tyler Turner made a motion to table this item, direct Staff to notice this item together with an application for a rezone of the property which will notify nearby property owners of a hearing where additional consideration regarding the proposal can be considered and vetted by Staff on zoning possibilities.

Frank Adams seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye _____Nay
Vice Chair John David Mortensen	X Aye _____Nay
Commissioner Frank Adams	X Aye _____Nay
Commissioner Samuel Barlow	X Aye _____Nay
Commissioner Tyler Turner	X Aye _____Nay
Commissioner Mike Plaizier	X Aye _____Nay
Commissioner Larry Steinhorst	X Aye _____Nay

OTHER BUSINESS

A motion is required to start any new agenda items after 10 p.m.

Item #5 Miscellaneous, correspondence, etc.

- a. Minutes Approval March 9, and March 23, 2023
 - i. **Tyler Turner** made a motion to approve the two sets of minutes.
 - ii. **Larry Steinhorst** seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye _____ Nay
Vice Chair John David Mortensen	X Aye _____ Nay
Commissioner Frank Adams	X Aye _____ Nay
Commissioner Samuel Barlow	X Aye _____ Nay
Commissioner Tyler Turner	X Aye _____ Nay
Commissioner Mike Plaizier	X Aye _____ Nay
Commissioner Larry Steinhorst	X Aye _____ Nay

ADJOURNMENT

Tyler Turner made a motion to adjourn at 10:40 PM.

Chair Erin Christensen	X Aye _____ Nay
Vice Chair John David Mortensen	X Aye _____ Nay
Commissioner Frank Adams	X Aye _____ Nay
Commissioner Samuel Barlow	X Aye _____ Nay
Commissioner Tyler Turner	X Aye _____ Nay
Commissioner Mike Plaizier	X Aye _____ Nay
Commissioner Larry Steinhorst	X Aye _____ Nay

Erin Christensen, Chair



CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is given that the City Council of the City of Farmington will hold a regular meeting on **Tuesday, April 4, 2023** at City Hall 160 South Main, Farmington, Utah. A work session will be held at 6:00 pm in Conference Room 3 followed by the regular session at 7:00 pm in the Council Chambers. The link to listen to the regular meeting live and to comment electronically can be found on the Farmington City website at www.farmington.utah.gov. If you wish to email a comment for any of the listed public hearings, you may do so at dearlile@farmington.utah.gov

WORK SESSION – 6:00 p.m.

- Lindquist
- Hunters Creek HOA for trail easement
- Landscaping along the new 950 North
- Discussion of regular session items upon request

REGULAR SESSION – 7:00 p.m.

CALL TO ORDER:

- Invocation – Mayor Anderson
- Pledge of Allegiance – Brigham Mellor

PRESENTATION:

- American Legion Post 27 will recognize various employees
- Musical Number by Avery Nobles & Kaylie Uzelac, youth theater graduates
- Spotlight Farmington Elementary School student Emma Trump
- Recognition of Eric Isom

BUSINESS:

- Betterment Agreement with UDOT for various improvements and reimbursements associated with the Shepard Lane Interchange
- Petition to Vacate Right-of-Way for a Portion of 1525 West from approximately 500 North to 580 North.
- Petition to Vacate Historic Right-of-Way Affecting Property at 577 North 1525 West.

PUBLIC HEARING:

- Sale of 0.321 acres of land located at approximately 570 North 1525 West, on the East side of 1525
- Development Agreement and application for building addition and site plan amendments at the Legacy Event Center
- Ordinance amending licensing requirements for businesses.
- Budget Amendment #3 of FY23 (purchase of Tom Owens property, Richards Grist Mill)

SUMMARY ACTION:

- Utility Reimbursement Agreement with UDOT for terms and conditions of performing work on the City's utilities associated with the Shepard Lane Interchange
- Ownership Agreement with UDOT for Drainage facilities associated with Shepard Lane interchange
- Encroachment Agreement with the Bureau of Reclamation allowing Installation of Road Improvements for the Business Park
- Resolution appointing Shauna Wardrop to the Historic Preservation Commission

GOVERNING BODY REPORTS:

- City Manager Report
- Mayor Anderson & City Council Reports

ADJOURN

CLOSED SESSION – Minute motion adjourning to closed session, for reasons permitted by law.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability, please contact DeAnn Carlile, City Recorder at 801-939-9206, at least 24 hours in advance of the meeting.

CERTIFICATE OF POSTING *I hereby certify that the above notice and agenda were posted at Farmington City Hall, Farmington City Public Works, Farmington Library, the State Public Notice website and the city website www.farmington.utah.gov, on March 30, 2023*



CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is given that the City Council of the City of Farmington will hold a regular meeting on **Tuesday, May 2, 2023** at City Hall 160 South Main, Farmington, Utah. A work session will be held at 5:00 pm in Conference Room 3 followed by the regular session at 7:00 pm in the Council Chambers. The link to listen to the regular meeting live and to comment electronically can be found on the Farmington City website at www.farmington.utah.gov. If you wish to email a comment for any of the listed public hearings, you may do so at dcarlile@farmington.utah.gov

WORK SESSION – 5:00 p.m.

- Budget presentations and deliberation
- Discussion of regular session items upon request

Motion to recess into regular City Council Meeting

REGULAR SESSION – 7:00 p.m.

CALL TO ORDER:

- Invocation – Pastor Philip Moore, Calvary Baptist church
- Pledge of Allegiance – Davis County Fire Association Honor Guard

PRESENTATION:

- Musical Number by Calvary Baptist Church
- Introduction of new Fire Department members and Badge Presentation
- Introduction of New Police Officers

BUSINESS:

- Adoption of FY 2023-24 Tentative Municipal Budget

Minute motion adjourning to the Redevelopment Agency meeting. (See RDA Agenda)

Minute motion to reconvene the City Council Meeting.

SUMMARY ACTION:

- Resolution Adopting Cafeteria Plan for Full-Time Employee Medical Benefits
- 650 West Verizon Cell Phone Tower, Rocky Mountain Power
- Street Vacation 500 North Street
- Resolution Adopting the 2023 Polling Location and Vote Centers
- Approval of Minutes for March 14, 2023 and April 4, 2023

GOVERNING BODY REPORTS:

- Assistant City Manager Report
 - Building Activity Report for March
- Mayor Anderson & City Council Reports

ADJOURN

In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability, please contact DeAnn Carlile, City Recorder at 801-939-9206, at least 24 hours in advance of the meeting.

CERTIFICATE OF POSTING I hereby certify that the above notice and agenda were posted at Farmington City Hall, Farmington City Public Works, Farmington Library, the State Public Notice website and the city website www.farmington.utah.gov, on April 27, 2023

DeAnn Carlile, City Recorder