

FARMINGTON CITY  
PLANNING COMMISSION

July 9, 2020

**ELECTRONIC AND IN PERSON MEETING**

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**STUDY SESSION**

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

The study session discussion was solely concerning item #4 STACK Real Estate and the different options that could be presented for the evening.

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**REGULAR SESSION**

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

**Russ Workman** has excused himself from the Planning Commission for the evening due to personal interest.

**Chairperson Roger Child** opened the meeting at 7:00 PM.

**Item #1 Minutes**

**Alex Leeman** made a motion to approve the minutes from June 11, 2020. **Greg Wall** seconded the motion, which was unanimously approved. **Alex Leeman** made a motion to approve the minutes from June 25, 2020 with the request to rephrase condition 6 on item #3 per **Greg Wall's** recommendation. **Greg Wall** seconded the motion, which was unanimously approved.

**Item #2 City Council Report**

**Dave Petersen** reported that the City had a successful relation with Center Cal regarding their RDA and the City was able to finalize their last payment.

**SUBDIVISION**

**Item #3 Guy Haskell/Updwell Development LLC – Applicant is requesting preliminary plat approval for the Sydney's Corner Phase 2 Subdivision, consisting of 4 lots on 0.94 acres of property located on the southwest corner of 650 West and Glover Lane in an AE (Agriculture Estates) zone. (S-1-20)**

The developer received schematic plan approval for the Sydney Corner Phase 2 Subdivision from the City Council on April 14, 2020. The Council followed the recommendation of the Planning Commission (see conditions 1-3 below and the status thereto in italics after each condition)

1. The applicant shall obtain approval of the TDR by the City Council;  
*Complete.*
2. Transfer lots considered as a special exception may only occur because of blight, 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. Also, the building inspector must inspect the property and provide the Council with a report, and that City staff explore a mechanism other than the TDR

*Complete- A blight study was complete and the Planning Commission recommended the City Council approve a Text Amendment related thereto on May 21, 2020, but the Council has not yet considered this request.*

3. The applicant shall address all outstanding DRC Comments.

*Incomplete-There, are a few issues raised by the DRC, which need to be addressed. Staff has included the items as conditions of the suggest motion.*

## **MOTION**

**Rulon Homer** made a motion to move that the Planning Commission approve the Preliminary Plat for the Sydney Corner Phase 2 Subdivision subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The applicant must submit a final plat meeting all requirements set forth in Subdivision Ordinance.
2. The applicant must pay the amount, agreed upon by the City Council, for the TDR lot(s) to the City prior to or concurrent with the recordation of the final plat.
3. The applicant shall show the cross section and dedicate the corrected 650 West and Glovers Lane right-of-way on the final plat.
4. The applicant must abandon The US Bureau of Reclamation's (BOR) easement prior to final plat approval.
5. The applicant must submit a Soils Report with the final plat drawings.
6. The City's Development Review Committee (DRC) must approve final improvement drawings for the development, and the applicant shall complete any other DRC outstanding comments/requirements related to this, the development, and the final plat.

**Larry Steinhorst** seconded the motion, which was unanimously approved.

### Findings for Approval:

1. The submitted drawing is acting as the preliminary plat for the subdivision.
2. The parcel size is comparable to the existing Sydney's Corner Subdivision Phase 1.
3. Lot dimensions comply with the standards set forth in the Zoning and Subdivision ordinances because the City made a finding of blight.
4. The proposed average lot size for the project is .22 acres or 9,583.2 square feet, which required a special exception because each lot is less than the minimum alternative lot size of 12,000 square feet as set forth in the AE zone. The Planning Commission approved a special exception for the smaller lot size on March 5.
5. All lots front an existing fully improved public right of way (650 West and Glover Lane).
6. The development mirrors the development across the street and is consistent with the General Plan, which development the City also approved 3 TDR lots to help clean-up blight.
7. The subdivision will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

## **PROJECT MASTER PLAN/ZONE AMENDMENT**

**Item #4 STACK Real Estate (Public Hearing) – Applicant is requesting a recommendation for approval for the North Farmington Station Project Master Plan (PMP) a mixed-use development, and accompanying development agreement, encompassing approximately 142.79 acres north of the vicinity of Burke Lane, west of I-15, east of the D.& R.G.W., and south of Haight Creek (PMP-2-20)**

In November of 2016, Chartwell Capital and the City contracted with Urban Design Associates (UDA) to conduct a planning charrette, which produced a conceptual master plan for the 220+ acres of property north of Shepard Creek, west of the UP tracks, east of the D&RGW trail, and south of Shepard Lane. The charrette process involved receiving input from a number of stakeholders, including 13 property owners within and adjacent to the project area, city staff,

local elected officials and representatives from Chartwell Capital. The result was a master plan document, or sub-area master plan to the City's General Plan, intended to guide and inform the development of a future mixed-use office park.

On Tuesday, June 2, 2020, Farmington City held an open house to receive citizen input regarding a proposed realignment to "Commerce Drive", which is the major north to South Street, intended to connect 950 North to Park Lane. The UDA plan shows the corridor for this principle street close to I-15 and the U.P. tracks. The proposed alignment is located further west at 1525 West. The North Farmington Station West PMP places the Commerce drive corridor in an alignment consistent with the information presented at the open house.

As referenced above, the property is zoned OMU, which zone does not allow residential uses. However, as per Section 11-18-140 of the Zoning Ordinance residential uses may be possible in this zone.

Three Public Hearings. Previously the applicant divided the subject property into two PMPs---east and west. The Planning Commission held a public hearing, considered, and recommended approval of the east PMP (104 acres), and accompanying development agreement, on June 11, 2020. At a second public hearing on June 23<sup>rd</sup>, the Commission considered the west PMP (35 acres), and accompanying development agreement, but continued action to allow time for the applicant to combine both as one PMP, and development agreement, for consideration at this the third public hearing.

A Major Issue. The timing of the initial office to residential ratio for the development, which was discussed at the previous two public hearings, remains a major issue. As referenced in earlier staff reports, the applicant is in favor of such a ratio, but maintains that due to the present uncertain office market he cannot begin the project with this commitment right now. The applicant has proposed compromise is set forth in the enclosed draft development agreement and as follows:

- ~~○ Office to residential acreage ratio shall be regulated per the PMP — Exhibit B as follows: i) There shall be no Residential Use Structures constructed until the first Office Building has commenced construction in the Class A Office Land Use Area; at which point residential construction shall not exceed the ratio of 1 acre of Office to 3 acres of Residential Use; and ii) The ratio of Office Use to Residential Use shall not apply after the commencement of construction of a third office building.~~
- Developer shall be permitted to proceed with development plan review processes for the multi-family residential product, shown in orange in the PMP and located along Burke Lane, and, subject to maximum height limitation of 36 feet, in the location shown in yellow in the PMP and located along the Denver and Rio Grande right of way. The remainder of the residential development in the PMP will not be permitted until the first office building is constructed. Once the first office building is constructed, the remaining residential shall be permitted at a ratio of 3 acres of residential for every 1 acre of office. However, at no time shall the overall PMP residential to non-residential land use exceed 45% to 55%. The Developer shall submit plans for, and process to completion a building permit application for the first office building before December 31, 2023.
- All office buildings in the Property will be constructed with LEED, Energy Star and ASHTO standards in mind.
- The mixed-use commercial/residential remote transit hub area north of Spring Creek and fronting Digital Drive will be built as wrapped podium or other product that minimizes the area footprint needed for parking agreed to by the City Council.
- The Spring Creek Trail system shall be completed as the first abutting property develops.
- All architectural materials utilized shall be of a quality and standard fitting for a Class A Office and park and the following materials shall be specifically prohibited:

City Attorney Comments: (added to the staff report on 7.8.20). The motion below is subject to conditions, which include, among others, that the applicant shall incorporate comments from the City Attorney. However, the City Attorney, Todd Godfrey, provided some comments to the development agreement prior to the meeting (July 7th), instead of after the meeting and the purpose of this added section to the staff report is to provide his input sooner rather than later [the development agreement has been updated to now reflect his comments (see redlines below)]. He restored references to the “office park” in a couple of locations and believes there is sensitivity on the issue of doing all we can to assure the property develops in the intended way. He also added revisions to section 4.h. because he believes the City will want more comfort with the intended quality of the residential product and, to some extent, the entirety of the project. He has no problem with the change in approach that moves away from prohibited materials generally. However, some commitment on the standard of the product will be necessary for the Planning Commission and the City Council, in his opinion. Staff recommends that the condition remain requiring City Attorney input because he may provide more comments based on the discussion by the Planning Commission at the meeting and the public hearing.

**Andrew Bybee** and **Nathan Ricks** (2801 N Thanksgiving Way Ste 100. Lehi UT) opened up to any comments or questions from the Commissioners and commented that they had met with staff prior to the meeting to review the development agreement.

**Alex Leeman** asked if they are still not willing to guarantee any groundbreaking on an office building at this time.

**Andrew Bybee** confirmed that his understanding is correct, saying that right now they do not have confidence that it can be occupied at this time due to the pandemic. He said they are watching and researching how and when office market(s) will be back. **Alex Leeman** said he understands his concern regarding COVID-19 and office buildings, however wanting a development agreement to build multi-family residential instead of office buildings at this time is not what the City wants nor is it what has discussed for the last few years, and he is disappointed to see it. **Andrew Bybee** asked what would make him or the commission think they would not do office building, **Alex Leeman** said that STACK has been asked to guarantee office buildings, and they have said no. **Andrew Bybee** confirmed that if they can guarantee office buildings when the office market allows so, they would. **Alex Leeman** said the concern is without promising what the City wants to see in return, because multi-family can be developed in this area quickly and cheaper. He said to make himself feel better; he would prefer to see a “groundbreaking” date versus a plan turn-in date and/or a conservation easement. **Alex Leeman** fears that STACK is competing against themselves because they currently do have vacant space in other counties. **Dave Petersen** said the development agreement was structured pre-COVID – we understand STACK is a Class A office builder and they do wonderful projects, hence why the City wants office. He also asked if STACK would be willing to have some mixed-use along Burke Lane. **Nathan Ricks** said they had not thought of that but it is something that they could consider and/or talk about. **Nathan Ricks** and **Andrew Bybee** said if it is a freestanding building than no they would not do it. **Andrew Bybee** asked if the City has allowed residential that they do not like before. **Dave Petersen** replied that we always ask for the details (conceptual like building height etc.) beforehand.

**Alex Leeman** said he does not doubt that residential is important; we know it is important; the issue is that the developer wants to build all of the residential and then the office, in an office park. If it were built, side-by-side there would be no issue. **Nathan Ricks** said he cannot force the banks to do a loan at this time, they need tenants, and there are many things that need to happen now, that are out of their control. They are committing \$55 million to raw dirt at this time. **Alex Leeman** said he understands but if that is the case, maybe they wait until the market is back.

**Roger Child** opened the public hearing at 8:00 PM.

**(Email and Zoom) Heidi Herron** (926 N 1875 W) emailed comments that will be included at the end of the minutes. On Zoom, she said the project as a whole looks great and she does not feel like asking for two story townhomes is a lot to ask for. The only additional comment is asking for all “yellow” and “orange” and would prefer to see site plan approval before any more is given to the developer.

**(Email) Jeff Morris** (1726 Burke Lane) emailed comments that will be included at the end of the minutes.

**(Email) Shane and April Honey** (391 Primrose Ct) emailed comments that will be included at the end of the minutes.

**(Email and In Person) Kyle Stowell** (1764 W Burke Lane) emailed comments that will be included at the end of the minutes. On Zoom, regarding his in person comments, he liked the first proposal to the land. When UDOT proposed West Davis Corridor, he said he believes the high-density residential has changed his community. He felt the argument was lost over the rezoning in 2011 when it was changed to OMU. The one good thing from the meeting was the transition and buffer from residential to office. He believes multi-family is becoming too much in Farmington and he is not against the office park but he is asking to put two story townhomes along the rail trail.

**(In Person) Ken Stuart** (2271 S 350 E. Kaysville) owns part of the land that STACK is going to develop. Saying there is no possible way to absorb office in the area. He suggests work an agreement with STACK. There needs to be consideration that this will not happen and Farmington will not get office unless the City does it now with STACK. These landowners cannot develop these properties without STACK and he does not see a future here if the City does not comply.

**(In Person) Jared Hugh** (100 W Canyon Crest Rd. Alpine) said he works with **Ken Stuart**, and that he likes the plan that was put together and when money is put into this, he wants to know that mixed-use is going to happen. For the City to work with one developer and have a cohesive plan, that is the best option. They are asking residential first because they can build off that. He said he never thought this would work because there are so many landowners, and that \$55 million is a lot of money, he said it needs to start moving. It will bring revenue to the City and he recommends that the City continue to work with STACK on this item. It will take time and pushing through this pandemic, will benefit the City. Thinking it will be residential is very untrue; it is just a way to get stuff moving along.

For the record, as stated above, Russ Workman has excused himself from any discussion between Planning Commission and Developer, due to personal interest in the agenda item. **(In Person) Russ Workman** (986 S. Davis Creek Ln) stated that he strongly encourages the relationship move forward with STACK and the City because the fact that there is one developer versus multiple developers, that causes issues with boundaries, parking, roads, incoming development, etc. when there is one property owner/developer, that is the best option to develop. This property will not lose any value.

**(In Person) Brad Bailey** (1272 South Ridge Dr. Bountiful) is here on behalf of his father who owns property, who was unable to attend. He said that selling the property is important to his family in order to help with finances.

**(Zoom) Ben Godfrey** (730 N 1950 W) feedback is along the same information as **Heidi Herron**; he questioned to the developer a proposal or condition when to build?

**Roger Child closed the public hearing at 8:29 PM.**

**Roger Child** asked when it comes to residential, are they planning on selling and/or building themselves. **Andrew Bybee** replied that STACK would not sell, but would subcontract with a builder and/or a low possibility is to collaborate with another developer solely for residential. **Roger Child** brought up the deadlines per financial, without disclosing details, what is the timeline with the pandemic. STACK said that the July 21<sup>st</sup> City Council is an important meeting to have approval otherwise, contracts could not move forward. **Roger Child** said having a single developer is ideal for the City. He said he knows it is difficult to anticipate the market for an office and understands the request for building residential first. **Roger Child** then said he understands that in most cases, business/office is last to develop in the business park(s). He asked about the density concerning residential, **Andrew Bybee** said likely similar to ICO's project nearby.

**Nathan Ricks** reassured the City that STACK is here and they want to build when the market is right, at this time they would not invest the money if they were not serious and/or wanting to move forward. They are willing to take the market risk and want the City to have the confidence in STACK. **Dave Petersen** asked what STACK's thought would be having a condition on the Development Agreement regarding withholding. **Nathan Ricks** asked how we compromise the comfort between the City and STACK concerning entitlements etc. **Dave Petersen** also asked if they were willing to have an easement for the life of the agreement. **Nathan Ricks** said no, per their council.

**Greg Wall** asked about marketing and about the building heights, square footage etc. **Andrew Bybee** answered that they have limited the minimum building height to five story next to I-15, which is a minimum of 125,000 but could go 150,000 square feet. They also market by hosting events at their properties to host for additional marketing and market with

brokerage companies. **Greg Wall** asked where their focus starts, Burke Lane or Shepard Interchange, **Andrew Bybee** answered that UDOT's proposed timeline for the Shepard Interchange is 2024 and that Commerce Drive needs to be in place to develop residential in the "yellow" section. To get some equity and investment, STACK would need to start to build residential now, until they can build office; apartments and townhomes or a mix of both. **Andrew Bybee** noted that it would be a various density of apartments in the yellow area, and against the trail would be townhomes with a minimum of 36 feet. **Nathan Ricks** mentioned that is the only way retail survives now is through mixed-use and when it is pedestrian friendly.

*At 9:25 PM, Alex Leeman motioned to move that the Planning Commission temporarily table the item to hear the remaining items on the agenda and revisit this item after. This item was continued at 10:16 PM.*

**Roger Child** ended the temporary table of this item by saying he understands where the developer is coming from concerning office building at this time, however having the option to do residential right now is nice for the pro-forma but not great for the City and said we need to find a balanced compromise. Eventually, development agreements are filed away and items are "forgotten" that were agreed to, and that is another concern **Roger Child** and **Rulon Homer** both brought up. **Rulon Homer** asked if we can give STACK the Planning Commission's concerns, give them the time to compromise and/or modify and come back at a later meeting.

**David Petersen** asked is STACK had experience in developing Greenfield site before, they responded "no."

**Alex Leeman** wanted to hear from all commissioners at this time. **Mike Plaizier** said he is not comfortable approving this application at this time, stating the office is the most important part and he is concerned about the developer not putting the roads in. Lastly, having only a verbal agreement that office will go in later is not enough. **Larry Steinhorst** echo's **Mike Plaizier's** comments and the roads are a key component regarding the development. He said he is sympathetic to knowing they have a deadline and having this move forward but also does not want to lose control between the zoning, master plan, etc. **Greg Wall** said for a project this size to have a bubble diagram, with no specifics, makes him uncomfortable. He said it is important that some areas be mixed, such as the orange area on the diagram. **Alex Leeman** said he has been trying to brainstorm, he said "what if" there was an agreement that required they break ground within a certain amount of time of the first residential. He would also be willing to entertain two-story buildings facing the west homes, in the area. He would also like to see a schematic design before entitlement of the residential areas.

**Alex Leeman** said coming up with provisions on the fly is not ideal but this is the fourth meeting where we are left asking what is next. **Andrew Bybee** and **Brigham Mellor** talked briefly on the reimbursement agreement, which is what City Council reviews; Planning Commission has no authority over this. **Andrew Bybee** said at the end of the day the City will build Commerce Drive and Digital Drive and going through many landowners is not ideal. **Alex Leeman** said he has been on both City Council and planning commission for six plus years, and he has never seen staff exhausted over an item such as this. He does not want to want to come up with new provisions on the fly and recommends Planning Commission comes up with a list of items that would be subject for approval and continue the meeting to discuss a modified agreement. **Dave Petersen** agreed and started listing items; collectively the planning commission said the following:

- a. Residential is not entitled until schematic design is available.
- b. Modify development agreement.
- c. Maximum building height for everything west of Commerce Drive of four stories, with the exception of yellow (36 feet).
- d. West facing buildings have a two-story profile (those facing the neighborhoods).
- e. Provision for requirement in the development agreement, for ground breaking within 2 years of the first residential, but it could be extended if economic benchmarks are not met.
- f. Twenty five thousand minimum square foot at five stories.
- g. Built to ASHTO and LEED standard.
- h. Reimbursement agreement concerning participation in project costs for underground laterals that will go into Commerce Drive.

**Dave Petersen** said staff would take the input given, write a modified agreement for City Council, but he would like to hold a special meeting via Zoom on Monday July 13, 2020 to review the changes with Planning Commission and get final approval for recommendation at that time.

## **MOTION**

**Alex Leeman** made a motion to move that the Planning Commission table the enclosed PMP and accompanying Development Agreement.

**Rulon Homer** seconded the motion, which was unanimously approved.

### **Item #5 Farmington City (Public Hearing) – Applicant is requesting approval of zoning map amendments concerning the rezone of City-owned remnant rights of way (ROW) (Z-8-20)**

**Greg Wall** made a motion to continue this item on August 6, 2020.

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

## **CONDITIONAL USE PERMIT**

### **Item #6 Ryan Nielsen (Public Hearing) – Applicant is requesting conditional use approval for a detached garage located at 1774 West Spring Meadow Lane located on .26 acres of property, in an AE (Agriculture Estates) zone. (C-2-20)**

The applicant wishes to place a detached garage in the side yard of his lot. The applicant has a triangular- shaped lot and the rear/side lot line abuts a section of the Farmington Ranches Park Trail. (See attached photos) The property is zoned AE and subject to the standards set forth in Chapter 10 (Agricultural) of the zoning ordinance, but because the garage is subordinate in height and area to his home (the main building) and is no taller than 15 feet; he is able to follow the standards for accessory buildings in Chapter 11(Single Family Residential Zones). Henceforth, the applicant's request requires a conditional use permit from the Planning Commission. See attached Sections 11-11-060 A and 11-11-070 A & B.

**Roger Child** opened and closed the public hearing at 9:37 PM due to no comments from public.

**Dave Petersen** commented that the width of this driveway would be wider than major collector streets in the City. He said that the Planning Commission could apply reasonable conditions. **Ryan Nielsen** said that if his lot were square, it would not be an issue typically, whereas **Dave Petersen** replied the lot was purchased, knowing the lot was odd-shaped. **Alex Leeman** referred to our ordinance and stated that denial for conditional use permits is low and what would the negative be; is it because it would be a "parking lot" of a driveway? **Dave Petersen** said the widest driveway is 30 feet at the curb cut. **Ryan Nielsen** stated that nobody in his neighborhood has opposed the idea and would obtain letters if required. **Meagan Booth** noted that over time, the residents could change and want to avoid the impact it could have. **Roger Child** suggested approval of the conditional use permit with the condition of a compromise with staff.

## **MOTION**

**Alex Leeman** made a motion to move that the Planning Commission approve the conditional use application to allow the 15-foot garage to be placed within 1 foot of the property line, subject to all applicable codes, development standards and ordinances and the following conditions:

1. The driveway curb cut cannot exceed the 30 feet max.
2. The building may not exceed 15 feet in height.

3. Building code will allow a structure to be within one foot of the property line, but it does not allow for an eave. Any eave, or part of the accessory building, shall not overhang or extend past a property line, nor drain on a neighboring property. Any wall within 5 feet of the property line requires a 1-hour fire assembly.
4. Site plan required with detail and reviewed with staff. If not approved with staff, he must come back to Planning Commission.

**Rulon Homer** seconded the motion, which was unanimously approved.

Findings for Approval:

1. The use is not contrary to the goals, policies and governing principles of the comprehensive plan for Farmington City.
2. The subject property is large enough that a detached garage will fit on the property without any foreseeable adverse effects and is not detrimental to the health, safety or general welfare of persons residing or working in the vicinity.
3. The accessory buildings is subordinate in height to the main building.
4. The garage will be located at least fifteen feet (15') from any dwelling on an adjacent lot;
5. The detached garage will not encroach on any recorded easement;
6. The proposed structure is compatible with the character of the site, adjacent properties and surrounding neighborhoods.
7. Constructing a detached garage on the property is a right other property owners in the neighborhood have. The triangular shape of the lot limits the location on the lot, which the garage can be placed.

**Item #7 JD Tyrell/Wasatch West Contracting (Public Hearing) – Applicant is requesting conditional use and site plan approval for Farmington Bay Storage Phase 3, as a self-storage facility on 3.51 acres, located at approximately 1272 S. 650 W. in an LM&B (Light Manufacturing and Business) zone. (SP-5-19)**

An application has been submitted for conditional use and site plan approval for the Farmington Bay Storage Phase 3 self-storage facility. The applicant is proposing a facility that has 38,100 square feet footprint on of 2.82 acres of property. Section 11-26-040 lists mini-warehousing/self-storage as a Conditional Use, therefore, requiring review by the Planning Commission. This application has met the development standards outlined in Section 11-26-080 to staff's satisfaction including landscaping and buffering requirements for self-storage. Staff requests all further review of the project be dedicated to staff.

**Devan Pack** (677 W 810 N. Bountiful) indicated that he is open to any questions or concerns from staff or Planning Commissioners.

**Roger Child** opened and closed the public hearing at 9:56 PM due to no comments from public.

**MOTION**

**Rulon Homer** made a motion to move the Planning Commission approve the conditional use and site plan subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. Lighting shall be designed, located and directed in a way to eliminate glare and minimize reflection of light to neighboring properties.
2. The hours of operation be limited to 8 am to 10 pm.
3. Any signs proposed for the project must comply with the Farmington City Sign Ordinance.
4. The applicant must obtain all other applicable permits for the operation of the conditional use including but not limited to a business license from Farmington City, all health department regulations and meet all applicable building and fire codes.
5. The applicant must address all outstanding DRC Comments.
6. The final site plan shall be reviewed and approved by staff.

7. This approval enables the applicant to move forward with a one lot platted subdivision so long as it meets all standards of the DRC.

**Larry Steinhorst** seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed use of the particular location is necessary and desirable and provides a service that contributes to the general well-being of the community.
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
3. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
4. The proposed use is compatible with the character of the site and adjacent properties,
5. 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.
6. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.
7. The proposed use provides adequate parking with 34 stalls on site.

## **OTHER BUSINESS**

Item #8 miscellaneous, correspondence, etc.

- a. John Saltzgeber/JMSRE Investments LLC (Public Hearing) – Applicant is requesting a special exception to add an additional lot on .21 acres of property, located at 1454 S. 200 E. in an R-2 (Multiple Family Residential) zone. (M-5-20)

In November 2019, the City Council approved an amendment to the Zoning Ordinance 11-03-045 defined a special exception to include, “additional dwelling units to provide moderate-income households”. The applicant is requesting that a moderate-income housing unit be allowed on his property at 1454 South 200 East, Lot 2 of Aegean Village Subdivision Plat “A”.

Currently, an old garage home sits on the property, with zoning allowing up to a duplex. Previously, the property was zoned R, but the City Council decided to rezone to R-2 on July 16, 2019. The property bordered an R-2 zone and it was found that the R-2 zone would support the General Plan designation of LDR. Instead of two dwelling units within a duplex (two-family dwelling), the owner desires to create two for-sale townhomes. As well as one for-sale moderate income-housing unit.

Now the applicant is in the process of attempting to create three lots on this parcel. The purpose would be to create three townhomes, two of which would be for sale at market-rate, with the third requiring a special exception to be built and sold as moderate-income. In order to achieve the City Council must also approve a plat amendment. Approval of this unit would support Farmington’s recently adopted moderate-income housing plan, while increasing density for the owner and the City. This unit, like any special exception, will be subject to reviews of location, design, and other impacts.

**Roger Child** opened and closed the public hearing at 10:15 PM due to no comments from public.

## **MOTION**

**Greg Wall** made a motion to move that the Planning Commission approve the special exception request subject to all applicable Farmington City ordinances and standards, and the following conditions:

1. The property will be subject to UDOT approval, if necessary.
2. The applicant shall prepare a landscaping plan for review and approval by City staff.

3. The applicant must construct sufficient screening (as reviewed and approved by City staff), along the west and north boundaries of the property to protect against light and noise nuisances to surrounding properties.
4. The owner shall enter into an agreement the City Council to establish a moderate income housing unit which must include, but not be limited to the following terms:
  - a. Principal, interest, taxes, and insurance (PITI) cannot be more than 30%
  - b. A tiered approach to sale, with each subset prioritized for 60 days, in the following order:
    - i. Public employees who work in Farmington who make up to 120% of Area Median Income (AMI)
    - ii. Any person who works in Farmington up to 100% of AMI
    - iii. Any person who meets the AMI
    - iv. Open to market
  - c. Terms must be adhered to for 15 years
  - d. Restrict subsequent sales to up to 3% of original sale value per year until 15 year restriction expires
  - e. Enforcement provisions:
    - i. Deed restriction
    - ii. Annual verification
5. A plat amendment must be approved to create three new lots from the existing one.
6. Any comments from the DRC will be addressed prior to recordation.

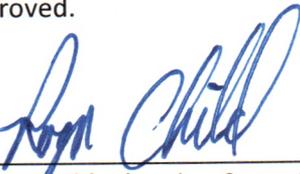
**Mike Plaizier** seconded the motion, which was unanimously approved.

Findings for Approval:

1. The amendment fulfills a strategy from Farmington's moderate income housing plan, in agreement with the General Plan.
  2. The amendment creates rental flexibility in Farmington, providing moderate-income housing options to more citizens using a tiered approach.
  3. The addition of a moderate-income unit will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property or improvements.
  4. Because the site is already zoned to allow a duplex, and as such, allows two families to contribute to traffic, it is reasonable to assume that the addition of a third unit would not create unreasonable traffic hazards.
  5. Similarly, as the lot is already zoned to accommodate a duplex, the parcel will fit an additional unit.
- b. July Meetings
- The Planning Commission will hold a special meeting via Zoom on Monday July 13, 2020 to hear the modified Development Agreement for STACK Real Estate's Project Master Plan (PMP) proposal.
  - July 22<sup>nd</sup>, 2020 meeting will be cancelled.
- c. Other

**ADJOURNMENT**

**Alex Leeman** made a motion to adjourn at 11:25 PM. **Greg Wall** seconded the motion, which was unanimously approved.

  
\_\_\_\_\_  
**Roger Child**, Planning Commission Chair



Carly Rowe <crowe@farmington.utah.gov>

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## PMP For Stack Real Estate

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heidi herron <hjherron@yahoo.com>

Thu, Jun 25, 2020 at 9:16 PM

Reply-To: heidi herron <hjherron@yahoo.com>

To: "rchild@farmington.utah.gov" <rchild@farmington.utah.gov>, "aleeman@farmington.utah.gov" <aleeman@farmington.utah.gov>, "rhommer@farmington.utah.gov" <rhommer@farmington.utah.gov>, "rworkman@farmington.utah.gov" <rworkman@farmington.utah.gov>, "mplaizier@farmington.utah.gov" <mplaizier@farmington.utah.gov>, "gwall@farmington.utah.gov" <gwall@farmington.utah.gov>, "lsteinhorst@farmington.utah.gov" <lsteinhorst@farmington.utah.gov>, "ierickson@farmington.utah.gov" <ierickson@farmington.utah.gov>, "crowe@farmington.utah.gov" <crowe@farmington.utah.gov>  
Cc: David Petersen <dpetersen@farmington.utah.gov>

Thank you Dave for reading my comments tonight, and thank you commissioners for hearing me out. I want to make one clarification if it wasn't clear. The compromise with the developer on the height creek townhomes (not sure what they are called now) was NOT the height. The compromise was two-story buildings against the rail trail. The reasoning was that the look and feel of the two story buildings aligned more with the single family homes. On the January meeting the wrong map was put up and we argued about this. So I want to re-iterate that the compromise us as neighbors and the developer made WAS NOT the height. It was TWO-STORY homes. The developer found a way to re-arrange his original plan and make them economic and I feel this one should and can as well, especially as it impacts more homes. I just wanted to make that clarification since the height seems to keep coming up instead of the stories.

Thanks.

Heidi Herron  
801-499-6826

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Carly Rowe <crowe@farmington.utah.gov>

## PMP For Stack Real Estate

Tue, Jul 7, 2020 at 10:01 AM

heidi herron <hjherron@yahoo.com>

Reply-To: heidi herron <hjherron@yahoo.com>

To: "rchild@farmington.utah.gov" <rchild@farmington.utah.gov>, "aleeman@farmington.utah.gov" <aleeman@farmington.utah.gov>, "rhomer@farmington.utah.gov" <rhomer@farmington.utah.gov>, "rworkman@farmington.utah.gov" <rworkman@farmington.utah.gov>, "mplaizier@farmington.utah.gov" <mplaizier@farmington.utah.gov>, "gwall@farmington.utah.gov" <gwall@farmington.utah.gov>, "lsteinhorst@farmington.utah.gov" <lsteinhorst@farmington.utah.gov>, "ierickson@farmington.utah.gov" <ierickson@farmington.utah.gov>, "crowe@farmington.utah.gov" <crowe@farmington.utah.gov>  
Cc: David Petersen <dpetersen@farmington.utah.gov>

I was extremely disheartened to see the compromise Stack Real Estate has put forth for this Thursdays planning commission meeting. The compromise they suggest allows for almost half of their residential buildings be allowed to be built before any office buildings (in an area where residential isn't currently allowed). It doesn't offer any mention of helping with roads and infrastructure (primarily commerce drive which is what the city has said will help direct traffic away from the surrounding residences and is critical to the city). It doesn't restrict the yellow section, or the area abutting the single family homes to two stories (which is a compromise the developer on the north end of this area made). It doesn't mention continuing the yellow strip all the way to 950 North, to make sure the homes on 1875 don't have a gas station or fast food placed directly behind their home.

As a neighborhood that will be right next to this development (a 90 foot easement is the same as a squared .2 acre lot) I don't feel that our concerns are being heard or addressed. Out of a 147 acre development we are asking that the homes abutting the rail trail be two stories and continue to 950 North. I don't feel like that is a big ask, the developer to the North did it and has way less townhomes going in than this developer. Is a two story requirement really asking that much?

What the city has promised it's residents is roads and infrastructure for the city and getting cars out of the neighborhoods. A transition from office buildings to single family residences (3 story town homes for a mile behind us is not a transition), and a business park where people can live and work. What this proposal offers for the foreseeable future is just more large townhomes with a hope for the rest later to come, but nothing ensuring the rest of the property doesn't get sold off, or that they or a new owner don't come back to the city later asking for something different if the office market never comes back.

The city originally asked for the residential to not be started until at least 1 Class A office be started and then no more than a ratio of 1 acre of office to 3 acres of residential.

Instead with this compromise in three years they have to submit plans for an office building (not start building, or have built, but submit plans), but that is after 23 acres of residential has been allowed.

This doesn't feel like a compromise.

Thank you.

Heidi Herron  
801-499-6826

[Quoted text hidden]



Carly Rowe <crowe@farmington.utah.gov>

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## Future Burke Lane-950 N development

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Jeff Morris <jeff@integrityhomeloans.com>

Wed, Jul 8, 2020 at 11:57 PM

To: "aleeman@farmington.utah.gov" <aleeman@farmington.utah.gov>, "crowe@farmington.utah.gov" <crowe@farmington.utah.gov>, "gwall@farmington.utah.gov" <gwall@farmington.utah.gov>, "ierickson@farmington.utah.gov" <ierickson@farmington.utah.gov>, "lsteinhorst@farmington.utah.gov" <lsteinhorst@farmington.utah.gov>, "mplaizier@farmington.utah.gov" <mplaizier@farmington.utah.gov>, "rchild@farmington.utah.gov" <rchild@farmington.utah.gov>, "rhommer@farmington.utah.gov" <rhommer@farmington.utah.gov>, "rworkman@farmington.utah.gov" <rworkman@farmington.utah.gov>

To whom it may concern:

I am a Farmington city property owner. My home is located at 1726 Burke Lane, which backs the bike trail/walking path and future land development(s).

There is a proposal on the table to allow developers to construct townhomes up to 3 stories high vs the current zoning for no higher than 2 stories. I am writing this email to inform you of my concern with this proposal.

As a resident and property owner, myself and several of my neighbors are concerned about the ramifications this change could bring, including but not limited to decreased home values, increased traffic and street parking due to excessive people on limited acreage, views of the Farmington mountains (a big factor in why many of us chose to buy homes in the neighborhood), etc.

I respectfully ask you to please consider the voice of the local/nearby residents whom this decision could and will affect, as the current proposal seems to heavily favor the developer(s). I/we acknowledge that there will be future development on that land, and this we cannot change. I am asking as a concerned resident to please limit the buildings to no more than 2 stories, for the good of the community and existing residents.

Respectfully,

Jeff Morris

--

Jeff Morris

Integrity Home Loans

801-295-4451 x 21

801-706-8184 mobile



Carly Rowe <crowe@farmington.utah.gov>

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## Development

SA Honey <ShaneandApril@msn.com>

Tue, Jul 7, 2020 at 7:20 PM

To: "crowe@farmington.utah.gov" <crowe@farmington.utah.gov>

Please preserve Farmington and leave out the future plans for more high density housing. We dont have the fire, police, schools or roads to support that many more people in a small space. Please be wise and protect the future of our city and its children with your prudent choices now.

Get Outlook for Android



Carly Rowe <crowe@farmington.utah.gov>

## Stack PMP proposal

Kyle Stowell <stowellkyle@yahoo.com>

Tue, Jun 30, 2020 at 10:20 AM

To: Heidi Herron <hjherron@yahoo.com>, David Petersen <dpetersen@farmington.utah.gov>, Mayor Talbot <mayor@farmington.utah.gov>, Alex Leeman <aleeman@farmington.utah.gov>, "banderson@farmington.utah.gov" <banderson@farmington.utah.gov>, "sbeus@farmington.utah.gov" <sbeus@farmington.utah.gov>, "sisaacson@farmington.utah.gov" <sisaacson@farmington.utah.gov>, "ashumway@farmington.utah.gov" <ashumway@farmington.utah.gov>, "rwayment@farmington.utah.gov" <rwayment@farmington.utah.gov>, "rchild@farmington.utah.gov" <rchild@farmington.utah.gov>, "rhommer@farmington.utah.gov" <rhommer@farmington.utah.gov>, "rworkman@farmington.utah.gov" <rworkman@farmington.utah.gov>, "lsteinhorst@farmington.utah.gov" <lsteinhorst@farmington.utah.gov>, "mplazier@farmington.utah.gov" <mplazier@farmington.utah.gov>, "gwall@farmington.utah.gov" <gwall@farmington.utah.gov>, "ierickson@farmington.utah.gov" <ierickson@farmington.utah.gov>, "crowe@farmington.utah.gov" <crowe@farmington.utah.gov>

I have a couple of things to mention about the business park PMP:

1. I would remind the Commissioners and Council members that this is zoned OMU, not Residential Mixed Use. One of the Commissioners asked the Stack rep how many office buildings they would envision. He said 4-8 5 story buildings. I do not believe this fits in with the vision the city has had. It speaks volumes about the proposal that I was worried it would end up looking like Lehi, especially with Stack doing the development. Now I'm afraid it won't look like Lehi. Instead it will look like Foxboro in North Salt Lake. I am attaching to Google Earth images. One of the PMP area, the other of Foxboro. They are very similar in size. Dave Peterson has said repeatedly that he does not want to see this "Foxboro North". I like what the mayor said. Who changed the game? I feel like we are the victims of a bait and switch. The planning commission meeting two weeks ago went great. They presented their glossy brochures with beautiful office buildings as bait. Then they pulled the switch at the city council meeting Tuesday. They want the market to dictate what will be built. It may be years before the market is ready for large office buildings. But the market is ready right now to fill the whole area up with apartment complexes. I hope this sounds familiar. It has been repeated over and over again at every discussion about the area from Cabela's to Sheperd Lane. The area was rezoned in 2011 to OMU precisely to avoid allowing massive amounts of residential. The city has been willing to wait for the market to present opportunities for a business park. It looks like it will take a longer time now. Please don't make this Foxboro North.

2. Speaking of bait and switches, we have been told all along that the buffer on the west side would include the rail trail (50'-70'), the pipeline easement (50'-70'), and a 90' road (including asphalt, sidewalk, and park strip). Now we are being told that it will be the rail trail and a road. If the road really is going over the easement, then it is very reasonable for the city to require 2 story townhomes along the rail trail, in the style of the development being built on the north end. That way there is truly a transition from 1 and 2 story single family homes, to 2 story townhomes, to 3 story townhomes, to apartment buildings. The city was great in working with Heidi and I (who represent the area residents), and with the developer to end up with something that was mutually acceptable. I don't understand the reluctance now.

Thanks,  
Kyle Stowell  
(801) 205-5292

