

**FARMINGTON CITY  
PLANNING COMMISSION MEETING  
May 4, 2017**

---

**STUDY SESSION**

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

**Item #3. Bruce Bassett – Applicant is requesting final plat approval for the Eagle Cove Conservation Subdivision consisting of 16 lots on 6.25 acres of property located at approximately 1100 West Glover Lane in an AA (Agriculture – Very Low Density) zone. (S-28-15)**

Eric Anderson said the applicant first began the application process in 2015. Since the West Davis Corridor preferred alignment goes through this property, there is a chance it may not be built, but the City is to treat the application like any other application. He said there are a lot of conditions for approval on this item, but staff is recommending approval with those conditions. He said it has been extensively reviewed during the schematic plan and preliminary plat approval process. Eric Anderson said the subdivision includes 13 Transfer of Development Rights (TDR) lots. He said the plat also shows the property line coming 30' into the ROW; however, that will not be the case. Eric Anderson said the City's ROW for 1100 W. was established in the mid-1800s; however, when Mr. Bassett purchased his property, his property line was placed 30' over the ROW. It should have been caught, but was not until now. Kent Hinckley asked why the conditions refer to "final plat" being approved prior to recordation when the Planning Commission is reviewing the final plat at this time. Eric Anderson said the final plat is what will be recorded, and the final plat must reflect these conditions when it is recorded.

**Item #4. Farmington City (Public Hearing) – Applicant is requesting a recommendation for approval of an amendment to the General Plan adopting the North Station Small Area Master Plan. (MP-1-17)**

Eric Anderson said Chartwell Capital hired Urban Design Associates to do a planning charrette. Chartwell has now applied for Project Master Plan (PMP) for the area; however, before entering into a PMP and development agreement, which gives vesting rights, staff felt it would be important for the governing bodies to provide guidance regarding the land use for the area. Staff originally felt a concept plan would be appropriate, but the City Attorney suggested a Small Area Master Plan (SAMP) be adopted as an element to the General Plan. Eric Anderson said the City currently has many stand-alone elements that have been adopted as part of the General Plan, including the Downtown Master Plan, the Transportation Master Plan, the Active Transportation Master Plan, the Storm Water Master Plan, the Trail Master Plan, and more. The proposed SAMP does not give the developer vesting rights, and it is not a rezone or zone text change. Eric Anderson said often, the governing bodies reference the General Plan, and stand-alone documents, prior to a rezone to see if it consistent with the vision for the area. He said the SAMP could be a guiding document for the City Council and Planning Commission when smaller PMPs come in for the area.

Eric Anderson said Chartwell would like to begin building residential in the northern corner of the property. The City Council would like an office park for the area, so the Council has concerns about beginning the development of the area with residential. He said the SAMP could give a better level of

comfort knowing that residential may be starting in one area; however, there will be office uses that will later be developed as show on the plan. He also said since it is a guiding document, it does not give the property owners any vesting rights, and it does not force the City Council or Planning Commission to follow it. He said staff feels the plan makes sense, with residential uses to the west, as it is a better use than office next to existing neighborhoods. The plan also proposes intensive commercial uses, including office, near the freeway and major roads for better visibility and **better access**.

The commissioners had concern with the proposed residential uses as part of the plan. **Eric Anderson** explained that the OMU zone does not allow for residential uses, so the applicant will have to apply through Section 140 of the Zoning Ordinance, which allows for deviation from the standards through a development agreement, but is a legislative act so the City maintains control. He said since Section 140 is legislative, the City has a good amount of discretion to say no if they choose to. The SAMP would provide guidance in future decisions; however, the City does not have to follow it or approve a PMP.

**Kent Hinckley** asked why the developer is wanting to begin with residential in the OMU zone. **Eric Anderson** said there are a lot of questions regarding the exact location of the future Shepard Lane interchange. Until the exact location is known, Chartwell cannot begin development of their other property. He also said Chartwell's other property is landlocked, and that they only have access to the northern corner, which is proposed as residential on the SAMP, so Chartwell would like to begin there.

---

## REGULAR SESSION

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

### Item #1. Minutes

**Kent Hinckley** made a motion to approve the Minutes from the March 23, 2016 Planning Commission meeting. **Bret Gallacher** seconded the motion, which was unanimously approved.

### Item #2. City Council Report

**Eric Anderson** gave a report from the May 2, 2017 City Council meeting. He said City Council tabled the 700 S. street cross-section modification that was a result of a surveying error. The City Council was not comfortable fixing a mistake that was a result of someone else's error. The City Council is asking that the applicant come up with compensation for the lost open space. **Eric Anderson** also said that the Eagle Cove Transfer of Development Rights item was tabled; the applicant wanted to readjust the amount of the TDR because of new information, so the City Manager recommended that the City Council table it. He said this item will be discussed tonight, and that a condition to the motion is that before the plat can be recorded, the TDR must be resolved as the entire plat is dependent on its approval. **Heather Barnum** asked for more information regarding the agenda items for Park Lane Commons and a liquor license for Harmons. **Eric Anderson** said Rich Haws was going to discuss some future plans regarding Park Lane Commons; however, the item was pulled by the applicant, and not discussed at the meeting. He said the liquor license is part of the cooking school within Harmons; Harmons would like to include a restaurant component as part of the school, but a liquor license is

required; it is what is known as a “local consent” meaning it can be done with or without the City’s approval, but the state wants the cities to consent to it anyway, which the City Council did.

## **SUBDIVISION**

### **Item #3. Bruce Bassett – Applicant is requesting final plat approval for the Eagle Cove Conservation Subdivision consisting of 16 lots on 6.25 acres of property located at approximately 1100 West Glover Lane in an AA (Agriculture – Very Low Density) zone. (S-28-15)**

**Eric Anderson** showed an aerial view of the property, and where 1100 W. connects all the way through. **Bruce Bassett** is seeking to develop his property, along with his neighbor, **Troy Holzer**. The applicant is proposing to develop 16 lots in the AA zone; however, the minimum lot size for the AA zone is 10 acres or 5 acres in a conservation subdivision. The total property being considered is 6.02 acres, but consists of 3 different parcels. As a result, the applicant is seeking a Transfer of Development Rights (TDR) for 13 lots for a total of 16 lots in the project. The applicant and City Manager previously agreed upon an amount for the 13 lot TDR transaction; however, the amount is being reconsidered. If an amount is not agreed upon, the plat will not be recorded. He said all outstanding issues, including payment for the TDR of 13 lots, have been reflected in the suggested motion. Staff is recommending approval of the item with the suggested conditions.

The applicant, **Troy Holzer**, was present, but did not have any additional comment.

**Kent Hinckley** asked why the final plat does not show any on-site water retention, but a condition regarding it is included on the motion. **Eric Anderson** said he is unsure why the City Engineer requested that condition be included; however, he feels it might be because of the high water table and wanting to ensure the water goes directly into the storm water system and conveyed off-site, and not retained on-site where it will sit in perpetuity.

**Heather Barnum** asked if the number of lots would change if the City and applicant do not come to an agreement regarding the TDR amount. **Eric Anderson** said if an amount is not agreed upon for the TDR, the TDR agreement would fall through and the applicant could not get the 13 lots he needs in order to make the subdivision happen. As long as an agreement is made and payment is received, the density would remain the same. **Heather Barnum** asked if the Planning Commission would see this item again if that does happen. **Eric Anderson** said yes, the City Council already approved the number of lots for the TDR transaction, and now an amount for that transaction must take place. The density has been set with the TDR approval; however, if an amount is not agreed upon, the whole subdivision cannot be recorded, and the applicant would have to start the subdivision process over again.

### ***Motion:***

**Kent Hinckley** made a motion that the Planning Commission approve the final plat for the Eagle Cove Conservation Subdivision, subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. The applicant shall address all outstanding DRC comments on the final plat prior to recordation;
2. The applicant shall receive final approval on the TDR amount by the City Council, and pay that approved amount prior to recordation of the plat;
3. The final plat shall have all necessary signature blocks prior to recordation;
4. The applicant shall show the boundary of the subdivision to the western edge of the 1100 West right-of-way on final plat prior to recordation;

5. The final plat shall place addresses on all lots as determined by the City's GIS Administrator prior to recordation;
6. The applicant shall complete a soils report on the property and place a note on the final plat referencing this report prior to the commencement of any construction on site prior to recordation;
7. A note shall be placed on the final plat addressing future property owners within the subdivision explaining that there may be odors associated with adjacent agriculture uses prior to recordation;
8. No on-site retention shall be allowed as part of this subdivision;
9. A note shall be placed on the final plat stating: "the preferred alignment of the West Davis Corridor may affect this property, depending on the final record of decision" prior to recordation.

**Connie Deianni** seconded the motion, which was unanimously approved.

**Findings for Approval:**

1. The proposed subdivision conforms to all of the development standards as set forth in the Farmington City Subdivision and Zoning Ordinances.
2. The proposed development will aid the City in improving Glover Lane and 1100 West.
3. The densities requested are similar to those found in Farmington Park, and Farmington Creek Estates Phases II-IV.

**Item #4. Farmington City (Public Hearing) – Applicant is requesting a recommendation for approval of an amendment to the General Plan adopting the North Station Small Area Master Plan. (MP-1-17)**

**Eric Anderson** said this item is for the 220+ acres north of Park Lane Commons. Property owner, Chartwell Capital hired Urban Design Associates (UDA) to conduct a planning charrette with all surrounding stake holders, including property owners, the City, the County, Planning Commission, City Council, and more. As a result, Chartwell applied for a Project Master Plan, which is being reviewed by the City. The Project Master Plan is being considered under Section 140 of Chapter 18 of the Zoning Ordinance, but it includes a residential component that is not currently allowed in the OMU (Office Mixed-Use) zone. Staff felt it would be appropriate to discuss this residential component as an intermediary step to the PMP's review process and the Development Agreement. Staff also felt it would be wise to implement a conceptual land use plan for the area; however, the City Attorney suggested implementing a Small Area Master Plan (SAMP) for the area. **Eric Anderson** said the SAMP would be an attachment to the City's General Plan, like the other stand-alone plans that have been adopted. Some of these include the Transportation Master Plan, the Storm Water Master Plan, and more. He said the SAMP document could guide the future PMP for the whole area and the decision making process for years to come without giving any vesting rights.

**Heather Barnum** asked about the ownership of the parcels included in the 220+ acres. She asked if it is all owned by developers, if all property owners participated in the charrette, and if property owners plan to sell for development. **Eric Anderson** showed the Ownership Diagram, as found in the UDA plan. He said as far as the City is aware, all property owners, except George Clark, participated in the charrette. Most of the property owners are planning on selling their land to a developer or developing the land themselves.

**Eric Anderson** also pointed out that prior to UDA being hired, the City and Chartwell completed a market study for the area, which was performed by Kimley Horn. The market study showed a lot of

retail; however, there was a lot of critique regarding the amount of retail, which was later amended by UDA. **Eric Anderson** then reviewed each page of the UDA plan that was presented at the end of the charrette, as shown in the staff report, which is what will be included as the SAMP.

**Eric Anderson** said there will be higher density residential on the north side of the 220+ acres, as well as in the middle of the project. A question that came up during the Study Session was why Chartwell wanted to lead off with the higher density residential on the northern area of the property. **Eric Anderson** said the exact location for the Shepard Lane interchange is unknown, and the southern boundary is set with Shepard Creek. Currently, there are no existing roads in the middle area, so there is no access to a significant area of the property. The northern tip of the property is the only place where Chartwell currently can access their property, which is the proposed area for medium density residential.

**Eric Anderson** showed the potential permitted and non-permitted uses for the mixed-use zone, as found in the UDA plan. **Alex Leeman** asked for clarification on what the use “Maker Space” includes. **Eric Anderson** said it would be considered light manufacturing artisan type uses.

**Kent Hinckley** asked if the Shepard Lane interchange could affect the proposed SAMP. **Eric Anderson** said the property north of Haight Creek is set, so the interchange will not change that area. Also, the City knows the future interchange will be located somewhere along the City’s ROW in the area. **Kent Hinckley** said it seems like the future Shepard Lane interchange could have the potential to affect multiple properties within the middle of the SAMP. **Eric Anderson** said the northern piece of the property is set because of Haight Creek; this area would not be affected by the future interchange, which makes it a logical place to start developing.

**Heather Barnum** asked for UDOT’s timeline with the future Shepard Lane interchange. **Eric Anderson** said the future Shepard Lane interchange is second on UDOT’s interchange list, which could be around year 2021 or 2022. **Heather Barnum** asked if staff knew Chartwell’s potential timeline for beginning to build the northern corner of the 220+ acres. **Eric Anderson** said the northern tip of the property may be built in two separate phases, but if the Collins family, another property owner within the 220+ acres, moves forward on an “assisted living campus,” Chartwell could then possibly have access to developing the middle of the development. **Heather Barnum** asked if this could potentially be a decade long process. **Eric Anderson** said it could be even be a 20+ year process, which is why staff feels it is important to have a guiding document like the SAMP to help future governing bodies know the over vision for the area.

**Heather Barnum** opened the public hearing at 7:39 p.m.

**Ken Stewart**, 1305 N. 1700 W., said he is the Director for Project Development for Chartwell Capital Partners and the Vice-President of Operations for Tom Stewart Construction. He said Tom Stewart is the main owner of the property, with Jeff Hawkes and a few others. He started by saying that all real estate agents refer to this area as the “golden rectangle,” meaning it is one of the prime pieces of real estate in the state of Utah and possibly the western U.S. He said Chartwell Capital owns over 140 properties all over the country, and approximately 300 acres of vacant land in Utah. He said Chartwell is committed to doing what is best for the area. He said they originally hired Kimley-Horn, who was ranked #7 by Forbes Magazine as one of the best companies to work for, to perform a market analysis on the area. They were looking specifically for a group of people not associated with the state or community. The market analysis Kimley-Horn presented showed a significant amount of retail, but with declining trends for retail, Chartwell felt a second opinion would be appropriate. **Ken Stewart** said that was when they found Urban Design Associates (UDA). He said they have spent close to \$200,000 in planning for this area, as they want to ensure they are doing the right things for the area and the

property. He said they do not have intentions to build apartments, but that they are interested in a mixed-use community development to bring in job opportunities with high-end living.

**Ken Stewart** said approximately a year ago when the process began with UDA, UDA told Chartwell that retail is going to go significantly down. Since that time, he feels what UDA said has come to fruition, which is shown with the stores that have already gone out of business in Station Park. He feels retail for this area is not a long-term option. He said if the entire area is proposed as office space, it would result in more office space than downtown Salt Lake City, which would most likely not be feasible. He explained it is important that residential be a component in this project. He said the property north of Haight Creek does not have any freeway access, and has very little freeway exposure; no commercial development could be sustained on that property. **Ken Stewart** said starting development on the northern property is the only rational place to start, and doing so would provide some cash flow to continue moving on other areas when they become available. He also mentioned that in their conversations with UDOT, a record of decision is expected by this fall for the future Shepard Lane interchange and a ribbon cutting by 2023. He feels it does not make sense to push forward to make something happen in the middle of the property area until a record of decision for the Shepard Lane interchange is made. **Ken Stewart** said the purpose of the charrette was to ensure they can provide something that will service the needs of Farmington City; he said they have no intention of only building residential. He said they feel office being the primary use for this area with light manufacturing being a part of it also will result in a community development that can thrive.

**Bret Gallacher** asked the applicant what kind of residential they are considering if the plans are not for apartments. **Ken Stewart** said they have considered patio style homes or townhomes, but not rentals. He said they want a high quality environment that will be complimentary to an office, retail, and hospitality type area. He also pointed out that office space brings in more revenue; however, they do not feel it is feasible for this area to support the entire property as office space, so they feel this plan is productive.

**Heather Barnum** closed the public hearing at 7:50 p.m.

**Rebecca Wayment** asked if the northern property of townhomes and patio homes would be similar to the development near the roundabout and 1100 W. She also asked how many stories are permitted within the OMU zone. **Eric Anderson** said he has not seen the elevations so he does not know if they will be a row homes similar to what is located near the roundabout and 1100 W. He also said residential is not allowed in the OMU zone, but that the number of stories in the OMU zone is dependent on the intensity of the street it abuts. **Rebecca Wayment** expressed concern that the northern property abuts single-family residential, and a three-story building is significantly different than a two-story home. She said she does not want the community to feel like more high density housing is being built adjacent to single-family homes. **Eric Anderson** clarified that the OMU allows for 4 stories next to a local road, but that a collector road is 6 stories. Residential uses are not allowed, and that any application would have to be considered under Section 140, which allows the City to deviate from standards. **Rebecca Wayment** said it was discussed that residential uses makes the most sense for the northern property, but if Section 140 allows the City to deny the residential use, the applicant can't develop what they want to. **Eric Anderson** said Section 140 allows the City to deviate from the standards through a Development Agreement, meaning the City still has some control over what they would like to see. He said an example may be that since residential use is not currently allowed in the OMU, a Development Agreement under Section 140 would allow it, but that the City could specify the number of stories for the townhomes.

**Kent Hinckley** expressed concern that the list of Permitted Uses, as found in UDA's plan for the area, lists apartments and condominiums as permitted uses. He said the applicant may say he is not

going to build those at this time, but perhaps a decade or more longer, he decides to do so since it is allowed. **Eric Anderson** said the applicant would have to first seek a zone text change, which is what staff would like to avoid. He said the General Plan says apartments and condos are a permitted use; however, the OMU still does not allow for residential, which would require a zone text amendment. He said Chartwell is comfortable seeking approval for residential through Section 140, but in order to do so, they must enter into a Development Agreement with the City, which is legislative so the City still has control.

**Alex Leeman** reminded the Commission to consider this request as a concept and direction for a small area. He said the guiding document is a recommendation; it does not vest any rights, nor can any “shovel of dirt be turned” before approval processes take place. **Kent Hinckley** said he feels the proposed SAMP would set perimeters for the area, which would also include apartments, condos, and other residential uses. **Alex Leeman** said those uses are in the “picture” for the area, but that is not the decision before the Commission; the concept plan is the only thing presented, and it will allow property owners the opportunity to coordinate work.

**Rebecca Wayment** said she wants to ensure approving the SAMP with the residential component does not open the back door for something that is not wanted. She is concerned that the applicant could push that approval of the SAMP could send the message that the City will approve anything within the plan in the future. **Eric Anderson** said the SAMP would be a guiding document without having to rezone or amend the General Plan, and a rezone is where rights are vested. **Kent Hinckley** said he feels it is not much of a guiding document if it gives the impression the City is comfortable with something when the governing bodies may not agree with it. **Alex Leeman** said the SAMP is simply what the City envisions for the area. He said the General Plan and zones for some areas do not line up, but that the General Plan shows what the property could potentially be. He said there then comes a time for those things to match through a rezone or the City changes visions. **Kent Hinckley** said the SAMP is the vision for the property, which includes the northern corner property as residential. **Alex Leeman** said the question before the commissioners is if they agree with that vision, otherwise the commissioners do not have to vote in favor of the SAMP. **Rebecca Wayment** said she is concerned with the City saying its vision is for residential in this area, which could open the door to many additional things. **Alex Leeman** said the SAMP is the City saying this is the vision for the area; however, property owners still apply under Section 140 which is legislative so the City can still determine if they do not like the proposal or plans. He reminded the commissioners that the SAMP does not have any rights vested.

**Connie Deianni** said she feels leaving the permitted uses for high density residential and leaving the location of the proposed residential areas in the SAMP could give the impression that the City agrees with the high density residential. **Alex Leeman** pointed out that the SAMP says “higher” density residential in lieu of “high.” He feels that means higher density may mean “lower” density, like anything from townhomes, duplexes, etc., along the edges near the single-family homes, with the high density in the middle of the property. **Connie Deianni** said she may not be comfortable with that included in the SAMP. **Alex Leeman** said that is what is being considered, and she could vote no on the SAMP’s approval since the entire plan is what is being presented.

**Rebecca Wayment** said she does not have any problems with the plan, except she feels approving a use as part of a plan that is not currently allowed in a zone is like “dangling a candy bar” that someone cannot have. **Alex Leeman** said the General Plan currently shows things that are not allowed, but what is envisioned for the area. He said the SAMP is a planning concept, and that nothing but the concept is being approved as a stand-alone document. He said there are things he does and does not like in the development; however, he feels having a decent concept plans gives everyone something to work with. He said he feels the approval of this item is as simple as saying whether you

like the “picture” for the area or not. **Eric Anderson** said since the SAMP is an envisioning document, the commissioners could make the recommendation to remove the Permitted and Non-permitted Uses from the plan. **Kent Hinckley** felt comfortable striking that page from the proposed SAMP.

The commissioners discussed potential changes to Finding #6 as it refers to high density residential, which included removing “density” and adding “intensity” in its place. The commissioners and staff felt this would better reflect the potential uses for the area.

**Rebecca Wayment** also added that she does not want the entire area residential. **Eric Anderson** pointed out that the property could easily be developed as residential property within a few years; however, single-family homes quickly eat up the land. He said the City always envisioned this area as an office park, which is part of the reason residential was removed from the OMU zone. He said not changing the zone means residential uses will have to come before the City under Section 140, which provides the City legislative powers to determine what is best for the area.

***Motion:***

**Kent Hinckley** made a motion that the Planning Commission recommend that the City Council amend the General Plan adopting the enclosed North Station Small Area Master Plan as an element of the General Plan, subject to all applicable Farmington City ordinances, and that the last page of the Small Area Master Plan that refers to permitted uses be removed. **Rebecca Wayment** seconded the motion, which was unanimously approved.

**Findings for Approval:**

1. The proposed North Station Small Area Master Plan was completed through a design charrette involving unanimous stakeholder consensus.
2. The stakeholders included the majority of property owners within the project area, neighboring property owners to the project area, the City, the County, and Chartwell Capital.
3. The Planning Commission has held a public hearing on multiple recommendations from the North Station Small Area Master Plan, including removing the large footprint building provision, and amending the regulating plan and related block size, and the Planning Commission after review of the application has unanimously recommended that the City Council approve the requested modifications to Chapter 18 of the Zoning Ordinance.
4. The proposed North Station Small Area Master Plan is consistent with the stated intent and purpose of the Farmington City General Plan and Zoning Ordinance for this district; including a fine grained mix of uses such as office, retail, and residential, an emphasis on bringing activity to the street and enhancing walkability, placing parking to the rear of buildings, creating public spaces and nodes, enhancing open space and connectivity, providing a live/work/play environment, etc.
5. The proposed North Station Small Area Master Plan has a good balance of residential and retail that will support the primary office use, which is the overarching intent of the OMU zone.
6. The North Station Small Area Master Plan proposes a nuanced continuum of development intensity with lower intensity to the west, higher intensity in the middle and along major roads, and commercial along the freeway and arterial roads, such as Shepard Lane, Burke Lane, and 1100 West. The continuum of development intensity provides a buffer between existing residential neighborhoods to the west, and places the highest intensity commercial buildings near the future Shepard Lane Interchange and I-15 to the east.
7. The fine grained mixture of uses proposed in the North Station Small Area Master Plan creates an office park that is unique to the State of Utah and will create a vibrant employment center for Davis County that fosters a live/work/play environment.

8. The proposed North Station Small Area Master Plan will help to diversify and balance the City's tax structure through expanding its commercial property tax base, instead of relying too heavily on residential property and commercial sales tax.

**Item #5. Miscellaneous: a) Mike Evans (Public Hearing) – Applicant is requesting approval to build a detached accessory building (garage) in his side corner yard on .56 acres of property located at 672 West 1400 North in an LR-F (Large Residential – Foothill) zone.**

Eric Anderson said the applicant obtained approval for the 3- lot Villa Susanna subdivision some time ago; the subdivision was built where the old church ward house used to be located. The applicant owns two lots in the subdivision, and his daughter owns the third. Eric Anderson said the applicant recently purchased a remnant piece of property from Davis County, that is adjacent to his property; he would like to build a detached accessory building (garage) on it. Since the garage would go over property lines, the applicant will have to request approval for a plat amendment from the City Council, as well as approval from the Planning Commission because the garage would be located in his side corner yard. Eric Anderson said staff is recommending approval as the garage will be partially located on the previously owned County property, and that there are no other homes nearby.

Zack Evans, 232 E. 1875 N., Centerville, said he is here representing the applicant Mike Evans. He said Mr. Evans had a concern regarding the 20' between the concrete wall and the garage. He said Mr. Evans said since the subdivision came under a PUD, he is allowed to decrease the space to 10', but that he will most likely use 15'. He said he is unsure if that affects the approval process, but wanted to bring up the concern to the Commission and staff. Eric Anderson read the Ordinance regarding the alternate location for a detached accessory building, as shown in the staff report. The side corner setback found in Chapter 11 is 20'; however, there are occasionally deviations to setbacks in the PUD master plan approval. He said he is unsure if this is the case in this circumstance, but that Ken Klinker with the City will be able to tell the applicant when the site plan is reviewed. Eric Anderson said if the PUD was not granted a setback reduction, the applicant would have to seek a variance from either the Zoning Administrator or the Board of Adjustments. He suggested a condition to the motion be added that would say all setbacks will have to be followed, and if not, the applicant will need to obtain a variance. Alex Leeman asked if the concrete wall will remain on the property. Zack Evans said yes, it will remain, but that it will have some improvements made on the residential side of it.

**Heather Barnum opened the public hearing at 8:33 p.m.**

No comments were received.

**Heather Barnum closed the public hearing at 8:33 p.m.**

Connie Deianni asked if the garage will be seen from the street and what it will look like for the surrounding community. Eric Anderson said the garage will match the house, but that it will also be located behind the concrete wall. Commissioners brought up concerns regarding the exterior look of the garage, as there have been other detached accessory buildings that have been unfavorably constructed. Alex Leeman suggested that a condition to approval that the Commission delegate to staff the ability to ensure the garage is architecturally sound.

***Motion:***

Alex Leeman made a motion that the Planning Commission approve the detached accessory building placement that encroaches in the side corner yard of the applicant's property, subject to all applicable Farmington City ordinances and development standards, and with the following conditions:

1. Delegate to staff to ensure the proposed structure is architecturally compatible with the home;
2. All setbacks under PUD will be followed or the applicant will seek a variance.

**Bret Gallacher** seconded the motion, which was unanimously approved.

Findings for Approval:

1. The subject property is large enough that a detached garage will fit on the property without any foreseeable adverse affects.
2. The proposed structure is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
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. All requirements as set forth in Section 11-11-050 and 11-11-060 will be met during the building permit review process, including applicable setbacks, required separation from the main building, etc.
5. The detached accessory building is mostly to the rear of the dwelling and will not adversely impact any neighbors, as the only abutting property is owned by Davis County for access to their detention basin, and does not have any structures on it.

Item #5. Miscellaneous: b) Clarification on motion from January 5, 2017 Planning Commission meeting.

**Eric Anderson** said that he understands the difficulty of crafting motions and conditions on the spot; he thanked the Commission for their hard work. He also explained that it is important that the Commission make motions and conditions that are clear, and that staff helps to do so. On January 5<sup>th</sup>, the applicant Troy Wasserman came before the Planning Commission seeking approval for a detached garage in his side yard. The Planning Commission approved “the detached accessory building placement that encroaches in the side yard of the applicant’s property, subject to all applicable Farmington City ordinances and development standards, including the setbacks we discussed, and the following conditions: 1) The applicant shall obtain approval from the 4 adjacent property owners as discussed; and 2) The paint colors of the structure match the existing home for the walls, the roof, and the garage door.”

**Eric Anderson** said the neighbors may be taking Mr. Wasserman to Civil Court over violation of the HOA’s CC&Rs. One of the neighbors was looking through the minutes, and he felt the minutes were misleading, as it seems what was discussed made it seem that the neighbors get to approve the site plan for the detached accessory building. **Eric Anderson** explained that staff feels that what the neighbor is referring to is regarding the variance request. He said it is standard practice for the Zoning Administrator to grant a variance from 10’ down to 7 ½’; however, the variance is not usually granted until approval from the neighbors is granted, or the request is taken to the Board of Adjustments (BOA). **Eric Anderson** said that is what happened with Mr. Wasserman. He went before the BOA seeking a variance for the side setback to be 7 ½’; however, his request was denied, so he moved his detached accessory building to the side setback requirement of 10’. The neighbor is concerned because the minutes made it sound like the Planning Commission said the neighbors should have given Mr. Wasserman site plan approval. **Eric Anderson** pointed out that site plan approval is not a neighbor’s role, but that he could see how David Petersen’s comment regarding neighbor sign-off could have been confusing. He said staff feels it was meant in reference to the variance, but he is seeking clarification of the intent of the motion from the commissioners.

**Rebecca Wayment** said she thought she remembered advising the applicant to make sure what he was proposing to build was allowed as part of his HOA's CC&Rs. **Alex Leeman** said he remembers telling the applicant that the City could not approve his request based on his HOA's CC&Rs, as the City does not enforce CC&Rs.

**Eric Anderson** said it was staff's understanding that the Commission required him to obtain the sign-off from neighbors regarding the variance to 7 ½'; however, one neighbor said no to the sign-off, so staff was not comfortable granting an administrative variance. After that time, Mr. Wasserman was then sent to the BOA, and his request was denied. The commissioners discussed their understanding regarding the neighborhood sign-off, and it seemed many commissioners had differing understandings of the request. **Alex Leeman** said when he made the motion, he was under the impression that the request for neighbor sign-off was for the setback variance since its approval would bring it closer to the property edge.

The commissioners expressed frustration regarding the situation, as it seems to be reoccurring. The commissioners felt they discussed appropriate ways to ensure the structure was architecturally compatible with the surrounding area. **Eric Anderson** said that he understands that desire, but that neighbors should not have final approval over site plan. He said comments can be taken into consideration during the public hearing; however, the Commission is the governing body on a request like Mr. Wasserman's detached accessory building in a side yard. **Kent Hinckley** asked if Mr. Wasserman built his detached accessory building in violation to the setback requirements. **Eric Anderson** said no, since the applicant did not obtain approval for the variance by the BOA, he adjusted the building to meet the 10' setback.

The commissioners asked what could be done in the future to ensure similar situations no longer occur. **Eric Anderson** explained the difficulty with enforcing structures to be architecturally compatible because it is very subjective. The commissioners asked if design renderings could be reviewed during the building permit process. **Eric Anderson** said it is very difficult to enforce aesthetics. He said although the Commission may not feel Mr. Wasserman's structure is architecturally compatible, some may argue that it is, or that regulating paint colors is an overreach of land use authority.

**Alex Leeman** referred back to the original motion made on January 5<sup>th</sup>. The conditions to the motion asked that the applicant obtain 4 property owners signatures for the variance, and that the colors of the structure match the home. He said since one of the property owners said no, and the BOA did not grant the variance, Mr. Wasserman changed the location of the building so he would no longer need a variance. The only other thing that remains is the colors of the structure. He said beyond that, the neighbor's concerns with the HOA's CC&Rs are a civil matter to be discussed.

**Rebecca Wayment** asked if staff could research what language the Commission can use in crafting a motion to ensure aesthetics match the overall vision of the neighborhood so neighbor pushback after a structure is built does not keep happening. **Eric Anderson** said things like materials can be discussed, but the motion has to be quantifiable. He said in all his land use trainings over the years, he has been taught that aesthetics are hard to legislate and administer.

The commissioners and staff committed to working better together to ensure crafted motions are enforceable and permissible.

**ADJOURNMENT**

***Motion:***

At 9:18 p.m., **Kent Hinckley** made a motion to adjourn the meeting, which was unanimously approved.



---

**Heather Barnum**  
Chair, Farmington City Planning Commission