FARMINGTON CITY
PLANNING COMMISSION
AUGUST 20, 2020
ELECTRONIC AND IN PERSON MEETING

STUDY SESSION

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

Justin Atwater and **Mike Romney** came to discuss different options and development possibilities for the property that is located on Burke Lane. They own two acres. They said they want to put together a plan for this small development in a manner that is good for the City and the owners. **Atwater** is under contract to purchase the property from **Romney** to develop it. The property was rezoned Office Mixed Use (OMU) a few months ago at the same time the Jones property and the Benson property was rezoned. A few features were contemplated in the land plan. The east side of the property will have a 60 foot wide road, so they will be dedicating 30 feet of the east boundary for the road. They are also trying to account for the construction going on on Burke Lane. **Cam Preston** with Ensign is their engineer, who has tried to incorporate what is going on on neighboring properties. After all the dedication happens, there will be 1.7 acres left.

They have two proposals. The first is a townhome style project similar to The Avenues near the roundabout at Station Park. Atwater was part of that past project. The proposal is for 42 units of commercial-looking row style units with live-work on the bottom, rear-load garages, and a total of three stories. Roads would be 26 foot wide, and the project would have 33 percent open space.

The second proposal has two, four-story buildings with commercial on the ground level. Each building is 1,200 to 1,500 square feet of commercial space, with living space on the top. Each building would have 12 units, for a total of 24 for those buildings. On the back side, it would go to townhomes on the rest of the project off the road. They are doing a similar project on Bountiful's Main Street at 200 North. The top residential would be separate from the commercial space and accessible by elevator.

The Commission said the question really is about commercial vs. residential. The OMU Zone requires some commercial. They have to be careful about setting a precedent, and should be careful about allowing only residential in that zone. The long-term traffic count will justify commercial in the future.

Atwater said that the commercial element of the first proposal is that the ground units would be designed for work-at-home use. He said 1.7 acres is small and difficult to put commercial uses in. He said the open space would be landscaped. Neighboring properties have proposals for office space, a hotel and condominiums. To the east of this property, there are intense commercial uses proposed by McCandless. **Atwater** said he doesn't have tenants in mind yet.

Community Development Director **Dave Petersen** said in 2016 an area master plan was adopted for this area as designed by a nationally acclaimed company. He said the plan is very special and was carefully done. It may need changed because the road alignment was altered recently.

Roger Child Said that they are asking if the Commission wants to require commercial on this property, meaning that 24 units will be rental units. The rest is to-own or sale product. He said contextually it fits in with what is going on in neighboring properties. He asked if the Commission wanted a "green," or new concept, approved in the City, as it may remain vacant for some years. He said this option may give the chance for the 24 units to be for sale instead of just for rent.

The Commission liked proposal two the best and Mr. Atwater said he will pursue this alternative.

REGULAR SESSION

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

Chairman **Roger Child** opened the meeting at 7:06 PM.

Item #1 Minutes

Commissioner **Rulon Homer** made a motion to approve the minutes from July 9, 2020, and July 13, 2020. Commissioner **Alex Leeman** seconded the motion, which was unanimously approved.

Item #2 City Council Report

Community Development Director **Dave Petersen** said the City Council meeting two weeks ago addressed pulling residential out of the GMU zone. The first public hearing on that was held Feb. 20, 2020, which started the six-month clock ticking on pending legislation. That six months ends August 20. It was a 3-3 tie vote coming out of the Planning Commission before going to the City Council. The City Council did not want more residential in the GMU Zone than what was approved in the Evan's PMP. A bulk of the property is zoned Residential Mixed Use (RMU). They can get very high density office in the General Mixed Use (GMU) Zone. He referred to Farmington Crossing in the past, with a dream team developing it. It was supposed to be 37 percent residential, 44 percent office, and 17 percent commercial. For nine years they tried to get commercial and office before Garbett Homes came in and made it 91 percent residential. The City doesn't want a repeat of that.

The City Council was patient and waited in that six-month time period for the Evans to get their Project Master Plan (PMP) approved, and now the Council is required by ordinance to follow it. The developer said they could put 2,500 residential units there without the PMP, which would strain the resources and take away the tax base. It would make it difficult to fund Commerce Drive if it was developed as all residential, as the taxing entities would not agree to it. The funding for that major collector road would be in jeopardy and there would be no way to get people to bypass Northwest Farmington. He said the process to take residential out of the GMU Zone was totally fair, as the Evans were invited to the zone text change. It is not unprecedented. They have already removed residential from 184 acres in the past. The 1:2 ratio proposed by the Evans in their PMP means for every one acre of residential, they agree to two acres of commercial, which provides a mix in the GMU zone.

Petersen also updated the Commission about the City Council's discussion of **John Saltzgiver**'s moderate income housing project. The Council could not get past putting a third unit on that corner of 1470 South and 200 East. The Council thinks that lot is too small for three units, and they unanimously voted to not allow the third unit. At the Council meeting two days earlier, City Manager **Shane Pace** told the applicant that the City is still interested in helping make some moderate housing allowances there, even if it was to help buy down construction costs on the project.

SUBDIVISION/ZONING AMENDMENTS

Item #3 Guy Haskell/Updwell Development LLC – Applicant is requesting final 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)

Associate City Planner **Meagan Booth** presented this item to the Commission. The developer received Final Plat approval for the Sydney Corner Phase 2 Subdivision on July 11, 2020. The reason the subdivision is not a Minor Plat is that the development required dedication of Right of Way (ROW) on Glovers and 650 West. The suggested motion mirrors the previous conditions of Preliminary Plat.

Commissioner **Inger Erickson** asked what Agricultural Estates (AE) means. **Petersen** said AE is the predominant zone in West Farmington, meaning ½ acre lots. This would give the developer about 1.8 units per acre. However, these lots are smaller because the City approved a Transfer of Development Right (TDR) to clean up blight in the area.

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 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.
2. The applicant shall show the cross section and dedicate the corrected 650 West and Glovers Lane right-of-way on the final plat.
3. The Bureau of Reclamation (BOR) easement must be identified on the final plat, and if the easement is abandoned, the final plat must be amended to reflect the change.
4. The applicant must submit a Soils Report with the final plat drawings.
5. 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.

Commissioner **Mike Plaizier** seconded the motion.

Inger Erickson voted no.

Vote was 6-1.

Findings for Approval:

1. The parcel size is comparable to the existing Sydney's Corner Subdivision Phase 1.
2. Lot dimensions comply with the standards set forth in the Zoning and Subdivision ordinances because the City made a finding of blight.
3. The proposed average lot size for the project is 0.22 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.
4. All lots front an existing fully improved public right of way (650 West and Glover Lane).
5. The development mirrors the development across the street and is consistent with the General Plan, which development the City also approved three TDR lots to help clean-up blight.
6. 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.

Item #4 Farmington City (Public Hearing) – Applicant is requesting a recommendation of zoning map amendments concerning the rezone of City-owned remnant rights of way. (R.O.W) (Z-8-20)

Planning/GIS Specialist **Shannon Hansell** presented this item to the Commission. The zoning map is updated after the City Council approves the rezone of a parcel of land in the development process. However, after City Council approval,

changes to the zoning map only include the parcels for which the approval was given, or where the plat indicates. Thus, the current zoning map is a jigsaw puzzle where all parcels are surrounded by right-of-ways that have not been rezoned accordingly. This map amendment would allow the zoning map to be amended to rezone City-owned ROW to reflect abutting property zones. Section 11-9-030 of the Zoning Ordinance describes the event in which zoning boundary uncertainties exist that the centerline of ROWs will be used as zoning boundaries first. This zoning map would follow this guideline; therefore, the zoning map would eliminate out-of-date ROW zoning and replace those areas with centerline reflections of adjacent zoning.

Roger Child opened and closed the public hearing at 7:23 PM due to no comments received.

MOTION

Alex Leeman made a motion to move that the Planning Commission recommend the City Council approve the zoning map amendment subject to all applicable Farmington City ordinances and standards.

Commissioner **Greg Wall** seconded the motion.

Inger Erickson voted no.

Vote was 6-1.

Findings for Approval:

1. The amendment allows updates to the zoning map, which is currently updated to reflect just the properties requesting rezoning.
2. This amendment allows for continuity and simpler map viewing.
3. This amendment will allow ROWs in future developments to be updated at the same time as said developments (if rezoning is applicable).

CONDITIONAL USE APPLICATIONS

Item #5 Mike Hirst (Public Hearing) – Applicant is requesting conditional use approval for an increase in height for an accessory building located at 1993 N Bella Vista Dr. in the LR-F (Large Residential Foothill) zone. (C-6-20)

Shannon Hansell presented this item. The applicant is requesting an increase in height for an accessory building (detached garage) from 15 feet to 16 feet. **Child** said due to the grade, the garage is lower than the house.

Roger Child opened and closed the public hearing at 7:30 PM due to no comments received.

MOTION

Rulon Homer made a motion to move that the Planning Commission approve the conditional use application to allow an increase in height as requested, subject to all applicable codes, development standards and ordinances.

Commissioner **Larry Steinhorst** 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 an accessory building 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 accessory building will be located at least fifteen feet (15') from any dwelling on an adjacent lot;
5. The accessory building will not encroach on any recorded easement;
6. The proposed structure is compatible with the character of the site, adjacent properties and surrounding neighborhoods.

Item #6 Craig and Pamela Mattinson (Public Hearing) – Applicant is requesting conditional use approval for an increase in height for a detached garage located at 131 S Bonanza Rd, in the AE (Agricultural Estates) zone. (C-5-20)

Meagan Booth presented this item. Applicant is requesting an increase in height for an accessory building (detached garage) from 15 feet to 22 feet.

Greg Wall questioned the three foot setback from the property line, which is not fenced. **Booth** said the building official required three feet due to the placement of the home on the lot.

Craig Mattinson, property owner (131 S. Bonanza Rd.), gave comments. The neighbors to the south just had a Conditional Use Permit (CUP) approved for a circular driveway. They have a similar garage but bigger to the rear of their property. **Mattinson** has spoken with them during his design process, and the neighbor is in support. It does not block any neighbors' views.

Roger Child opened and closed the public hearing at 7:37 PM due to no comments received.

MOTION

Larry Steinhorst made a motion to Move that the Planning Commission approve the conditional use application to allow an increase in height as requested, subject to all applicable codes, development standards and ordinances.

Rulon Homer seconded the motion, which was unanimously approved.

Findings for Approval:

1. The garage cannot be placed completely in the rear yard due to the location of the main structure and lot orientation.
2. The ordinance allows for taller accessory buildings in this yard (25 feet in the AE zone on lots over 0.5 acre)
3. The use is not contrary to the goals, policies and governing principles of the comprehensive plan for Farmington City.
4. 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.
5. The accessory buildings is subordinate in height to the main building.
6. The garage will be located at least fifteen feet (15') from any dwelling on an adjacent lot.
7. The detached garage will not encroach on any recorded easement.
8. The proposed structure is compatible with the character of the site, adjacent properties and surrounding neighborhoods.

ZONE TEXT AMENDMENT APPLICATIONS

Item #7 Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend 11-32-060 of the zoning ordinance allowing the Planning Commission to review additional driveway width as a Special Exception verses a Conditional Use. (ZT-13-20)

Meagan Booth presented this item. Recently, the city has received several conditional use applications for the construction of additional driveway width and associated curb cuts. Conditional use approval standards are regulated by Utah State Code, which provides discretion or say by the Planning Commission so long as conditions are applied to mitigate impacts. See attached Utah State Code 10-9a-507.

Single-family residential neighborhoods typically have roadway side treatments that include curb, gutter, sidewalk and park strip. If larger driveways become too pervasive, the character of the neighborhood often changes. For example, consider the standard driveway width for residential homes ranges from 9 feet to 24 feet. Single car driveways can be as narrow as 9 feet, or as wide as 12 feet. The City's off-street parking standards allow a width beyond what is typical. Chapter 11-32-060 states, "Residential driveways shall be not more than twenty feet (20') in width when serving as access to two (2) properly designated spaces, or thirty feet (30') in width when serving as access to three (3) properly designated parking spaces as measured at the front or side corner property line."

Staff is proposing this amendment to revise the process for these driveway requests. This amendment would revise the process from a conditional use application, to a Special Exception consideration under an approval from the Planning Commission. The purpose of a Special Exception is to allow an adjustment to a fixed dimension standard permitted in the Zoning Ordinance. A Conditional Use is defined as, "Uses, other than permitted uses, that may be allowed in a specific zone but requiring additional safeguards to maintain and assure the health, safety, morals and general welfare of the public and to maintain the character of the zone." The amendment is proposing the Planning Commission review additional driveway width as a Special Exception with the approval standards outlined in 11-3-045 E also attached.

Greg Wall said it makes good sense for it to be a special exception rather than a conditional use. He asked if there are any guidelines for maximum width. **Booth** said there is not a maximum, but the Commission needs to consider if the lot can accommodate it.

Alex Leeman said this makes sense not being a CUP, and he asked if a past applicant who sought a wide driveway had been addressed. **Booth** said City Staff had spoken with him.

Roger Child opened and closed the public hearing at 7:46 PM due to no comments received.

MOTION

Alex Leeman made a motion to move that the Planning Commission recommend the City Council approve the proposed amendment to the Zoning Ordinance as set forth in the staff report, subject to all applicable Farmington City ordinances and standards.

Greg Wall seconded the motion, which was unanimously approved.

Findings for Approval:

1. The amendment supports the purpose of a Special Exception as an adjustment to a fixed dimension standard permitted in the Zoning Ordinance.
2. The special exception provides the necessary discretion for such matters whereas the conditional use process does not.
3. The amendment gives express authority to the Planning Commission to grant a request for additional driveway width.

4. When determining if additional driveway width should be approved, the Special Exception approval standards better represent criteria that should be considered by the Planning Commission including use, construction, character, location, landscaping, screening, parking and whether or not the a lot or parcel is of sufficient size to accommodate the special exception.

OTHER BUSINESS

Item #8 Miscellaneous, correspondence, etc.

a. Davis County Jail Expansion/Modification.
   - **Dave Petersen** commented, saying that the Davis County Sheriff's Office got conditional use approval for the medical bed expansion of the interior of the jail September 19, 2019. They have not moved forward with that, and would like an extension. It is not uncommon for an applicant to ask for an extension. Also, the approved CUP was for 26 beds, but the plan is for 33 medical observation beds due to increased demands associated with the pandemic. The question is if they need to make new application due to the desired increase in beds, or if the existing application can handle it. According to the zoning ordinance, any changes to the application must be addressed by a new application with some exceptions, such as to accommodate special unforeseen circumstances. The County does not have precedence over the City code, but the State does. **Alex Leeman** said the County has an agreement with the City regarding the jail, and he is afraid the increase in bed number will create angst. **Petersen** this is for medical purposes only, and not to increase the number of overall inmates. **Ericksen** asked what the cons were to approving more medical observation beds. **Petersen** said he can only think of one: transparency to the public, which would require a public hearing. The increase will not change the appearance on the outside of the building. **Leeman** said citizens get concerned about issues such as jail expansion, and sliding in more than was originally approved. However, he recalls that no one showed up for public comment during the initial CUP. **Greg Wall** asked if he could ask questions to the applicant. **Mitch Matern** (800 W. State St), facilities manager, addressed the Commission. **Mitch Matern** explained what the changes are and clarified it is not for jail cells; it is for medical beds due to COVID-19. Currently the facility has a medical observation unit used for the treatment and care of inmates while they are removed from general population. They are usually in the unit for 72 hours or less. Due to the pandemic, more than 72 hours are needed. No more square footage is needed to go from 26 to 33 beds. They currently have dorms, negative pressure rooms, padded rooms, medical staff offices, and exam rooms. More rooms are needed for potential telemed offices and a dedicated pharmacy. **Larry Steinhorst** asked for a timeline. **Matern** said they should have drawings for the Development Review Committee (DRC) in about two weeks. Child said the Commission needs to make sure the extenuating circumstances fall within the code. **Ralph Stanislaw** with Archiplex, architect for the facility, said he hopes to start construction in October and be under construction for a 12-month period. That would be completed by September or October of 2021. The general contractor has been selected and the contract is being solidified with the County. **Kelly Sparks**, Davis County Sherriff, also commented, saying that it may be possible that a recent arrest would need to be observed for medical issues such as withdrawal, and the beds may be used for that. However, it would not allow for increased capacity in the jail. None of the medical beds would count toward the general inmate population. All Commissioners were in favor of allowing an increase in beds from 26 to 33 without the need for a new application because of the pandemic circumstance. All Commissioners were also in favor of granting an extension on the time.

b. Building height and accessory building placement staff review
   - **Petersen** said there has been a recent rash of requests for accessory buildings to go over the 15 foot mark and for increased driveway widths. He said large cities allow staff to handle such requests, and

have them only go to the Planning Commission if the applicant or neighbors don't agree with the staff's decisions. He said that could be explored for Farmington's future. In Provo and Salt Lake, they have a Community Council, a clearinghouse for special exception requests. In other areas, developers meet with the neighborhood, and have two planning commissioners attend the meeting. **Leeman** said part of the applicant process could include letters of approval from neighbors or property owners that may be impacted prior to bringing the application to Staff. If these letters could not be obtained, then the request could be brought to the Planning Commission for an additional level of scrutiny. **Child** said they encourage developers to meet with neighbors all the time, and he feels the City is small enough that he is fine with having it brought in to the Planning Commission. He wants the neighbors to feel empowered, and meeting with the developer may not be enough. Citizens need to know that Planning Commissioners cannot vote on land rights. **Child** said he doesn't want to expose the City to lawsuits, and the Planning Commission has more expertise and knowledge about such issues than a Community Council or neighborhood meetings would allow. **Petersen** said the City needs the objectivity of the Planning Commission, which is representative of City residents. **Leeman** said the non-elected administrative body, the Planning Commission, is just supposed to follow the law, not create the law or be swayed by public outcry.

c. Other

ADJOURNMENT

Rulon Homer made a motion to adjourn at 8:27 PM. **Greg Wall** seconded the motion, which was unanimously approved.

Roger Child

Roger Child, Planning Commission Chair