FARMINGTON CITY – CITY COUNCIL MINUTES

OCTOBER 6, 2020

WORK SESSION

Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Scott Isaacson, Shawn Beus, Amy Shumway, and Rebecca Wayment; City Recorder Holly Gadd; Community Development Director Dave Petersen; Associate City Planner Meagan Booth; Planning and GIS Specialist Shannon Hansell; Assistant City Manager/Economic Development Director Brigham Mellor; Finance Director Greg Davis; Assistant City Manager/City Engineer Chad Boshell; City Attorney Todd Godfrey; and Recording Secretary Deanne Chaston.

BUSINESS PARK DISCUSSION

Mayor **Jim Talbot** began the work session at 5:06 p.m. to discuss the Business Park.

City Manager **Shane Pace** presented a proposed Development Agreement with STACK and said a Reimbursement Agreement would be available to the City Council members the next day. He said City Staff would meet with each Councilmember by appointment to go over the details of the proposal. **Pace** said **Chris Roybal** was instrumental in getting negotiations between Farmington and STACK back on track. After the City took a step back from previous negotiations and took the opportunity to debrief, **Pace** said he heard that three things were important to the Council. First, the Council wanted a proposal that both the applicant and the City staff were unified with. Second, the Council wanted to see real mixed uses in the map's tan and orange areas. Third, the Council was concerned with the amount of increment (residential vs. office uses). He said the staff and STACK are coming to the Council united this time, they would see real mixed use in the tan and orange areas. It took concessions on STACK's part, as the Staff convinced them they will get what they generate.

Assistant City Manager/Economic Development Director **Brigham Mellor** described that the proposal covers two Community Redevelopment Agencies (CRAs): CRA 1 is west of 1525 and CRA 2 is north of Spring Creek and east of 1525. About 48 to 49 percent of the total land in those two CRAs is STACK's, while some is for rights of way (ROWs) and a freeway interchange. Using a 2016 small area plan with Chartwell Capital Partners, square footage and usages were estimated. Approximately 70 percent of tax increment would be coming to CRA 1, which is about $21 million over 20 years. In CRA 2, that would be $27 million over 20 years. Those funds can be as an incentive applied broadly, such as to improve building facades or to be used as revolving loan funds. The lion's share of the Tax Increment Finance (TIF) ($85 million and $81 million respectively, or 82 percent on average) would go to STACK as STACK will be the first to develop in that project area. Traditionally the first group that comes in takes the highest amount of risk, and there is a great deal of risk that STACK is taking coming into this project. There is actual financial risk, and TIF helps mitigate that risk. It is a balance of art and science.

Rob Sant, Division Director of Economic Development with Davis County, addressed the Council. He was formerly employed as a senior analyst with Lewis Young Robertson &

Burningham, a financial advisory consultant for municipalities. He said he took conservative estimates and pumped them into what STACK could generate on their property. Current office, commercial and residential building uses were considered, as well as construction value and assessed value. Assessed value is about 80 percent of construction value. He said considering all these things, office space would be $183 per square foot. Over 20 years, $43 million of tax increment would be produced. Of that, 10 percent ($4.37 million) would be set aside for affordable housing, and $1.31 million for administrative costs. According to CRA agreements with other taxing entities, if there is housing above a certain limit in this development, the school and sewer district drop to 60 percent.

Chris Roybal—current Executive Director at Northern Utah Economic Alliance and former CEO of the Economic Development Corporation of Utah with over 13 years of experience in the economic development business—addressed the Council. **Roybal** said his job is to promote capital investment and quality job growth in Northern Utah, and the State has recognized the need to see more quality job growth and development north of Salt Lake and Utah counties. He said in five to 15 years from now, the Layton-to-Draper commute will be more than an hour. There is a need to get integrated employment centers in Northern Utah. The proposed North Station Business Park is a shining star example of what he would like to see: someone assembling this much ground into an integrated employment center with associated housing and transit effects. He said this is a lot of heavy lifting to put all the parts together, and there is a larger economic impact to this than property values and the increment needed to mobilize the project.

Roybal helped with an economic impact study, which he passed out to City Council member. He said the study conservatively estimates that there will be 1 million square feet of Class A office space in this project—or 150,000 per building—that will be built out over the course of 20 years. Additionally, there would be 170,000 square feet of commercial and other related activities around the office buildings. Every three years there will be new construction of an office tower. He said that the 1 million square feet in the project would conservatively bring a total of 7,000 professional jobs (and maybe as high as 10,000 jobs). This equates to over $8 billion in payroll cumulative over the 20 years, with a conservatively-estimated average annual salary of $60,000.

While COVID-19 has smacked the office sector in the face harder than any other business sector, **Roybal** estimated that the absorption of office space will take place in the next 12 to 24 months since Utah's underlying economy is still in good shape. An example is Pluralsight, which is leaving their 80,000 square feet of office space in Station Park to build their headquarters in Draper. Already, three local companies have expressed interest in taking that space, showing local demand even in a rough market.

Roybal said four types of tenants will be interested in office space at this location:

- Existing local businesses that are growing.
- Hill Air Force Base-recruited aerospace companies. Already, Northrop Grumman has announced plans for 3,500 new jobs with an average $200,000 annual salary.

- Businesses expanding out of Salt Lake City.
- and companies that are new to the state and region, much like Goldman Sachs was years ago. When projects are "shovel-ready," the Northern Utah Economic Alliance goes hunting for these sorts of tenants.

Roybal predicted that once the first tower is out of the ground and filled with tenants, it will start an avalanche of pent-up demand. Already Northern Utah is leaking 100,000 people daily who live in Davis and Weber counties yet work in Salt Lake and Utah counties. That is out of 600,000 working professionals. He would like to see people live and work in the same county, and this is a unique product that could make that happen. He said it will take a $700 million capital investment staged over a 20-year period of time, but it will represent 50 years of coming together for something really special: a place to be, especially due to nearby Station Park and transportation infrastructure. He applauded the City for doing the heavy lifting and STACK for hanging in there for a long-term vision.

Mayor Talbot asked **Roybal** to rank this project locally, in the county, state and region. **Roybal** replied that in Northern Utah, this is the top-ranked project. He focuses on office and industrial development, since retail is a follow-on after those core jobs are established. While Northern Utah has reasonable industrial base and places for that to grow into, it does not have a stable office market. He predicts that activity from the North Station Business Park will follow on to Clearfield, Layton and Ogden. He said there is not property like this anywhere in Northern Utah or along the Wasatch Front. The only other rival is the prison site with 700 acres on Interstate 15. However, that project could take 30 years and is not yet master planned. Yet Farmington already has the labor pool, infrastructure with the Station Park retail center, and the transportation elements including I-15, Highway 89, Legacy and Frontrunner. **Roybal** said that once COVID-19 is over, he will be on the road to sell this project to the next Goldman Sachs. There is a real opportunity to bring regional headquarter companies and professional service jobs to this project. He said Farmington has a big decision to make, not just for the City, but for Northern Utah and the entire state of Utah. While this is the second attempt at a Development Agreement with STACK, he feels the second iteration has made the project better and brought more details forward.

Pace said in this second round of negotiations, STACK has involved housing developer Wasatch Farmington Holdings LLC. The orange area grew by almost 20 acres. The Planning Commission wanted nonresidential nodes on Burke Lane and around the transit hub. Digital Drive may have to be renamed, as there is a Digital Drive in Lehi also.

Community Development Director **David Petersen** addressed the Council, distributing a copy of the proposed Development Agreement with Planning Commission recommendations and redlined changes. There was an alternative approval process added for flexibility. The Evans, Haws and McCandless agreements include a similar flexibility paragraph to handle unforeseen events. Page 3B outlines that residential is prohibited in the blue and red areas of the map.

Page 3C addresses the office to residential ratio, with three acres of residential to each one acre of office. The proposed language would allow STACK to proceed with construction of the

multi-family residential project along Burke Lane. However, construction of the remaining residential development will not be considered for approval until the first office building is under construction. "Once the first office building is under construction, the remaining residential, if approved, shall be permitted at a ratio of 3 acres residential for every 1 acres of office." Also, the proposed language calls for STACK to obtain site plan and building permit approval of the first office building, with a 25,000 square foot footprint, before Dec. 31, 2023.

The Planning Commission wanted to use an objective standard tied to the market, while STACK proposed alternative language. The Planning Commission proposed that STACK commence construction of the first office building "within two years from the date when Full Service Gross (FSG) rents for the Overall Class A office in the Salt Lake market reaches Q1 2020 levels per Colliers Research and Forecast Report Office Snapshot." However, STACK proposed alternate language: "no later than one month after the latter of (i) signing a lease or aggregate of leases of 50% or more of the square footage of the office building and (ii) receiving construction financing."

Pace said STACK didn't feel the Planning Commission recommendations were fair. He said it is a much greater motivator to not provide TIF until the first office building is built. STACK will want to qualify for that TIF as soon as they can in order to use that money for local roads, wetland mitigation, and parking garages.

City Attorney **Todd Godfrey** said that City Staff was trying to present the Council with what came out of the Planning Commission, but STACK has major heartburn with that, as they feel it introduces a market standard that doesn't fit or relate to this market, particularly now. **Petersen** said this Project Master Plan (PMP) does not amend local streets. The parking area can be a place holder as dense development is planned in the blue area facing I-15 over the years.

Godfrey said that this version of the tax increment deal is much different than the original. The PMP commits some land uses, which is a significant entitlement, and the Development Agreement is a tool to cement that PMP. He advises that all pieces of the project are subject to the approval of the agreement, so all are tied together in one big piece. STACK is still under contract for the land. 2018 will be the base year of property tax collected, and taxing entities will keep getting that base amount. Some of the property is in greenbelt, with a base value of about $83 per acre. Other portions of property are valued at $36,000 per acre. The City Council is authorized to pull $47.93 million out of the CRAs, which will create value that ends up being significantly more than that. He said the City will get the benefit due to an increase in property values. The maximum that can be paid to STACK is $34 million over the life of the project, if their performance matches the benchmarks.

Godrey said STACK's obligations are significant. In CRA 1, they have to produce $77 million of tax value. In CRA 2, they have to produce $87 million. If they don't meet that, the City doesn't pay them increment. Secondly, they have to build an office in the blue or red area. They have to ensure that the property pays its taxes.

Additionally, the City has obligations. The City agrees to build Digital and Commerce Drives, and Burke Lane to 950 has to be constructed by the end of 2023. The remaining leg of Commerce Drive has to be done by the end of 2027.

Councilman **Brett Anderson** asked **Godfrey** to give him a worst case scenario. **Godfrey** replied that if the market never develops for office, the City gets a portion of housing first in that development. There would be fall out that the City's obligation to build Digital and Commerce is still there, but there is not reimbursement obligation to the developer. The City would be left to find a different mechanism to incent that property. However, the City would still have the office area reserved, and it may just take more time to realize that vision.

Pace said that the traffic in West Farmington alone motivates the City to get those roads in. Economic development is not the only reason the City wants to develop those roads with a price tag of $24 million. **Mayor Talbot** said he realizes that is a big chunk of money, but Staff has gone out to get all money available, much like sweat equity. He said the City is fortunate the county and municipalities see that vision. Those roads would be an asset no matter what, and would help the property be developable down the road. **Mellor** said that $15 million has been raised in the past 12 months. This money is not City money and has come from resources such as the Wasatch Front Regional Council (WFRC), Council of Governments (COG), etc. and is contingent on building the office park.

Petersen said those roads would be a relief to Park Lane, and help decongest the interchange area. **Councilman Scott Isaacson** asked why the City's obligation is not tied to the developer's performance. **Godfrey** replied that that was a policy question Staff struggled with. He said at the end of the day, their feeling has been that even if the developer doesn't come and perform, the City wants those roads in. Staff has a fair level of confidence that those roads can be done by the end of 2023.

Mellor said there is a chicken and egg component. If there is not a way to get to those prime office sites by I-15, the City can't expect a developer to put in the regional roads because they can't afford it and it is a risk. By putting in the roads, the City is investing in a product and reducing the developer's risk.

Godfrey warned that there may be public distaste for these agreements, and questions of why tax money is being used this way. While there is a kernel of truth to that, he said that the money that comes back to all tax entities for their uses is based on the value they create. All taxing entities signed an interlocal agreement to form the CRAs. **Mellor** said that the lion's share will go to the school district. The school district has entrusted the City Council with $20 million of their money to make good decisions. This is a combined effort to be good stewards of those resources, and he feels the City Council can hold their heads high because they did what they promised to do. **Godfrey** said that COVID threw a wrench in plans, and it will be necessary to go back to the taxing entities and ask them to bump the trigger year as far out as 2027 in the interlocal agreements. The first year the increment is likely to be available will be 2025-2026 at the earliest. **Pace** noted that **Mayor Talbot** and he had recently approached the School District, and they are supportive of it. It will be up for formal approval in November.

Mayor Talbot said that he has spent seven years of his life trying to get a vision for Farmington that can serve it for the next 80 to 100 years. He said he was a City Councilman when Station Park was being discussed. Everyone put their reputations on the line for the fact that they thought Station Park could make it, and it has. It is a $750 million development with 103 outlets, and now is the biggest tax source for the City. He sees parallels with this project. He said the reason the City is willing to do this office park is because of Station Park, and they should be willing to take the challenge again. There may be critics, but not nearly what they were 12 years ago when Station Park got its start. He thinks STACK is the group that can build this upcoming project, and help Farmington be the community everyone looks to for something that will be historic. While 2020 has been the worst year of his life, he wants to push forward to make Farmington a gathering place, a happy place to come in and do everything. He wants to become a live/work/play phenomenon while not having to take anything by imminent domain. This has been a tough assignment, somewhat due to the City getting a highway nobody wanted and trying to make that work. The $47 million interchange is now on the books and part of the business park.

Pace said that he was offered a job with the City almost exactly two years ago, and this project was one of the things that interested him the most about Farmington. He was given clear guidance when he was hired that this project was a high priority. The commitments on both sides are significant, with the City committing roads and TIF, and STACK committing to building office space. This is an exciting but stressful time. Staff has worked the project to this point, and now the City Council has to make a decision.

Mayor Talbot said he appreciates **Chris Roybal** for getting the players back together after the initial negotiations stalled. The amount of people was reduced, the venue was changed, and the City brought in their attorney from Day 1 of the new rounds of negotiations. He said he feels the result is an agreement that is acceptable. There were things that both sides wanted changed.

Andrew Bybee of STACK said negotiations today are 180 degrees from where they were in June and July. He is pumped and excited now to build something different than what they have done in the past. His company is at their best right now. He knows the pieces that are missing, has a canvas, and appreciates the city that attracted them. There is a trifecta: Lagoon, the world class Station Park retail center, and now a regional employment center right on I-15. Everyone else on the Wasatch Front wishes they had this.

Councilman **Anderson** said while he realizes this is a big investment for STACK, he is always concerned that he is spending tax payer dollars. He is cautiously optimistic, but has concerns. This is an exciting and scary time.

REGULAR SESSION

Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Scott Isaacson, Shawn Beus, Amy Shumway, and Rebecca Wayment; City Recorder Holly Gadd; City Deputy Recorder Heidi Bouck; Community Development Director Dave Petersen; Associate City Planner Meagan Booth; Planning and GIS Specialist Shannon Hansell; Assistant City Manager/Economic Development Director Brigham Mellor; Finance Director Greg Davis; Assistant City Manager/City Engineer Chad Boshell; Police Chief Wayne Hansen; and Recording Secretary Deanne Chaston.

CALL TO ORDER:

Mayor **Jim Talbot** called the meeting to order at 7:00 p.m.

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

Councilman **Shawn Beus** offered the invocation, and the Pledge of Allegiance was led by **Mayor Talbot**.

PRESENTATIONS:

Introduction of New Police Officer and Administration of Oath of Office

Police Chief **Wayne Hansen** introduced **Dave Wakefield** and **Jonathan Paskett** as new police officers. City Deputy Recorder **Heidi Bouck** administered the Oath of Office to both officers.

Wakefield worked in Layton City before coming to Farmington, where he hopes to work another five to 10 years until retirement. He introduced his family, including his wife and four children.

Paskett started his career two and a half years ago working as a correction office at the jail for the Davis County Sheriff. Before coming to Farmington, he worked for West Bountiful. He introduced his family including parents, brothers, sisters, nieces, nephews, his girlfriend and her sister.

Approval of New Trails Committee Member

Councilwoman **Amy Shumway** presented **Jedd Powell** as a new member of the Trails Committee. **Powell** addressed the Council. He grew up in Layton, attended Utah State University, worked with the Forest Service, has a wife and children, loves tails, and worked as a youth as a high adventure ranger at Camp Loll, where he took youth through the Teton Range and taught them to climb. He said he has a passion for the outdoors and earned an anthropology degree. He has taken trips to Peru, China and Tibet, where he focused on understanding people and the communities they live in in high places. Trails were a part of their lifestyle and culture, which is something we share with them. He has had an itch to work with the general public while enjoying the outdoors, and this will be his first involvement in politics.

Motion:

Shumway moved to appoint **Jedd Powell** as a trails Committee member.

Beus seconded the motion. All Council members voted in favor, as there was no opposing vote.

Purchase of 0.3 acres at approximately 950 N. – Jared Scott

Assistant City Manager/City Engineer **Chad Boshell** presented this agenda item. He said this purchase is needed for curb and gutter, road, and side treatments. Two appraisals were obtained for the property, and the purchase price of $115,000 was the point between the two appraisals. **Jared Scott** owns the 0.3 acres, which is next to a home he also owns separate from the parcel.

The real estate contract is between Farmington City and **Scott** for a portion of the lot located off the new 950 North (North Station Lane) alignment. The City will pay for this land purchase with the appropriation funds from the legislature. In partnership with Davis County, Wasatch Front Regional Council (WFRC), Kaysville, and the State of Utah, Farmington has been working on the future 950 North (North Station Lane) alignment, which connects the future Interstate 15 interchange and the future West Davis Corridor interchange. The State of Utah has appropriated $6 million in the 2019 Legislative Session; Davis County contributed $100,000 in construction design funds; and WFRC is donating another $4 million to the project from their Surface Transportation Program (STP) grant program.

Motion:

Beus moved to approve the purchase agreement as outlined in the real estate contract between "buyer" Farmington City and the "seller" **Jared Scott** for a portion of the lot located off the new 950 North (North Station Lane) alignment.

Councilwoman **Rebecca Wayment** seconded the motion. All Council members voted in favor, as there was no opposing vote.

PUBLIC HEARINGS:

Preliminary PUD Master Plan and Subdivision Schematic Plan for The Station located at 850 N. Lagoon Drive

Planning and GIS Specialist **Shannon Hansell** presented this agenda item. Teton Investment Holdings LLC is the applicant. The Council is being asked to provide input to the Planning Commission as they prepare their recommendation for the Preliminary Planned Unit Development (PUD) Master Plan and Subdivision Schematic Plan for The Station PUD. Most is Commercial Mixed Use (CMU), with some Low Density Residential (LDR) on the northeast side of it. It is being discussed how to connect Lagoon Drive to Highway 89, as well as mitigate the large area of wetlands. The General Plan requires CMU on both sides of the road. Unlike previous iterations of this proposal, the current proposal has no nonconforming dead-end streets, more open space, and a significantly reduced number of dwelling units.

Jeffrey Allen, director of land at CW Urban (1222 Legacy Crossing Boulevard, Suite #6, Centerville, Utah), addressed the Council representing the developer. He said that after meeting with the Planning Commission and the Site Plane and Architectural Review Committee (SPARC), where it came up they were tired with the "Station" name, the developer decided to rename this project "The Rose." This is in memory of floral entrepreneur Robert Miller and his

Miller Floral Company, which caused Farmington to be known as "The Rose City" for a time. The streets in the development will be tied to species of roses. There will be 50 lots, and the developer turned a hammerhead into a through street. Since originally proposed, the developer has added 20 feet of open space for a future easement to adjoining property, reconfigured lots, distributed smaller lots among larger lots, added two feet of landscape barrier along Lagoon Drive, incorporated Farmington Rock into fencing, and added two-sided architecture to side-facing elevations on all corner lots.

Mayor Talbot opened the Public Hearing.

Lori Conover (459 Qual Run Road, Farmington, Utah) addressed the Council. She appreciates the opportunity to meet electronically over Zoom, and said she wants to keep the small town feel in Farmington. She is concerned with commercial creep on Main Street.

Mayor Talbot closed the Public Hearing. He excused Councilman **Brett Anderson**, who had attended the entire work session earlier. **Mayor Talbot** asked about 700 West, which he understood would be a through street with direct access to Shepherd Lane. Now it is a cul de sac. Community Development Director **Dave Petersen** replied that it would be a dedicated right of way (ROW) so the neighbor could develop their property in the future. Public Works has thought about reclaiming that when the street goes through, and it will be noted on the plat as a dedicated ROW. Some streets will be public while some will be private.

Councilwoman **Amy Shumway** expressed concern over the small amount of open space, noting a park further north. She also is concerned about trail easements, wanting to make sure that easements are effective. She hopes there can be a loop going around the wetlands. **Petersen** said those easements can be shown when the project comes back to the Council.

Wayment said she is also concerned with the amount of open space. Also, that section of Main Street still has no sidewalks. She appreciates the bigger buffer on Lagoon Drive. She would like the project's proposal of sidewalks on only one side of the street to be revisited, as there will be a lot of kids in this neighborhood.

Motion:

Isaacson moved to table this item and send it back to the Planning Commission as well as direct staff to communicate the Council's comments to the Planning Commission.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote.

<u>Ordinance Amending Chapter 32 of the Zoning Ordinance Pertaining to Driveway Width Special Exception</u>

Associate Planner **Meagan Booth** presented this agenda 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. If larger driveways become too pervasive, the character of the neighborhood

often changes. The standard driveway width for residential homes ranges from 9 to 24 feet. The City's off-street parking standards allow a width beyond what is typical, not more than 20 feet in width when serving as access to two properly designated spaces, or 30 feet in width when accessing three properly designated parking spaces.

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. The Planning Commission considered this request on August 20, 2020, held a public hearing, and recommended the City Council approve the text amendment.

Mayor Talbot opened the Public Hearing. Nobody signed up in person or electronically to address the Council on the issue. **Mayor Talbot** closed the Public Hearing.

Beus said the best way to handle this is a Special Exception rather than a Conditional Use Permit.

Motion:

Beus moved that the City Council approve the ordinance amending Section 11-32-060 A.1. of the Zoning Ordinance, subject to all applicable Farmington City ordinances and standards.

Findings for approval include:

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 lot or parcel is of sufficient size to accommodate the special exception.

Wayment seconded the motion. All Council members voted in favor, as there was no opposing vote.

Petersen said he hopes to have a trail connection to the backside of the nearby church.

Ordinance Enacting 11-7-070 (J6) of the Zoning Ordinance regarding Reciprocal Access between Commercial Uses

Booth presented this agenda item, saying the credit for this item belonged with City Manager **Shane Pace**, who recognized the need for cross access as part of the City's site plan requirements. Members of the Development Review Committee (DRC) supported the requirement. Reciprocal access is sometimes referred to as cross access and provides vehicular access between two or more contiguous sites/land uses. They encourage connectivity and shared parking while minimizing access points along the street and allowing movement across multiple developments. The Planning Commission considered this request on September 3, 2020, and recommends approval.

Mayor Talbot opened the Public Hearing. Nobody signed up in person or electronically to address the Council on the issue. **Mayor Talbot** closed the Public Hearing.

Motion:

Wayment moved that the City Council approve the ordinance enacting 11-7-070 J.6. providing reciprocal access standards for commercial uses.

Findings for approval include:

1. Reciprocal Access is a way to establish a legal right to use shared areas between two or more property owners providing ingress and egress, and is a necessary change in the ordinance.
2. The amendment is consistent with language set for in zoning ordinances in other local municipalities.

Councilman **Scott Isaacson** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Preliminary PUD Master Plan, Subdivision Schematic Plan, and Zone Change – Fiore Townhomes (S-12-20 and Z-10-20)

Community Development Director **David Petersen** presented this agenda item. This project is near 1525 West and Park Lane. In 2000, the City entered into a Development Agreement with Golden Meadows Properties for the development of the Farmington Greens (Planned Unit Development) PUD Subdivision. In that PUD master plan and Development Agreement, the subject property was determined to be "Commercial Support and Services" and further defined under Recital B of the development agreement as "Developer's project shall be known as Farmington Greens, a planned unit development, which shall consist of up to but not to exceed 176 lots or dwelling units, plus approximately three acres of commercial property as more particularly shown on the preliminary development plan previously approved by the City Council on October 7, 1998." Beyond this one sentence, there is no further description on what types of commercial uses are allowed on this commercial property. At that time, Legacy Parkway was only being talked about, and water infrastructure was not out to the area.

About 19.5 years after the City approved the preliminary development plan for the site, the City received an application to develop the property (a self-storage/retail facility) and the Planning Commission considered the same February 8, 2018. Thereafter, the City Council did not deny the use, but determined that the proposed setbacks, among other things, which deviated from the standards of the underlying zone, placed the buildings too close to the street at this location. A year prior to this, the same developer met with some residences/property owners in the neighborhood to get their input about possible uses for the site. Possibilities being discussed over the years includes apartments, Marverik gas station, and self-storage units, and there was not a lot of consensus for any one thing.

Now the same developer is proposing 30 townhomes for the site and requesting that the City rezone the property from Agricultural Estates (AE) (PUD) to initially Business Residential (BR) (PUD). The density would be 10 units per acre. The BR zone was originally thought to be more consistent with the existing "commercial" designation, but the Planning Commission recommended the R-8 zone at their September 17, 2020, meeting because the primary non-residential use allowed in this zone is office. The Commission determined that an office use, in the event the townhomes may not occur, is more compatible with the surrounding neighborhood than some of the commercial uses set forth in the BR Zone. Since Station Park has come to the area, there is not the same demand for commercial uses in the area that there was previously.

Councilman **Brett Anderson** joined the meeting.

Petersen said that unlike Farmington Crossings and Avenues, which have parking problems, this project has driveways where two cars can park. With the two-car garages, a total of four cars can park per unit in this project. The Planning Commission recommended approval of this with the R-8 zone and no use of Transfer of Development Rights (TDR). The Commission did not want the enabling ordinance to go into effect until the Final PUD Master Plan was approved. Garbett Homes is planning to do their own Homeowners Association (HOA), and the City can't force them to be part of the Farmington Greens HOA.

Adam Nash (6076 S 900 E., Salt Lake City, Utah), developer and owner of this project, addressed the Council. He said over the years they have exhausted all possibilities for this project. Townhomes are in extremely high demand in this area, and are not as expensive as the normal half-acre lot. He questioned if a playground and storm water retention could be included in this project.

Mayor Talbot opened the Public Hearing.

Heather Jolley (1517 Filly Drive, Farmington, Utah) addressed the Council. She said she has lived in this area since 2018. While she is not opposed to townhomes in this area, she said 30 being crammed here is scary. The surrounding homes are single-family homes, and she is worried about the increase in traffic the townhomes will create. When Clark Lane was closed for construction for a few weeks recently, she said it was hard to pull out of her driveway onto the narrow Filly Drive due to increased traffic.

Mayor Talbot closed the Public Hearing. He said this has been a hot topic for years as the City has seen multiple renderings for this property, and they thought it may be good for a church. The biggest problem was that it was zoned commercial and the landowners couldn't figure out what would go there. This is a hard piece of ground and the applicant deserves a bit of a break. He said occupied townhomes are a good fit for the neighborhood, as long as the architecture matches the surrounding homes.

Beus said he lives just down the street on Clark Lane in the Ranches, so he drives by this area many times each day. He shares the concerns about the density. The commercial viability of this area passed after station Park and everything on Clark and Park Lane came online. Commercial is no longer feasible, so he understands the request to move the project out of commercial. He would like to see an affordable or workforce housing element at this location.

Petersen said in order to include an affordable housing incentive, one unit would take a lot of money and be very expensive to the City. There is a less expensive way. In order to go the affordable housing route, this would have to go back through the Planning Commission and be approved by agreement. **Mayor Talbot** said the developer is getting hit broadside with this affordable housing option today, and he would feel better if it had been bought up previously at the initial Planning Commission level. He is aware of another upcoming development that could be a good candidate for affordable housing. **Anderson** said that while a laudable goal, it is not fair to inject affordable housing into the analysis or make a condition for Council approval at this time.

Beus said he recognizes the proper order, and that the timing may be off for affordable housing with this project. The applicant has been patient with this property for a long time.

Wayment asked if the Planning Commission had been concerned with this project's density (30 townhomes) or number of guest parking stalls (nine). She would like to see the townhomes stay at two stories and didn't like the proposed modern design, as it would not match the character of the homes in the surrounding area. She expressed her approval of the "Fiore" name, which she said has an Italian flare that could describe Tuscan townhomes. **Isaacson** agreed with **Wayment**'s density and architecture comments, noting that with the R-8 zoning, the applicant could ask for 39 units, but the proposal is for 30 units.

Petersen answered that the Planning Commission was fine with the density, which is less dense than Farmington Crossing. He said he initially suggested the developer try a contemporary design. With 20 feet in front and room for two parking spots in each driveway, he doesn't foresee a parking problem. He noted that originally, the design was for a church to be there, with its spire aligning with a view of the distant Bountiful Temple. However, that did not work out and politics got in the way.

Shumway voiced her distaste of the architectural design proposal and asked if the project needs two ways out. **Petersen** answered it needs one way out as well as a turn around.

Mayor Talbot said the developer is on the right track, but they need to work with City Staff for a different architectural rendering.

Nash addressed the Council, saying he is giving the City three acres of commercial property in exchange for residential, and he doesn't see that they are getting anything out of the deal. If they were to reduce density or put in an affordable housing element, that would increase their costs. Everything on their proposed plan was recommended by City staff.

Jacob Ballstaedt (273 N. East Capitol Street Salt Lake City, Utah) with Garbett Homes addressed the Council. He said they are offering a downzone. They are offering the gold standard product, with driveways in which to park cars as well as backyards. The parking exceeds what the ordinance specifies. He said the architectural design can change, and they have all kinds of styles available.

Motion:

Anderson moved to table this item to allow the applicant to speak with Staff to see if they want to address some of the issues raised by the Council. If minor modifications are needed, the applicant will not need to restart the whole process, but should get on the calendar for a decision sooner rather than later. They should go back to Staff to work through the identified issues and then bring it back to the City Council, as further vetting is not needed with the Planning Commission.

Wayment seconded the motion. All Council members voted in favor, as there was no opposing vote.

NEW BUSINESS:

Human Resource Manager Position

City Manager **Shane Pace** presented this agenda item. He said that as a small community that is growing, Farmington has a lot employees doing multiple jobs. The City Recorder started handling Human Resources duties a few years ago. Although the City gets done what it legally should, every year a survey of employees compared to other cities should be conducted, and the Staff just doesn't have the time to do that currently. He is proposing creating an HR Resource Manager position, and splitting that position off from the City Recorder position. However, he is not asking for an additional full-time equivalent (FTE) employee. An existing employee will be put in as the City Recorder and a separate position will be eliminated. He proposes to have **Holly Gadd** fill the new HR Resource Manager position.

Beus said this is a great decision and would better use **Gadd**'s talents. **Mayor Talbot** said it is a well-deserved promotion as **Gadd** has been juggling many hats for many years. However, it is time to split the City Recorder position from the HR position. While it has worked well in the past, the proposed change will allow the City to do things they haven't in the past.

Motion:

Shumway moved to approve the position of Human Resource Manager. **Beus** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Pace said this change will necessitate a code change, as the code currently specifies that the City Manager should serve as the HR Manager.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including approval of minutes from August 4, 2020; minutes from September 15, 2020; Improvement Agreement for Visionary Homes; ambulance write-offs; and Resolution Amending the Consolidated Fee Schedule regarding Professional Service/Engineering Fees.

Motion:

Isaacson moved to approve the Summary Action list items as noted in the staff report. **Shumway** seconded the motion. All Council members voted in favor, as there was no opposing vote.

GOVERNING BODY REPORTS:

City Manager Report

Pace presented the Monthly Building Activity Report for August. He also addressed car washes in the GMU zone.

Petersen noted that there have been two proposals lately for a car wash, and two more may be in the works, as car washes are gaining in popularity lately. Quick Quack is eyeing property west of Wendy's on property owned by CenterCal. Auto Spa is also considering land in Farmington. Both locations are zoned General Mixed Use (GMU). While car washes are not allowed in the GMU zone, the applicant has the right to ask for that use. He noted that a car wash use is not allowed in the CenterCal agreement. They are allowed in the Commercial zone. Farmington has two other car washes including the Chevron gas station and the one being torn down and rebuilt by Smith's. He asked the Council if they think car washes should be allowed in the GMU zone or not.

Mayor Talbot said car washes have evolved since 2008, when they were typically coin operated and involved the customer spraying their car in an open bay. Then, car washes were not tunnels.

Assistant City Manager/Economic Development Director **Brigham Mellor** said car washes don't generate sales tax, as they are services. He said five new car washes on the same street in the Syracuse area have no problem competing with each other, and Syracuse City amended their ordinance to eliminate car washes. Syracuse wanted a pedestrian-friendly area near Wal-mart, and the City Council stood their ground to not allow a Quick Quack in that area. As Farmington is staring down the barrel of being a smart community with a regional Class A office park and hotels, he is not sure that would include a car wash.

Beus said that this spot is not the right place for a car wash at this time, but other places can be considered.

Isaacson said Station Park is a world-class development. If car washes are allowed, it will not be a world-class development. He is not in favor of car washes in that area, as they are not in his vision. Farmington can do better. The City should not make exceptions to policy. **Wayment** said she is not in favor of car washes because allowing them would require a change in policy. **Shumway** said she has heartburn over allowing car washes. **Anderson** said he is not in favor.

Mayor Talbot and City Council Reports

Beus said the Housing Committee had met, and the Historical Preservation Committee is making some changes to how committee members are nominated. **Mayor Talbot** said he would like to look at it like appointments to the Planning Commission, where the committee takes applications. The City Council liaison, committee member, Mayor, and perhaps Community Development Director can review the resumes and recommend an appointee, who then is presented to the City Council much like **Jedd Powell** was today. He feels this would be a way to honor community volunteers who sit on committees. The appointment would be for a specified number of years, which may necessitate a change in ordinance.

Wayment asked for an update on the West Davis Corridor conservation easements. **Mayor Talbot** said it is now with the attorneys.

Shumway said that a resident had approached her about concerns with the right hand turn lane on Shepherd Lane by Maverick. Cars are not looking for pedestrians there, which is a concern for school children on the way to Knowlton Elementary. **Pace** said light coordination with UDOT next to an onramp can get expensive, but it can be well worth it.

Shumway also inquired about a picture of the City Council to hang in City Hall and when the grand opening for Tucanos Brazilian Grill would be. City Recorder **Holly Gadd** mentioned that the grand opening was scheduled for October 22, and that the mayor would speak.

Shumway mentioned the carwash near Smith's, asking if its height had been approved. It hides four different businesses, and she has heard the height was to attract visibility from the freeway. **Pace** answered that City ordinances do allow for that height, and the land owner is also the carwash owner, as this is not a lease situation. He said it meets code, and if there was a weakness, it was on the part of the original developer selling property in front of other businesses.

Mayor Pace asked for direction from the Council regarding the City's traditional Veteran's Day activities. Councilmembers agreed that the activities should be canceled this year due to COVID. **Pace** said the City Parks and Recreation Department can still post a flag on each grave of a veteran. **Mayor Talbot** noted that he had also canceled Lunch with the Mayor this year as well.

ADJOURNMENT

Motion:

Shumway made a motion to adjourn the meeting. **Isaacson** seconded the motion, which was unanimously approved.

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Holly Gadd, Recorder