

**FARMINGTON CITY**  
**PLANNING COMMISSION MEETING**  
April 25, 2013

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**WORK SESSION**

*Present: Chairman Bob Murri, Vice Chairman Kris Kaufman, Commissioners Brad Dutson, Brigham Mellor, Michael Nilson, Alternate Commissioner Rebecca Wayment and Nate Creer, Community Development Director David Petersen, Associate City Planner Christy Alexander, and Recording Secretary Lara Johnson. Commissioners Brett Anderson and Mack McDonald were excused.*

Mark Morris, a consultant with the City's Site Plan & Architectural Review Committee, gave a presentation on form based codes and developing an effective site plan of a community.

David Petersen discussed differences between the TMU (Transit Mixed-Use), GMU (General Mixed-Use), OMU (Office Mixed-Use) and RMU (Residential Mixed-Use) zoning districts.

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**REGULAR SESSION**

*Present: Chairman Bob Murri, Vice Chairman Kris Kaufman, Commissioners Brad Dutson, Brigham Mellor, Michael Nilson, Alternate Commissioner Rebecca Wayment and Nate Creer, Community Development Director David Petersen, Associate City Planner Christy Alexander, and Recording Secretary Lara Johnson. Commissioners Brett Anderson and Mack McDonald were excused.*

**#1 – Minutes**

***Motion:***

**Brad Dutson** made a motion to approve the Minutes of the March 28, 2013 Planning Commission meeting. **Brigham Mellor** seconded the motion which was unanimously approved.

***Motion:***

**Brad Dutson** made a motion to approve the Minutes of the April 11, 2013 Planning Commission meeting. **Brigham Mellor** seconded the motion which was unanimously approved.

**#2 – City Council Report**

**Christy Alexander** reported that the City Council meeting on April 16, 2013 discussed the zone text change, rezoning the southwest corner of Main Street and Park Lane and an

amendment to Electronic Message Sign overlay zone for that same area. **David Petersen** discussed the demolition of buildings and structures. He stated the City Council decided to make no allowances for historic sites on the list, but keep historic sites on the register for special review. They also made a requirement that a single family home must have a replacement structure ready to go in the event the structure is demolished. Also on April 16, 2013, there was a ribbon cutting ceremony for the new soccer complex that was created on the 10 acres that was previously approved by the Planning Commission.

#### **GENERAL PLAN, ZONE TEXT, AND ZONING MAP AMENDMENT APPLICATION**

**#3 – The Haw Companies – (Public Hearing) – Applicant is requesting a recommendation to amend the General Plan, or General Land Use Plan, map designations on property (16.19 acres) located north of 675 North and west of I-15 from CA/BP (Class A Business Park) to TMU (Transportation Mixed Use); and to rezone the property from A (Agriculture) to TMU (Transit Mixed Use); and a request for a one change on property (21.506 acres) located north of Park Lane and west of Station Parkway from A (Agriculture) to TMU (Transit Mixed Use) and a request to amend the Regulating Plan set forth in Chapter 18 of the Zoning Ordinance ( a zone text change) changing the aforementioned areas from OMU and GMU (respectively) to TMU. (Z-1-13)**

**David Petersen** reviewed the letter that was submitted on March 26, 2013, but is still recommending that the Planning Commission deny the request to re-zone locations 450 North Station Parkway and 1250 West 675 North to TMU (Transit Mixed-Use). The changes would not be consistent with goals of the City's General Plan or with the City's Zoning Ordinance. Currently, both locations are zoned as A (Agriculture), but the General Plan calls for the location at 450 North Station Parkway to be TMU (Transportation Mixed-Use) and the location at 1250 West 675 North to be CA/BP (Class A Business Park), and the Regulating Plan calls for them to be zoned GMU and OMU respectively.

Applicant, **Scott Harwood**, 33 South Shadow Breeze Road Kaysville, expressed concern regarding the contracts already in place with the City and why the Planning Commission cannot review those agreements. Although it's not required by ordinance, the applicant has submitted a Project Master Plan to the City. **Scott Harwood** stated based on the agreements they have with the City, they would like to rezone to TMU to ensure all property is under one common district. He feels the biggest difference is height differences of buildings, so the applicant would feel comfortable capping a building height to 4 stories.

**Kris Kaufman** stated another big difference he sees with OMU (Office Mixed-Use) than with TMU is the allowance of residential areas. OMU does not allow residential; however, TMU accepts high-density residential.

**Michael Nilson** further questioned the applicant as to why it is important to have the two locations under the same zone. **Scott Harwood** stated it is important to have all property under the same terms, conditions and regulations and to maintain a continual theme.

***Bob Murri opened the Public Hearing at 7:26 p.m.***

**David Petersen** read an email on behalf of resident **Michael Benson**, 1293 West Burke Lane Farmington, who was currently out of town for the hearing. **Michael Benson** stated he would like to see additional growth in the community by allowing further development of the property owned by the applicant. He enjoys the conveniences the current businesses have brought and feels it important to continue this growth by others that are willing to invest in our community.

***Bob Murri closed the Public Hearing at 7:40 p.m.***

**Brigham Mellor** feels the 1500 foot marker required in Chapter 18 of the Zoning Ordinance for a TMU distance is critical. He feels uncomfortable not knowing what the applicant is planning to build on the property they are wanting to rezone.

**Michael Nilson** clarified that the ordinance does not require a Master Plan be submitted before a request to rezone a location. With regards to the applicant's request, he feels the Planning Commission would set a precedent for others wanting an exception to have an area rezoned if they allow the rezoning of this area.

**Bob Murri** asked **David Petersen** what the City's biggest concerns are with rezoning this property. **David Petersen** said the biggest concern for now is once an area is rezoned, a property owner can pursue anything within that zone. The Planning Commission has to be comfortable with all uses of a district for a specific area before it approves an area to be rezoned. He also stated that most rezoning occurs when the Planning Commission is aware of what the property owner is planning to do with the property.

**Michael Nilson** clarified that although the Planning Commission would like to be aware of what the property owner would like to do, there is nothing in the City's ordinances that require a Master Plan be submitted. If a plan is submitted, there is nothing that legally binds the developer to stick to their Master Plan they submitted during the rezoning process.

**Scott Harwood** stated they feel they have contract rights with the City to rezone. In response to **Scott Harwood's** comment, **Michael Hays**, an attorney for the City, said in their legal opinion, the City is not required to rezone the property to TMU based on the development agreements currently in place with the applicant. **Michael Hays** also clarified that the Planning Commission is not in violation of Utah Code if they do not review the applicant's agreements.

***Motion:***

**Kris Kaufman** made a motion that the Planning Commission recommend that the City Council deny the request to amend the regulating plan and rezone the properties as proposed based on findings 1, 2 and 3. **Brigham Mellor** seconded the motion which was unanimously approved.

**Findings:**

1. It is uncertain if the proposed amendments are reasonably necessary. The applicant provided no plans to show that the zone text change and zone map amendment requests are needed.
2. It is not known if the applicant's request is in the public interest. No plans for the subject properties accompany the application, and the City is unable to determine if it can provide and maintain the public infrastructure and services for development in these areas – especially since the TMU zone allows “higher development intensity” than other zone illustrated on the regulating plan. Also, the City is not able to determine how development on the subject properties will impact adjacent parcels. The request is also inconsistent with the General Plan, as noted below, and the City is not aware of any significant reason to change the General Plan in a way that would accommodate this request.
3. The proposed amendments are not consistent with the City's General Plan and are not in harmony with the objectives and purpose of the Zoning Ordinance.
  - a. Higher density development indicative of the Transit Mixed Use zone should be in close proximity to the commuter rail station.
  - b. The Zoning Ordinance requires that a TMU district must be proximate to a mass transit railway system station and have direct pedestrian connection to that station and shall have at least one point that is located within 1500 feet of access to a rail station or platform. The proposed TMU district north of 675 North is approximately 2200 feet from the UTA commuter rail station; and the proposed TMU district west of Station Parkway is approximately 1900 feet from the station.
  - c. The property north of 675 North is identified as “Class A Business Park” on the General Plan Land Use Plan map. The TMU zone is not compatible with this designation.

**SIGN ORDINANCE AMENDMENT APPLICATION**

**#4 – Farmington City – (Public Hearing) – The City is requesting a recommendation of an amendment to the City's Sign Ordinance regarding signs in the Mixed-Use Districts. (Z-2-13)**

Christy Alexander explained the City's Sign Ordinance does not include standards and regulations for the Mixed-Use Districts. The City Council would like standards and regulations in the City Code so the City Council and the Planning Commission have something to review when a Project Master Sign Plan is submitted.

***Bob Murri opened the Public Hearing at 8:13 p.m.***

**Scott Harwood**, 33 South Shadow Breeze Road Kaysville, advised involving a reputable third-party consultant that can advise when staff is creating these standards. He also mentioned THC has discussed signage with tenants interested in moving to Farmington. Of those tenants, all mentioned sign height and visibility are key components to their decision.

**Bob Murri closed the Public Hearing at 8:15 p.m.**

**David Petersen** requested ordinance examples from APA (American Planning Association) of signage regulations in Mixed-Use areas. The staff is still working on this item and would like the item tabled so they can continue to work on it.

**Brad Dutson** mentioned it would be helpful to have a list of businesses that would be included or excluded based on different height restrictions for signs.

**Motion:**

**Michael Nilson** made a motion that the Planning Commission table action regarding any amendments to sign standards and regulations in the Mixed-Use Districts as set forth in Chapter 5 of the Sign Ordinance (Title 15) until Staff has completed their work and is ready to provide recommendations to the Commission dealing with this chapter of the Sign Ordinance. **Rebecca Wayment** seconded the motion which was unanimously approved.

## **OTHER BUSINESS**

### **#5 – Consideration of Park Lane Village Apartments Sign Package**

**Christy Alexander** gave a brief update of Park Lane Village Apartments' amendments to their sign program as shown in the staff report.

**Mandy McCrady**, with Alliance Residential Company, 11267 Lucas Lane South Jordan, manages the Park Lane Village community. She stated signage is critical for them as more than 50% of leasing traffic comes from drive-by traffic. They are also trying to build sign recognition with the property to ensure successful stabilization in leasing the apartments.

**Ernie Willmore**, with Willmore Development, 500 Broadway Farmington, also emphasized the importance of name recognition with signs, banners, flagpoles and other marketing materials.

The Commissioners feel the Blade Banners would be over marketing the Legacy Trail area. They also feel the Blade Banners do not wear well and often look tattered. The Commissioners are not comfortable with sign or leasing banners facing residential areas as they feel it would not increase leasing traffic like signs facing I-15.

**Motion:**

**Michael Nilson** made a motion that the Planning Commission approve the submitted sign package with the following conditions:

- A. Exclude Banner Sign #2 that is shown in Exhibit D,
- B. Exclude Blade Banners F as shown in Exhibits H & I,
- C. Center the aluminum letters in Exhibits B & F on the wall as discussed by the applicant and staff,
- D. Applicant will work with staff on exact locations of the flagpoles, but the flagpoles are ok as is stated in the plan with the height of 50 feet, 45 feet and 40 feet.

**Kris Kaufman** seconded the motion which was unanimously approved.

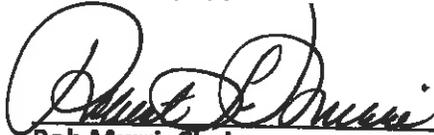
**#6 – Miscellaneous, correspondence, etc. a) Cell tower antennae modification and b) Other.**

**David Petersen** presented the cell tower antennae modification to the Planning Commission, no one objected.

**ADJOURNMENT**

***Motion:***

At 9:04 p.m., **Bob Murri** made a motion to adjourn the meeting which was unanimously approved.



**Bob Murri, Chairman  
Farmington City Planning Commission**