

FARMINGTON CITY COUNCIL MEETING

June 3, 2014

WORK SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, Associate Planner Eric Anderson, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Council Member Cory Ritz was excused.

Subdivision Ordinance Text Amendment regarding Flag Lots

David Petersen reminded the Council that they reviewed the City's flag lot ordinance on February 18, 2014 and asked staff to rewrite the Ordinance with stricter regulations. The Planning Commission (PC) reviewed the rewritten portion on May 8th and recommended approval.

Adaptive reuses to include Commercial Uses in the BR Zone

Mayor Talbot admitted he may have made the wrong decision regarding a U-Haul business on Main Street. He asked for support from the Historic Preservation Commission to revisit the issue, and at first they did not approve, but because of restrictions and the possibility for a grant to restore the building, they approved the proposal. The Council agreed that adaptive reuse is important, and although the downtown area has charm and several historic buildings, it also needs change, and this will create a way for businesses to stay in the downtown area. The PC felt this change was adjusting the code for one person, but the Council believes it will help others in the future. **Dave Millheim** asked the Council to consider the 10 uses listed in the Ordinance.

CLOSED SESSION

Motion:

At 6:00 p.m. **Jim Young** made a motion for the Council to go into a closed meeting to discuss pending litigation. The motion was seconded by **Brigham Mellor** and unanimously approved.

Sworn Statement

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.



Jim Talbot, Mayor

Motion:

At 7:00 p.m. a motion to reconvene into an open meeting was made by **John Bilton**. The motion was seconded by **Doug Anderson** and unanimously approved.

REGULAR SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, Development Director David Petersen, Associate Planner Eric Anderson, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Council Member Cory Ritz was excused.

CALL TO ORDER:

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

The invocation was offered by **Brigham Mellor** and the Pledge of Allegiance was led by **Mayor Talbot**.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:

Executive Summary for Planning Commission meeting held May 22, 2014

Eric Anderson reported the following:

- #3 – The Preliminary Plat for Fieldstone Homes (74 lots) was approved;
- #4 – A 2-lot subdivision located at 650 W 500 S was recommended for approval;
- #5 – A conditional use permit for a shaved ice stand (1000 W Shepard Lane) was approved;
- #6 – A conditional use permit for a hot dog stand (1000 W Shepard Lane) was approved;
- #7 – A sales office for Ivory Homes (Eastwood Estates – 53 W Glover Lane) was approved;

Two requests from Farmington City (Items #8 and #9) were continued, and an additional request from Farmington City (Item #10) was tabled.

PUBLIC HEARINGS:

Subdivision Ordinance Text Amendment regarding Flag Lots

Eric Anderson said the purpose of the Amendment is to establish stricter regulations.

Public Hearing:

The Public Hearing opened at 7:15 p.m. There were no comments and it closed.

Motion:

John Bilton made a motion to direct staff to prepare an Ordinance to amend the Flag Lot section in the Subdivision Ordinance. The motion was seconded by **Brigham Mellor** and unanimously approved.

Adaptive reuses to include Commercial Uses in the BR Zone

This request was previously denied by the Council because they were concerned that less desirable uses could occur in this zone; however, restoring an historic building is a good public

purpose. The amendment will expand the City’s definition of adaptive reuse to encompass commercial uses in the BR zone only.

Public Hearing:

Mayor Talbot opened the Public Hearing at 7:20 p.m.

Craig Holmes, 262 E 2200 S, Kaysville, has owned and operated Precision Windshield Repair for 20 years. He obtained a license for a U-Haul business, and about a year later the City required him to shut it down. The dealership can function with only one piece of equipment in the front for advertising, and there is plenty of room in the back for trucks. He is willing to work with the City regarding the restrictions and believes the business will be an asset to Farmington.

Wendy Rasmussen, 1233 W 175 S, is opposed to changing the zone text for a single individual or business.

Mayor Talbot closed the Public Hearing at 7:25 p.m.

John Bilton commented that downtown Farmington is different from cities like Kaysville and Bountiful because of the limited number of businesses. The Council does not want to see older buildings become vacant, and this is a reasonable way to have additional usages and to allow flexibility in the downtown area. **Jim Young** said he respects **Wendy**, but he does not intend to vote on this issue based on one business request but will vote for it because the greater public purpose is for downtown to remain active and vibrant.

Motion:

John Bilton made a motion to approve the Ordinance amending Sections 11-2-020(3) and 11-1-045(1) of the Zoning Ordinance regarding adaptive reuses and special exceptions. The motion was seconded by **Doug Anderson**. The motion was amended to include the statement “will be effective in the BR zone only” and to include the 10 items specified in the staff report. The motion was seconded by **Brigham Mellor** and unanimously approved.

Findings:

1. The proposed amendment is reasonably necessary because there may be some historic buildings and structures now or in the future that cannot economically be restored and/or preserved with the existence of a viable adaptive reuse.
2. It is in the public interest because such actions will enhance and stabilize neighborhoods, foster civic pride, preserve Farmington’s heritage and history, and continue to strengthen a sense of place and community.
3. The Farmington City General Plan is based on the overall goal of creating within the community a healthy, attractive, and pleasant living environment for its residents. This goal is the most significant element underlying the General Plan. The text amendments strongly support this goal.
4. The site area size limits ensure a use where the magnitude of such will not negatively impact the district or neighborhood.

5. There are approximately 60 properties downtown and some are large—Davis County and the Davis School District—but there are 18-21 smaller properties that are eligible for the national register, so this Ordinance applies to more than one location.

Additional uses in the Mixed Use Zones

When the PC reviewed THC's application, a potential tenant for a senior living center pointed out that not all elderly people are disabled, and not all assisted living facilities are just for the elderly. Staff felt it was wise to update the Ordinance rather than the Development Agreement.

Public Hearing:

The Public Hearing opened at 7:38 p.m. There were no comments and it was closed.

Motion:

Jim Young made a motion to approve the Ordinance amending Section 11-18-105 of the Zoning Ordinance by added "Residential facilities for the elderly" and "Assisted living facilities" to table 13.3 in all mixed use zones related thereto except the OS zone. The motion was seconded by **John Bilton** and unanimously approved.

Finding:

1. The modification makes certain that elderly and assisted living facilities are included in Chapter 18 without compromising federal housing language.

SUMMARY ACTION

Summary Action List

1. The GeoTech Grant Match for Future Office Park
2. Proclamation Request for Local First Utah's Independents Week
3. Proposal/Contract with Stantec to Delineate Wetlands for possible Detention Basin Project
4. Final Plat approval for the Farmington Hollow and Cottages at Farmington Hollow Conservation Subdivisions

Jim Young commended the City and the developer for their efforts to finalize Farmington Hollow/Cottages at Farmington Hollow and believes it will be a wonderful project.

Motion:

Jim Young made a motion to approve the four items on the Summary Action List. **Doug Anderson** seconded the motion which was unanimously approved.

CONTINUED BUSINESS:

The Haws Companies (THC) Zone Change, Development Agreement (Alternative Development Standards and PMP), and Regulating Plan Amendment (Zone Text Change)

I. Zone Change

Motion:

Brigham Mellor made a motion to approve the Ordinance rezoning 16.19 acres north of Burke Lane and west of the Union Pacific R.R. right-of-way from A (Agriculture) to OMU (Office Mixed Use) and rezoning 21.56 acres west of Station Parkway and north Park Lane from A (Agriculture) to GMU (General Mixed Use); and rezoning land located within the aforementioned properties along Shepard Creek to OS (Open Space) with a width of not less than 50 feet on each side of the center line of the creek. It was seconded by **John Bilton** and unanimously approved.

Findings:

1. The zone change is consistent with the Farmington City General Plan (future land use map and text) and will allow mixed use development recommended for the subject property.
2. The zone change matches the zone designations identified on the Farmington City Regulating Plan for this area.

III. Regulating Plan Amendment (Zone Text Change)

David Petersen pointed out that the local street was shifted to the east, and the Traffic Engineer proposed several modifications to the street layout: (a) the local street may be split between THC/Evans to make the block wider; (b) a roundabout is an option for the Grand Avenue block which has an awkward angle (staff prefers the option without the roundabout). This proposal fits THC's PMP and makes Parcel E more developable, and 1100 W does not change (from north to south) along the entire distance of the Evans property which makes it more developable for them.

Motion:

John Bilton made a motion to approve the Ordinance amending the Regulating Plan set forth in Chapter 18 of the Zoning Ordinance. **Doug Anderson** seconded the motion which was unanimously approved.

Findings:

1. It is congruent with the PMP.
2. It creates a better parcel for development.
3. It straddles the two property lines and does not change 1100 West.
4. It creates block sizes that are congruent with the City's goals and are adequate in size.

II. Development Agreement (Alternative Development Standards and PMP)

The Council discussed each of the following items listed in the May 29, 2014 memo from Attorney **Jody Burnett**:

Dave Millheim read an email from Council Member **Cory Ritz** who said THC's response to Section 114 was insufficient—greater benefits or needs are expected. He is fine with the building orientation, the drive-thru request and the lower sign heights which seem adequate.

Signage Plan:

Mayor Talbot said signs are crucial to the success of retail business and asked staff to share the pictures and heights of various local signs. Staff's measurements: Target – 56', McDonalds – 53', Megaplex – 58', Lagoon – 43', Burt Brothers – 53 feet. **Brigham Mellor** said the phrase "public benefit" from Section 114 stood out, so he surveyed residents in west Farmington. He received 150 responses—20% were in favor of and 80% opposed an 80-foot sign. He realized—in hindsight—that he should have asked what the preferred height would be. **Doug Anderson** does not want numerous signs to pop up in the area because the large signs are full, and there was a lengthy discussion regarding the proposed height of the THC sign.

Motion:

Jim Young made a motion that the sign height not exceed 55 feet from freeway grade and limited to two signs and that the first sign must be completed and filled prior to installing the second sign. The Council decided to combine all three issues in one motion so there was no second to the motion.

Building Orientation:

John Bilton said there are two triangular-shaped parcels abutting Grand Avenue (east of Station Parkway). THC is using Section 114 to request that the buildings face inward and that a drive-thru business be allowed. **David Petersen** confirmed that Grand Avenue runs diagonally and is referred to as Grand Avenue south and Grand Avenue north in the Development Agreement. This decision is specific to Parcels A and B. The Council discussed walkability—an important element related to this project

Drive-Thru Windows:

The PC recommended approval of two drive-thru windows for the entire PMP, but this request is for this specific TMU area. **Brigham Mellor** said 37% of the 150 residents he polled were in favor of a drive-thru; 63% were against it. He works in economic development and the "hot" areas are TOD—a drive-thru does not fit in high density/TOD areas. His wife's grandpa grew up in Murray and rode the Bamberger to work in Farmington. Public infrastructure disappeared because the market dictated it, and now the state is spending millions to get public transit back. Attorney **Jody Burnett** responded to several questions and said he is comfortable with the Agreement. **Jim Young** asked **Brigham** to consider that although his survey said otherwise, people will flock to the drive-thru and it will be an economic driver for the area.

Motion:

John Bilton made a motion to approve the Ordinance adopting the Development Agreement which includes the alternative development standards (and the PMP which is an exhibit thereto), subject to all applicable Farmington City standards and ordinances and to approve two pylon signs (not to exceed 55 feet in height from freeway grade) and the first sign must be completed and filled prior to installing the second sign, with the five conditions and seven findings listed in the staff report and an additional condition: 6 – The Council authorizes the Mayor to sign the Agreement following the review of technical issues by City staff, the City Attorney and THC's Attorney and THC's signing of the Agreement within 30 days. **Jim Young** seconded the motion, and there was a

roll-call vote with **Doug Anderson**, **John Bilton** and **Jim Young** voting to approve the motion and **Brigham Mellor** voting to deny the motion. The motion passed by a 3-1 vote.

GOVERNING BODY REPORTS:

City Manager – Dave Millheim

- There is a small open space parcel on the east side of the new Fieldstone project, and the developer of Bell Estates would like to begin a 2-lot subdivision but needs a right-of-way easement to do so. The Council directed staff to move forward with the vacation.

Mayor – Jim Talbot

- He is traveling to Minnesota with the City Manager and the Fire Chief to research the possibility of purchasing a ladder truck. The trip is being paid for by the manufacturer.

City Council

Doug Anderson:

- Many residents have commented that the City needs to do a better job of informing them about public hearings. **Dave Millheim** said the City has a summer intern who worked for Congressman Chris Stewart, and she is analyzing the City's communication efforts and will make specific recommendations within 30 days.

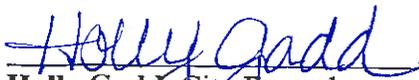
John Bilton:

- He presented a plaque to the City which reads: "The accompanying flag was flown over the US Capitol on May 7, 2014 at the request of the Honorable Chris Stewart, a member of Congress, in honor of past, present, and future veterans of Davis County, Utah." The same flag was raised on Memorial Day at the Cemetery. Colonel **Jay Hess** and other local veterans were in attendance, and Farmington's Memorial Wall is very much appreciated.
- The new Hampton Inn is open and it is very nice facility. The managers are beginning to plug in to what is happening in Farmington and are receiving overflow customers from the Bountiful and Layton Hampton Inns.

ADJOURNMENT

Motion:

Brigham Mellor made a motion to adjourn the meeting. The motion was seconded by **John Bilton** and unanimously approved, and the meeting was adjourned at 10:15 p.m.



Holly Gadd, City Recorder
Farmington City Corporation

Council meeting 6-3-14 Haws

From : Cory Ritz <critz@farmington.utah.gov>

Tue, Jun 03, 2014 01:02 AM

Subject : Council meeting 6-3-14 Haws**To :** Jim Talbot <mayor@farmington.utah.gov>, John Bilton <jbilton@farmington.utah.gov>, Jim Young <jyoung@farmington.utah.gov>, Doug Anderson <danderson@farmington.utah.gov>, Brigham Mellor <bmellor@farmington.utah.gov>, Dave Millheim <dmillheim@farmington.utah.gov>**Cc :** Todd Godfrey <tjgodfrey@mhlaw.net>, Jody K Burnett <jburnett@williamsandhunt.com>, Holly Gadd <hgadd@farmington.utah.gov>

All,

As I mentioned last meeting, I am out of town at mandatory meetings and unable to attend this upcoming council meeting. I had planned to participate by phone, but in light of Councilman Mellor's experience last meeting, and the schedule and circumstances I will be in tomorrow evening, I fear that I will be unable to participate personally for extended periods of time. Therefore, what I intend to do is the following; I will first here provide a summary of my thoughts after studying the packet. Second, after conversing with John Bilton, and in light of his experience with the Haws project on the council, and his experience on the SPARC, I am giving my Proxy vote to John to make for me on this issue. I will give you my input and thoughts on the issue here below, and will talk to John again tomorrow prior to the meeting.

1) As to THC response to John's question on the Section 114, it is an insufficient response in my opinion. All of the economic benefits mentioned are available and the results of development under the regulatory plan as well, and no special benefit as a result of 114 variance. I would expect greater benefits and more specific response for any widespread or major 114 consideration. A request for a 114 variance should be able to demonstrate significant additional benefit or need. I bring this up in a large scale reference to the development plan. Based on the response as listed, I would not be inclined to go along with "wholesale" 114 variance requests.

2) The building orientation in the small original triangle proposal does not give me heartburn. The small triangle piece is very difficult to develop, and does not necessarily work with the reg. plan setbacks. It was approved before, and I see no reason not to go forward with that triangle as proposed, including the 2 driveups.

3) The requested street movement onto the property line makes sense. I would think that the Evans' would welcome this as well. It seems to make sense to adjust street layouts as best suits the project. It also seems that the Evans would be poorly served by a layout that has the road totally on THC property and Evans property isolated from street access. Street

alignments that honor and work with developer property lines would seem to me to be much more logical and functional in moving the process properly forward. Adjustments to the street pattern regulating plan need to be at the city's behest, best interest, and control, not property owners demands or tantrums.

4) The sign issue has been thoroughly discussed. Those in the community that don't want any signs are misguided. They are a necessary part of a development, but need to be appropriate and of proper scale. I think that the depictions that Dave P. put in the packet were very helpful and illustrative. It is my belief that a lower sign height, on the order of 50-60 feet(I trust you all to work it out to an exact number) is more appropriate than the requested 80 or more. With the lower height of the freeway and surrounding structures, the lower sign heights that we have discussed are adequate and appropriate. They will be very visible from the road structures and will give the needed exposure. The lower level signs internal to the project(monument signs and "baseball foul pole" signs) are appropriate. I am in agreement with a comment the Mayor said last time pertaining to the freeway side signs, that first one, and then a second as needed, and a height of 55-60 feet is where we need to go on the signage issue.

Again, my deepest apologies for not being there tonight. I hope that I have communicated my thoughts and opinions well enough to provide positive input into the deliberations. I reiterate that I will be speaking with Councilman Bilton again before the meeting, and give him my Proxy vote on the issue. I will have my cell phone with me and will try to keep myself in a position to answer the phone if you should need to reach me for any reason.
Thanks,

Cory Ritz

**FARMINGTON CITY
CERTIFICATE OF POSTING**

I, the duly appointed and acting Recorder for the City of Farmington, Utah, hereby certify that copies of the **Farmington City Council Minutes for June 3rd, 2014** were posted on the Farmington City Website and the State Public Meeting Notices website this 23rd day of June, 2014

DATED this 23rd day of June, 2014.

FARMINGTON CITY

By:  _____
Holly Gadd
City Recorder