

FARMINGTON CITY  
PLANNING COMMISSION

May 7, 2020

ELECTRONIC MEETING

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**STUDY SESSION**

**Present:** Chairman Roger Child, Vice Chairman Alex Leeman, Rulon Homer, Larry Steinhorst, Greg Wall, Mike Plaizier and Alternate Commissioner Inger Erickson. **Staff:** Community Development Director David Petersen, City Planner Meagan Booth, Recording Secretary Carly Rowe and Planning/GIS Specialist Shannon Hansell. Russ Workman was excused.

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**REGULAR SESSION**

**Present:** Chairman Roger Child, Vice Chairman Alex Leeman, Rulon Homer, Larry Steinhorst, Greg Wall, Mike Plaizier and Alternate Commissioner Inger Erickson. **Staff:** Community Development Director David Petersen, City Planner Meagan Booth, Recording Secretary Carly Rowe and Planning/GIS Specialist Shannon Hansell. Russ Workman was excused.

Chairperson Roger Child, opened up the meeting at 7:05 PM.

**Item #1 Minutes**

Alex Leeman made a motion to approve the minutes from the April 9, 2020 Planning Commission meeting. Greg Wall seconded the motion, which was unanimously approved.

**Item #2 City Council Report**

Both Zone Text Amendments were approved, Alternative Lot Size and ADU/SDU. The Council followed the Planning Commission's recommendation regarding Sydney's Corner Phase 2 to plat four lots; however, issues remained related to granting three TDR's.

**SUBDIVISIONS**

**Item #3 Hayley Pratt/Hamlet Development - Applicant is requesting final plat approval for the Flatrock Ranch Subdivision consisting of 40 lots on 32.07 acres of property located at approximately 600 South 1525 West. (S-3-19)**

The applicant is requesting to develop 40 homes on 32.07 acres of property located approximately 600 south 1525 west. The property has also been rezoned to AE (Agricultural Estates). The Planning Commission approved the Preliminary Plat on December 12, 2019. The City Council approved the waiver and fee in lieu of open space on January 21, 2020. A major concern of the City Council was the long-term maintenance and the use of open space, which has been placed as a condition if approved below.

Michael Brodsky, the applicant, stated that this was a complex transaction and he is thankful for the help and direction from staff, City Council and Planning Commission; they were looking for smaller lots however, they ended up with 40, half-acre lots. The property has sold now to Ivory Homes – who will develop and build out the subdivision. The landscape plan that was developed for the property (entrance and monument) will plan to preserve the meadows in front of the neighborhood. Ivory is going to likely contract with a local farmer who will use those meadows and the HOA will be responsible for oversight and ensure that the open space will be properly maintained. As a conservation subdivision, the amount of open space is less than required and they have negotiated a fee in lieu with the City Manager and the City Council. This was approved by City Council. The trail connection is at the west end of the property and is on UDOT property, but will be built as part of the subdivision; this will be maintained by the HOA.

Greg Wall questioned lots 2 through 19, where it states to accept storm run-off from properties directly from the north. Greg is curious if this is the ditch where a pipe will be underground.

Nick Mingo, the civil engineer for the project, replied to Greg's comments, stating that they have worked with Chad regarding this. Most of the north end of the project is part of that ditch (wetlands that they are piping). They are

abandoning the easement per Weber Basin Water District. They have added rear yard drainage systems to collect any surface run off from the neighboring areas.

**Greg Wall** also asked about the park that was originally going in on the north side of the property.

**Michael Brodsky** answered that it was a tradeoff; it ended with the result of larger and fewer lots. Additionally, the City Council expressed concerns of the City maintaining the park, in the end they decided to reduce the lots by eliminating the park. In many developments in the area, the HOA's maintain their parks, Greg stated. Originally, Mr. Brodsky said it would be a public park for neighboring areas as well. **Alex Leeman** said that there was concern of the park being on the east end of the property by the main public road, even if it was an HOA park; because it would be in sight for those who are not in the neighborhood.

## MOTION

**Larry Steinhorst** made a motion to move that the Planning Commission approve the Final Plat for the Flatrock Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant must meet all conditions of Preliminary Plat and Schematic Plan approval.
2. The developer shall submit a maintenance plan providing permanent maintenance for the conservation land and trails within the proposed subdivision. The maintenance plan must be approved by the city and included as part of the HOA's Covenants, Conditions & Restrictions.
3. No new development activity shall be permitted on property proposed for development as a conservation subdivision prior to Final Plat. For purposes of this section, "development activity" shall include any disturbance or alteration of the property in any way, but shall not include continuation of any currently existing permitted use of the property.
4. The applicant must demonstrate to the City that all requirements of the U.S. Army Corporation approval have been met.
5. All outstanding comments from the DRC must be addressed.

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

### Findings for Approval:

1. The plan is consistent with the Preliminary Plat.
2. The proposed development will provide single-family residential developments similar to those of surrounding subdivisions further north of the project.
3. The proposed subdivision will provide trail access to the Buffalo Ranches Trail as part of a larger continuous and integrated open space system, which also creates recreational opportunities, and pedestrian access.

### Item #4 Russell Wilson/Symphony Homes - Applicant is requesting final plat approval for the Farmington Overlook Subdivision consisting of 9 lots on 10.877 acres of property located at approximately 1650 N. North Compton Road in the LR-F (Large Residential) zone. (S-9-19)

Symphony Homes requests a subdivision of the subject property into nine lots, creating the Farmington Overlook Subdivision. The minimum conventional lot size in the Large Residential (LR) Zone is 20,000 square feet. The applicant requests an average lot size of 50,891 square feet (1.168 acres). The Brentwood Estates Plat Amendment was approved by the City Council on December 3, 2019 to include Lot 9 as part of the Farmington Overlook Subdivision. The Planning Commission approved the Preliminary Plat on December 12, 2019.

**Greg Wall** made a note that he needs to provide a statement that his wife's uncle is the owner of Symphony Homes, but advised by Todd Godfrey, our City Attorney, he does not need to recuse himself from the item or vote. He went on to ask about the Brentwood Estates subdivision just below Farmington Overlook; he questioned if having that lot deemed

open space was recorded with the county, since many homeowners said that they were under the impression that it was a non-buildable lot. The City Council previously discussed this at a Public Hearing for the Brentwood Estates Plat Amendment and ultimately the City Council approved it to be a buildable lot in the Farmington Overlook subdivision.

**Jared Schmidt** on behalf of Symphony Homes stated he appreciated the clarification on Lot 9; for the most part, he said he has worked with staff on engineering and design and asked if any commissioners had comments or questions for him.

#### **MOTION**

**Alex Leeman** made a motion to move that the Planning Commission approve the Final Plat for the Farmington Overlook Subdivision subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The applicant shall meet all conditions of Preliminary Plat and Schematic Plan approval.
2. The applicant shall address any outstanding issues raised by the DRC.
3. The developer must follow all requirements of Chapter 30 Foothill Development Standards.

**Inger Erickson** seconded the motion, which was unanimously approved.

#### Findings for Approval:

1. Lot dimensions and configuration comply with the standards set forth in the Zoning and Subdivision ordinances.
2. The proposed Final Plat submittal is consistent with the requirements found in the City's Subdivision Ordinance.
3. The Final Plat is consistent with the Preliminary Plat and the City's General Plan.

#### **ZONE/SIGN TEXT AMANDMENTS**

##### **Item #5 Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend the Zoning Ordinance related to blight, TDRs, and Special Exceptions (ZT-10-20).**

Present practice allows Transfer of Development Rights (TDRs) as an incentive to mitigate blight. This practice is questionable because it requires that property owners or developers pay in TDRs to gain additional lots at the time of blight removal. Code enforcement via fines, monitoring and potential eviction and demolition also serves to mitigate blight. If a site is considered blighted, a developer should have the opportunity to gain additional lots without planning for TDRs. TDRs are somewhat controversial due to the lack of price standardization, thus when considered with a blighted site, a developer may be deterred from development. Similar deterrence will also prevent blight cleanup. This amendment seeks to set out guidelines for blight mitigation and development progression.

**Roger Child** opened and closed the Public Hearing at 7:48 PM due to no comments received.

#### **MOTION**

**Greg Wall** made a motion to move that the Planning Commission recommend the City Council approve the proposed amendment subject to all applicable Farmington City development standards and ordinances.

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

#### Findings for Approval:

1. Property owners no longer have to pay for additional lots, however any additional lots will be granted at the sole discretion of the City.
2. The recommended ordinance changes quantifiable standards concerning blight, special exceptions and TDRs.

**Applicable Ordinances**

1. Title 11, Chapter 3 – Planning Commission
2. Title 11, Chapter 28– Supplementary and Qualifying Regulations

**Zoning Ordinance Amendment**

11-3-045

- A. Purpose: A special exception is an activity or use incidental to or in addition to a principal use permitted in a zoning district; or an adjustment to a fixed dimension standard permitted as an exception to the requirements of this title; ~~or a transfer of development right (TDR), or rights, established because of blight which results in an additional lot, or lots, or a dwelling unit, or units;~~ or the establishment of additional lots or dwelling units as an incentive to mitigate blight; or an adaptive reuse of a building or structure eligible, or that may be eligible, for the National Register of Historic Places so long as the adaptive reuse does not compromise such eligibility. A special exception has less potential impact than a conditional use but still requires careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site. This section sets forth procedures for considering and approving special exceptions to the provisions of this title.

11-28-235 – BLIGHT MITIGATION

- A. Purpose: In addition to enforcement regulations set forth in this Title and elsewhere in the city code, the purpose of this section is to provide incentives to remove blight.
- B. Blight Definition: Property condition with substantial physical dilapidation or non-compliance with current health, building, fire and safety codes. Physical deterioration or defective construction characterized by rot, crumbling, cracking, peeling or rusting. This includes unsanitary or unsafe conditions, such as the accumulation of litter, debris, decomposing vegetation and rubbish. Blight may also include environmental hazards, such as, but not limited to, totes, barrels and dilapidated equipment stored on, or in, the property without proper covering and secondary containment. A blighted structure may be abandoned, excessively vacant and/or an attraction for criminal activity or likewise unsafe activity detrimental to community welfare, regardless of neighboring property condition. A structure may be determined blighted if these, or any other condition as reasonably determined by the City, acts as an impediment towards developing an area that is zoned and served by public utilities.
- C. Intentional Neglect: Blight does not include intentional neglect of a building, structure, or land for the purpose of obtaining financial aid, additional lots/dwelling units, or other resources as an incentive or benefit to mitigate blight.
- a. Demolition by Neglect:**
- D. Special Exception Required: Any consideration of additional lots, or dwelling units, above that allowed or made possible by the underlying zone, shall require a special exception approved by the City. Applications for such special exceptions shall include, among other things, a complete blight study consistent with State code, and the City must establish a finding of blight.
- E. Agreement: All incentive or benefits by the City to remove blight must be approved by development agreement between the City and the respective property owner, acceptable to and at the sole discretion of the City. The development agreement shall be recorded at the office of the Davis County Recorder. If additional lots, or dwelling units, are part of the incentive, the agreement must be recorded prior to, or concurrent with, the recording of the final plat, or the issuance of a building permit by the City. The agreement may include, but is not limited to, the following:
1. Anticipated value of the lot(s), or dwelling units, if any, required by special exception;
  2. Cost of improvements, including design costs, and the timing of construction;
  3. Other costs, such as City fees and finance costs;
  4. Total land costs; and,
  5. Developer profit percentage. (Ord. 2018-11, 3-6-2018)

11-28-240: TRANSFER OF DEVELOPMENT RIGHTS/LOTS (TDR):

~~I. Blight: Transfer lots considered as a special exception may only occur because of blight, and the applicant must complete a blight study, as defined and consistent with State Code, and the City must establish a finding of blight for the receiving area in order to approve such transfer~~

**Item #6 Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend the Sign Ordinance regarding signs in the mixed-use areas (ZT-11-20).**

The City’s Sign Ordinance does not include standards for signs in mixed-use areas. Thus far, such standards have not been essential because the majority of the now developed mixed use areas consists of primarily three large projects, two of which (Station Park and Park Lane Commons) the City approved sign requirements by development agreement, and the other, the University of Utah Medical center, is a state-owned facility not subject to local ordinances.

Staff is working on a more thorough solution to resolve the lack of standards, but in the interim staff is recommending that the Planning Commission consider the enclosed changes, which provide that commercial and residential uses in the mixed-use areas follow standards for similar uses elsewhere in the City.

**15-5-070: MIXED USE ZONES:**

For the purpose of this section, the mixed-use districts TMU, GMU, RMU, OMU, OS, CMU, and NMU are considered to be mixed use zones. Signs in these districts are subject to all standards set forth in this title and to the following additional standards:

- A. Residential Uses, Developments: Signs for residential uses and developments in the mixed-use districts shall be limited to those types listed in section 15-5-010 of this chapter.
- B. Office and Commercial Uses, Developments: Signs for office and commercial uses and developments in the mixed-use districts shall be limited to those types listed in section 15-5-030 of this chapter.

**Roger Child opened and closed the Public Hearing at 7:56 PM due to no comments received.**

**MOTION**

**Larry Steinhorst** made a motion to move that the Planning Commission recommend the City Council approve the proposed amendments to the Sign Ordinance.

**Inger Erickson** seconded the motion, which was unanimously approved.

**Findings for Approval:**

- 1. The amendments fill a void by providing standards for signs in the mixed-use areas until the City is able to consider more comprehensive/specific standards in the future.
- 2. The recommended changes are consistent with purposes and intent of the mixed-use chapters in the Zoning Ordinance, and the goals and objectives of the General Plan as well.

**OTHER**

**Item #7 Miscellaneous, correspondence, etc.**

- a. **Roger Child** asked about the Liquor Store that is going east of the Utah Highway Patrol (UHP) on Lagoon Drive. **Dave Petersen** stated that Department of Alcoholic Beverage Control (DABC) has already broke ground in the area and that the State paid their impact fees on April 21, 2020. The State can override the City on zoning and other ordinances, including State Buildings; additionally it may be isolated with four different State Agencies (DMV, DABC, UHP, and State Attorneys) – acting as a State Campus in the vicinity. **Dave** said they have been good to work with and have been following input from Public Works about drainage. The State did a study in the area, saying that this is a great location; they did try to go to Kaysville but eventually came back to Farmington. The first location was next to the Utah Cardiology building, however the Mayor suggested next to the UHP building where they already had the land. **Inger** expressed concern for the location, meanwhile **Alex** stated that in his opinion, this is best location for this because the biggest concern for residents and Planning Commission is exposure to teenagers and

children; in that location – the balance is the UHP building is next door and it is not a pedestrian accessed area. Additionally, it is an access area where people get on and off the freeway; hence there will be no additional traffic in the neighborhoods and around Station Park. He also said the State Liquor Store this will bring revenue to the City from not only residents but non-residents as well. **Dave** suggested that we ask a representative of the DABC to come present to the Planning Commission and mentioned that the State has determined it is better to have these state mandated buildings instead of selling liquor in the grocery stores because there is more control.

- b. **Dave** informed the Commission that on May 21, 2020 we may start to meet in the City offices for public meetings. Under such circumstances, public is welcome to attend and have the option for electronic meeting as well. Our attorney has advised that masks may be required and we will prepare for proper distancing of at least 6 feet. In addition, **Dave** asked if we wanted to have two meetings in July to follow City Council, instead of just one. We will update our schedule if any changes happen.
- c. **John Saltzgeber** who owns the corner property on 147 S 200 E, wanted to ask for another unit or two, but both Planning Commission and City Council did not want four, but **MAY** consider three, with the condition that it had to be owner occupied. However, the layout must also work, and one unit should be set aside for a Moderate Income Household. **Inger** pointed out that there were about 20 cars parked around the area and at least two in each driveway – curious if there was a code regarding this. Code Enforcement can look more into this if it becomes an issue.
- d. **Greg** inquired about the County Courthouse; asking if we did a conservation easement on the façade. **Dave** said that they could not demolish the building per ordinance since it is a landmark and there has been no talk about an easement. **Greg** also questioned if we would still meet STACK for the field trip, which we cancelled on March 17, 2020 due to the pandemic. As of right now, this has not been re-scheduled.

#### ADJOURNMENT

**Greg Wall** made a motion to adjourn at **8:25 PM**. **Rulon Homer** seconded the motion, which was unanimously approved.



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Roger Child, Planning Commission Chair