

FARMINGTON CITY PLANNING COMMISSION

Thursday, February 12, 2004

JOINT CITY COUNCIL/PLANNING COMMISSION STUDY SESSION/CITY CHAMBERS

Mr. Petersen began discussion of the Station Park Development at 5:05 P.M. Those present introduced themselves and a list of participants was taken. Almost all members of the City Council and the Planning Commission were present, including Mayor Connors and Planning Commission Chairman Cory Ritz. City Manager Max Forbush, City Planner David Petersen, City Financial Director Keith Johnson, and Deputy Recorder Jeane Chipman were present. Commission Member John Montgomery was excused. The following points were raised:

- Rich Haws gave a brief history of the acquisition of the project area property.
- A portion of the area east of Park Lane and west of I-15 was proposed as an RDA project area so that the commercial area could receive initial financial assistance.
- The items that Mr. Haws wanted the City to accomplish were: 1. Amend the General Plan; 2. Create a Transportation Oriented Development (TOD) Zone; 3. Approve master development guidelines and require them to be part of the General Plan; 4. Establish an RDA plan and required funding of public infrastructure and related improvements; 5. Assist in facilitating the UTA Commuter Rail Station and required land exchanges; 6. Cooperate with the development team in marketing the project.
- Mr. Haws covered the proposed public infrastructure needs. He also reviewed land owned or under contract by the Station Park enterprise. UDOT also owns property between the Station Park property and I-15. Mr. Haws briefly reviewed requirements for RDA qualification.
- Station Park management would like to build and own the train station in order to enhance the project and maintain it in an appropriate manner.
- Mr. Haws listed those entities that would be involved with the Station Park project; e.g.: Big D Construction, Dixon & Associates, Coldwell Banker, and others.
- Representatives of Coldwell Banker Commercial talked about their background and qualifications. They talked about 6 key components to insure success of mixed use projects and attain critical mass: office, retail/regional and community, entertainment/health/fitness, hotel, restaurants/food, and residential uses.

- Representatives of Big-D Construction discussed the fact that they wanted to be involved in the planning, preconstruction activities, and initial designs of the project. They also reviewed their qualifications and background.
- The overall approach included cost evaluation on each phase, schedule preparation of all key activities, and RGQ and RFP selection process for design and consultant team.
- David Dixon stated he was interested in the project as an architect, but also as a resident of the City. He introduced the qualifications of his company.
- Mr. Dixon discussed what a transit oriented development (TOD) is and what it would need to succeed.
- The guidelines and standards would need to be developed in order to hold the development to a specific quality. Mr. Dixon stated it was the Haws group's intention that the guidelines and standards would be created by them in partnership with the City. The document would be very detailed.
- Mr. Haws reviewed a possible time table for the project. He noted the urgency that his group felt needed to be considered.
- Susan Holmes asked for a draft of the guidelines and standards. She also asked that transportation preferences be submitted to the City for their early consideration. She also wanted drafts of TOD ordinances that may be of help to the City to facilitate what the Haws people propose. Ms. Holmes suggested that what had been done in other cities could be looked at by Farmington officials. Doing so may help short cut the process rather than doing everything from start.
- Mr. Forbush also wanted information for the RDA process and what specific things the developers' group wanted from Farmington.
- Mayor Connors stated the City was excited about the project. The City needs to be interactive and proactive to make a success of the project.

The joint study session was closed at 6:30 P.M.

PLANNING COMMISSION STUDY SESSION

Chairman Ritz opened discussion of the Planning Commission's study session at 6:40. The Commission briefly discussed the previous study session held in conjunction with the City Council regarding the proposed Haws development in west Farmington. They also discussed agenda item #3 regarding the proposal of Scott and Brent Russon to establish a funeral home at 1798 North Main.

Mayor Connors was present briefly and stated his confidence in the Planning Commission members. He thanked them for their service and for the good work which they perform for the City. The Mayor commented on the fact that there had been some dispersions unfairly cast on the motives of some Commission members regarding agenda item #3. Mayor Connors stated the accusations were unfounded.

PLANNING COMMISSION REGULAR SESSION/CITY CHAMBERS

Present: Chairman Cory Ritz, Commission Members Bart Hill, Keith Klundt, Cindy Roybal, Jim Talbot, and Jordan White, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Commission Member John Montgomery was excused.

Chairman Ritz called the meeting to order at 7:00 P.M. **Keith Klundt** offered the invocation.

APPROVAL OF MINUTES

Cindy Roybal moved that the minutes of the January 22, 2004, Planning Commission Meeting be approved with corrections as noted. **Jim Talbot** seconded the motion. The Commission voted unanimously in favor.

REQUEST FOR EXCEPTION TO DEAD-END STREET REQUIREMENTS ON 100 NORTH STREET NEIGHBORHOOD (EAST OF 200 EAST STREET) (Agenda Item #2)

Background Information

On December 4, 2003, the Planning Commission approved a request to recommend schematic plan approval for a proposed eight-lot subdivision adjacent to 100 North Street east of 200 East. As part of the motion, it was recommended that the developer and the citizens of the neighborhood get together at a meeting prior to preliminary plat submission to try and work through differences and address the concerns of the neighbors. Since that meeting, the developer and 100 North property owners and City staff have met in four neighborhood meetings. It appears that a compromise is close to being met regarding the actual design of the proposed subdivision.

However, some of the 100 North property owners would like to request the City Council grant an exception as set forth in the Subdivision Ordinance for a second point of independent access regarding dead end streets.

At the last neighborhood meeting on February 5, 2004, it was recommended that before an exception can be considered by the Planning Commission, that the 100 North property owners meet with abutting property owners on State Street to discuss future road plans and possible development scenarios for the entire block bounded by 100 North on the north; State Street on the south; and 200 East on the west. The Fire Chief, Larry Gregory, and two members of the Planning Commission, Bart Hill and Keith Klundt, were also in attendance at the February 5th meeting. Based on the results of this meeting, the 100 North Street property owners plan to hold a meeting with the State Street property owners at 5:30 P.M. on Thursday, February 12, and report their findings to the Planning Commission later that evening as part of this agenda item. The material in the packet will be discussed in greater detail at the Planning Commission meeting and additional information will also be presented at that time.

END OF PACKET MATERIAL.

Mr. Petersen presented the introduction to the agenda item. He stated there had been several neighborhood meetings regarding the application. There was a problem that existed because of the City ordinance restricting the number of residences allowed on a dead end street longer than 1000 feet. City ordinances provided for an exception by special approval of the City Council. As stated in ordinance language, "street patterns in the subdivision shall be in conformity with a master street plan for the most advantageous development of adjoining areas and the entire neighborhood or district." Mr. Petersen noted there were other potential building lots available in the interior of the block bounded by State Street, 200 East, 100 North, and 350 East which could be impacted by a recommendation for exception to the requirements for a second point of independent access.

Kim Brown (representative of a neighborhood meetings and property owner) reported findings of the meetings held by concerned property owners in the area. Citizens attending the meeting had suggested options for different access routes for other properties. Many of the major property owners from the State Street area were not in attendance during the February 12th meeting.

Mr. Petersen stated that the Fire Chief supported the special exception pending the results of a meeting with State Street property owners. The City Planner stated there had been notification of the meeting given to all property owners. The notification included a letter and a phone call. A special exception to develop the interior of the area may be premature at this time because of the number of options still available. There had been a good faith effort to get the property owners to attend the meetings with the developer. However, if a special exception is

considered, it may be well to give the owners another chance. If a special exception to allow just lots fronting 100 North were approved without a stub street off of 100 North Street to the south, it should not preclude the State Street property owners from other considerations.

The Commission discussed the issues. Tapes had been kept of the neighborhood meetings by private citizens. Rolls of those in attendance were kept by the City.

Motion

Keith Klundt moved that the Planning Commission recommend to the City Council that they grant the special exception for the second point of independent access as set forth in Section 12-7-040(4)(c) for the 100 North Street neighborhood (east of 200 East) with specific authorization to exceed the maximum number of lots in the event a stub street or a cul-de-sac is not constructed off of the south side of 100 North Street. This recommendation is subject to the review and recommendation of the City Attorney prior to consideration of the City Council. In the event a stub street or a cul-de-sac is proposed in the future off of the south side of 100 North Street the effected property owners may or may not have to receive a special exception. Any such special exception shall be pursuant to the City laws then in effect. **Bart Hill** seconded the motion, which passed by unanimous vote.

Chairman Ritz suggested that Mr. Brown be encouraged to meet with the State Street property owners one more time if he decided to apply for exceptions beyond the one currently being recommended. The chairman stated that the Planning Commission was willing to entertain an amendment if needed. He commended Mr. Dunn and the neighborhood for working together.

Findings

1. There had been a great deal of effort from developer and citizens to work out resolutions and compromises.
2. The City's Fire Chief supported the exception.
3. The action complied with zoning ordinance provisions.

PUBLIC HEARING: SCOTT AND BRENT RUSSON REQUEST FOR A RECOMMENDATION TO AMEND THE FARMINGTON CITY GENERAL PLAN BY RE-DESIGNATING 1.64 ACRES LOCATED AT 1798 NORTH MAIN FROM "LOW DENSITY RESIDENTIAL" TO "OFFICE/BUSINESS PARK," AND TO FURTHER CONSIDER REZONING THE PROPERTY FROM LR-F TO BP FOR PURPOSES OF ESTABLISHING A FUNERAL HOME (Z-9-03)(Agenda Item #3)

Background Information

The Planning Commission reviewed this agenda item on January 8, 2004, and approved a motion to table action for a 30-day period (to February 12, 2004) in order to allow time for the applicant to conduct a traffic study and to also allow the citizens to gain more information about the proposed use and the current General Plan amendment proposal in process for the area west of State Route 106. On January 29 a neighborhood meeting was held at the City Hall with the surrounding residents and property owners. The General Plan amendment process to date for the U.S. 89 corridor was thoroughly reviewed at the meeting. Questions were also asked and answered regarding the funeral home use.

Enclosed for Planning Commission review is a traffic report prepared by the applicant. Comments regarding this report will be presented from an engineer representing the City at the Planning Commission meeting.

END OF PACKET MATERIAL.

Mr. Petersen indicated that John Montgomery was unable to attend the meeting and had submitted his opinion regarding the agenda item in writing. Mr. Petersen stated there had been other letters sent to the City giving citizen input regarding the agenda item.

Russon Brothers had contracted with a traffic engineer to look at the likely impact of traffic by the proposed funeral home. The outcome of the study was that a funeral home would not generate the amount of traffic that another commercial use would generate. The peak times of the mortuary would be different from other commercial uses. The applicant's traffic engineer did not include any sight distance information in his report, however, such information should probably be included. Horrocks Engineers (the City's engineers) felt there would likely not be an unusual amount of traffic generated by the funeral home use.

Mr. Petersen reported that citizens had wanted to know what plans there were for the area. The U.S. 89 corridor had been studied by the City over the past several years. On January 29th, there was a neighborhood meeting held regarding uses along the U.S. 89 corridor. Mr. Petersen reviewed previous discussions regarding different proposals. He stated neighbors were very concerned about what kind of uses the funeral home might attract to the area in the future. The subject of "commercial creep" was raised. Citizens wanted to leave the area as a residential area. Mr. Petersen stated that if zoning was restrictive, commercial creep may be slowed. However, there are no complete guarantees for the future.

The City Planner reviewed a study of mortuary comparisons conducted by City staff. The cities considered included Orem, Riverton, Roy, Sandy, South Jordan, and Vernal. He reported the respective zoning designations for each of the subject mortuaries. Four of the six mortuaries

were in residential zones. Mr. Petersen suggested that instead of a rezone the Planning Commission may wish to consider recommending a line item addition to the LR zone of the City which would allow a mortuary as a conditional use. Doing so may help restrict commercial uses.

Chairman Ritz asked that the public record include the fact that previous Planning Commissions and indeed the current Commission have been staffed by dedicated and honest volunteers who have worked hard to serve the community and its best interests. If there has been the possibility of a conflict of interest, the Commission members involved have excused themselves from the rostrum and not taken part in discussion or voting. The job of Planning Commission members is not an easy task. Each member has striven to be mindful of the good of the citizens and the City as a whole. The current Commission is made up of a diverse group of citizens from different professions, different areas of the city, and different talents and interests. There is often open debate and in-depth discussion among the members regarding agenda items. The members sincerely want the best for the City now and in the future while being sensitive and controlled by City, State, and Federal laws. There had been accusations of misconduct by members of the Commission suggested by citizens. Such accusations were inappropriate and inaccurate. The Chairman stated that citizen input was welcome and needed, and he asked that those in attendance give their input with appropriate decorum and in a rational manner rather than in an emotional way. He asked that speakers and audience be respectful of each other.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited the applicant to address the Commission.

Both Brent and Scott Russon were present but stated they felt the issue had been adequately explained. They offered to answer any questions that may arise.

Patricia Potter (David Potter' wife; Mr. Potter was unable to attend the Planning Commission because of a prior commitment to the FAPID Board) stated she represented her family and also Potter Ranches. She and her family had lived on Main Street for many years. It was no longer possible to maintain a residence on the property because of the impact of the Cherry Hill interchange. Ms. Potter felt strongly that she would rather see a funeral home than a gas station or any other commercial use on the proposed site. She felt the biggest concern of her neighbors was the speed of the traffic along Main Street. Ms. Potter also commented on the ownership of the property along Main Street in northern Farmington. The State only owns a very small amount of land along Main Street in the area under consideration. The area is impacted heavily by the cars already using the road. Funeral homes can be peaceful and quiet. Mortuaries keep their yards up. Most people would not want to live there so the property is best used by some commercial entity.

Richard Hindel (sp?) (715 Sommerset) stated he had not come to the meeting to talk against the funeral home. He was on the Board of Directors of the Sommerset Home Owners Association. Because of his profession he had an understanding of the traffic issues and had attended the last several neighborhood meetings, including the meeting on January 29th. The concern he had was not about the use proposed. The proposed funeral home building design looks nice. The overall plan has been well conceived. His concern was that there was danger of having commercial creep along Main Street. The unique character of Main Street could be compromised if commercial uses were allowed. Rezoning the property would have inherent problems. The traffic on Main Street may drop off dramatically once the road behind the K-Mart building is opened. There are no current plans to widen Main Street. Rezoning the property could impact negatively the residential properties in the surrounding areas. If the area is rezoned as commercial, the traffic would increase.

Steve Morgan (987 West Melbourne Court) stated his concern about commercial creep. If the door is opened to any commercial use, such uses will proliferate. There should be a way to preserve the nature of Farmington the way it is currently. Part of the reason Mr. Morgan moved to Farmington was the rural atmosphere. Even though that cannot be maintained, it still should be a priority. He wanted to preserve as much as possible the residential atmosphere of his neighborhood. Mr. Morgan was not convinced that the consultant hired by the City had the best interest of the Farmington citizens in mind. Mr. Morgan felt that the citizens should be the first resource for the information heard by City entities when making such important decisions. Funeral viewings can go as late as 9 or 10 at night and will increase the traffic in the area. Traffic will be a problem. He felt that access to the Potter property should be on the frontage road and not on Main Street.

Melissa Lewis (1665 North Sommerset Court) was very concerned about commercial creep and high density development. She wanted to preserve open space. She and her family moved to Farmington because of the beauty that surrounded the home they built. She did not want the area to experience more development. The development has taken away the City's nature. Ms. Lewis wanted to preserve what is left. She felt strongly that the City should work to keep and protect what beauty was left.

Tracy Harris (761 West South Hampton Court) asked if the letter she had sent had been received. (Mr. Petersen responded that the letter had been received) She felt it may have been statements in her letter to which the Commission Chairman referred. Ms. Harris stated she had not intended to cast dispersion on the character of any Commission member. She stated she had not seen any evidence of the Commission's interest in doing the best for the City. There had not been much information in the City's newsletter or in any other source. Both she and her husband had volunteered to become involved in City committees and had not been accepted. It was Ms. Harris's view that having a funeral home in the area would not be a problem. Her main concern was commercial creep. She asked what the vision for the future of the area was.

Carmen Samuelson (1943 North Kingston) stated her opinion that instead of moving ahead with current problems, why not wait until the interchange was completed. She felt a decision should be based on the facts.

Judy Pilcher (719 South Main) stated she felt it was very unfortunate what had happened because of the construction of the Cherry Hill interchange. She didn't feel that there would be many people that would want to live where she does because of the changes that have been brought about by the development. Privacy and access have been impacted. When the Russon Brothers approached the Pilcher family about their land, they felt the funeral home use would be good for the property. In her opinion, it was probably the best use that could go there.

Sharon Treu (931 Northridge Road) stated she felt badly about what had happened to the Pilcher family, but she felt it had been imposed by UDOT. The situation was probably not a result of City planning. The requested rezone would not be the best thing for the neighborhood. Ms. Treu felt the City should buy the property and preserve it in open space. By letting the rezone go through, the rest of the property owners would be affected the way the Pilchers have been affected. Ms. Treu stated she felt there was a double standard in that the City was willing to let the funeral home go on to the Pilcher property to help them, but that the same decision would impact other property owners and devalue the surrounding land. It would also cause a domino effect and allow other commercial uses to come to Main Street.

Chairman Ritz stated that he felt it was a shame what had happened to north Main Street. However, he wanted the citizens present to know that the members of the Planning Commission had no preconceived opinions and that there had been no decisions made regarding the agenda item prior to the meeting.

Ken Pilcher (1798 North Main) said he and his family moved to Farmington in 1942 because his father was needed at Hill Air Force Base. It was a beautiful community. Their property included five big ash trees, 40 feet tall. There were other trees on the property, too. With the recent development, all the beautiful trees had been taken. The Main Street corridor was now the connection between several cities. His family had no privacy whatsoever. Mr. Pilcher did not understand why there would have to be a rezone to allow the funeral home. Four other funeral homes in other cities did not have to have a rezone. He thought other commercial entities could go on the property, but when he was approached by a broker regarding selling his land he stated he didn't want anything that was high profile for the community. The proposed funeral home would be a quiet place with a beautiful building and landscaping. Mr. Pilcher stated that in all the discussion thus far he has not heard anything about taxes. The City was in need of a stronger tax base. All City services cost money. Commercial development would help bring in more revenues.

Jack Hawks (1677 Kensington) stated he knew the Planning Commission was facing a quandary. The City needed a stronger tax base, yet there needed to be a preservation of residential elements and citizen rights. The Commission had to be fair to everyone. The Commission was also charged with how to keep the property of surrounding residents from devaluation.

Joy Haffen (795 South Hampton Court) commented that the property in question had never been marketed as residential. It was premature to make a zone change without having a market evaluation. The area will change once construction has been completed on the interchange. The zoning should remain residential to prevent commercial creep. Considering that there are other commercial areas in the City that are not full, this area should not be added to the list. Adding northern Main Street to the commercial areas of the City could undermine the other commercial ventures.

Harv Jeppson (1717 North Main) stated that change is difficult. Citizens need to be willing to look at changes. The funeral home would be wonderful for Farmington at the north Main Street gateway to Farmington. Mortuaries have longevity. The use as a funeral home would take a prime piece of property off the market. Mr. Jeppson liked the option of making a mortuary a line item conditional use in residential zones. He suggested creating an overlay zone to help protect the property owners to the east of the property in question.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing. The Commission members discussed the issues, including the following points:

- Chairman Ritz stated that it was a good thing to have neighborhoods become involved and voice their opinions. The Commission members do not have a hidden agenda. They are all trying to do the best for the City and they have tried diligently to listen to all input.
- Mr. Talbot stated he felt that if the property were to be rezoned there would no doubt be someone who would come in with a commercial project and the commercial use would creep. He reviewed the history of the Kmart business in Farmington. Development is coming to the City. The interchange was not constructed for commercial development. It was there for the transportation needs of the citizens. However, the interchange would invite commercial growth. Mr. Talbot felt there really couldn't be a better use than the funeral home on the property in question. It would have less impact than other uses. He felt, however, that it may start a domino effect. There are other areas in Farmington that are zoned for the funeral use which could be explored. A funeral home could go

anywhere because they are not impacted by location. He suggested that citizens consider buying the property as a partnership and donate it to the City so that it could be left as open space. The Russon Brothers had brought a good plan, complimented by the landscaping and other amenities. However, the Commission needed to be open to the wishes of the community. Traffic may not be impacted by the funeral home, but the traffic is an issue for the neighborhood. Mr. Talbot stated that this Planning Commission listens to the citizens. He also stated that the City Planner does an excellent job.

- Cindy Roybal stated that change is indeed hard. The Cherry Hill interchange construction had a huge impact on the City. It was obvious that it had had an impact on the Pilchers. The Planning Commission was very concerned about what to do to help the neighbors. She felt the funeral home would have less of an impact than other commercial uses. Ms. Roybal was also concerned about the commercial creep. Because the funeral home would be at the end of the street, it may be possible to stop the creep at that point. Making a change in the LR zone to list a mortuary as a conditional use may be something the citizens could live with. Ms. Roybal stated she lived across the street from a church building. She liked it, but would welcome a funeral home because it would be less of an impact traffic wise than the church. Because other property near her was zoned commercial, it would probably be sold for something like a 24 hour a day gas station. With regards to considering the funeral home as a tax revenue for the City, it probably would not create much tax income. She stated that the Planning Commission was trying to look at what was the best possible use for the neighborhood. The funeral home would be more of a quiet, low impact use. It would be like a large residential home with trees and landscaping. Ms. Roybal favored the line item added to residential zones allowing the funeral home as a conditional use.
- Bart Hill stated the task before the Planning Commission was very difficult. He very much appreciated the comments made. Because he lived at the other end of the City, the location of the funeral home would not likely impact him personally. He seldom drives by the northern Main Street neighborhood. Nevertheless, he still was very concerned with the issues because it is part of Farmington. He had concerns for people that live in all parts of the City. He was also concerned over the potential for commercial creep. Many years ago whenever anyone would drive through Main Street of Farmington, it was a strikingly beautiful place. It was important that City officials preserve what is left of the nature of the town especially in light of the development that will come.
- Mr. Hill asked how the line item change could take place. Mr. Petersen explained the process which the Planning Commission may wish to consider in

recommending the zoning text amendment to add funeral homes as a conditional use. A recommendation would have to be made to the City Council. If the City Council approved the addition, the Russon brothers would have to then go through the normal City process as a conditional use application. Mr. Petersen discussed other options available for consideration to the Planning Commission so that they would be aware of all possible scenario. He also rehearsed other similar incidents in recent history and their outcome.

- Jordan White stated his major concerns were the traffic and the potential for commercial creep. He stated that he, like the Haffen family, lived on Main Street and was weary of the heavy traffic. He was aware of the theory that centralizing commercial uses may be the most successful way to develop. He also felt that the mortuary may be the best use for the property under consideration. Mr. White stated that if the area was preserved as a residential zone, it could help protect the neighborhood from commercial creep. The traffic issues may be a mute point.
- Keith Klundt stated that as a Planning Commission member he used the General Plan as a guiding document in helping him make decisions. After hearing all the input regarding this issue, he was not totally clear what would be the best decision. He wanted to discourage any kind of commercial creep down Main Street and to keep commercial uses to where it had been planned. Mr. Klundt felt that a reasonable approach would be to have the mortuary use added as a line item conditional use in residential zones. Lighting, landscaping, and other concerns could be guided through the conditional use process.
- Jordan White stated that the preservation effort should be encouraged. The City was not in a position to purchase the land. Citizens should mount such an effort to purchase and protect such property. The Pilchers should be allowed to get the highest and best use from their land.

Motion

In light of the wishes of the community and considering the overall General Plan for the area, Mr. Talbot felt that rezoning the property was premature. He emphasized that he felt there were other areas already zoned for the use where the funeral home could be located without impact on the neighborhood. Therefore, **Jim Talbot** moved that the Planning Commission recommend that the City Council deny the application to amend the Farmington City General Plan by redesignating property at 1798 North Main from “Low Density Residential” to “Office/Business Park,” and to further consider rezoning the property from “LR-F” to “BP” for purposes of establishing a funeral home.

The motion died for lack of a second.

In response to a question from the Chairman, Brent Russon discussed the requested location. Eight other locations had been investigated. Mr. Russon stated that people choose a mortuary first because of its location, second because of those who operate it. The location currently under consideration was the prime spot for the use. He stated that development is going to come. If the request was denied, he would look for another location. Something else then would come to the Pilcher property and it may not be something as good as the funeral home. He felt that his business could create a respectable appearance and use of the property. Mr. Russon stated he would be willing to apply as a conditional use but needed to know more about what doing so would involve. The mortuary business would not be favorable to other commercial development on the nearby surrounding property.

Mr. Petersen explained what a conditional use was and what a permitted use was. He felt that retaining the residential zone may send a loud statement to future potential commercial applications.

Motion

Keith Klundt moved that the Planning Commission recommend that the City Council amend Chapter 11 of the Zoning Ordinance to add a funeral home use as a line item under the conditional use section in the text of the Zoning Ordinance regarding the LR, R, S, and LS zones.

Motion Withdrawn

After a discussion of procedure, Mr. Klundt withdrew his motion.

Motion

Jordan White moved that the Planning Commission deny the request for a recommend that the City Council deny the request to amend the Farmington City General Plan by Redesignating property at 1798 North Main from “Low Density Residential” to “Office/Business Park,” and to further consider rezoning the property from “LR-F” to “BP” for purposes of establishing a funeral home. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

Motion

Keith Klundt moved that the Planning Commission recommend that the City Council amend Chapter 11 of the Zoning Ordinance to add a funeral home use as a line item under the conditional use section in the text of the Zoning Ordinance regarding the LR, R, S, and LS

zones. **Bart Hill** seconded the motion. The motion passed by a 5 to 1 vote. The Chairman voted in favor of the motion. Mr. Talbot opposed the motion.

Findings

1. The consensus of the Planning Commission was to deny the rezone application because of the potentially negative impact on the neighborhood by opening the door to commercial development.
2. Most Planning Commission members felt that preserving the residential zone and adding the line item to residential zones to allow a mortuary as a conditional use would be the better way to go.
3. It was the general, though not unanimous feeling, that the mortuary use would be beneficial for the property.
4. The major land use for the area has changed. The large Cherry Hill interchange did not exist years ago when the zoning ordinances were written. The land use changes have changed the character of the property.
5. The action to recommend the line item conditional use addition was a means of helping to protect the neighborhood and preserve its current character.

PUBLIC HEARING: T-MOBILE REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO CONSTRUCT A CELLULAR PHONE TOWER 60 FEET IN HEIGHT ON THE OLD MONTE VISTA ELEMENTARY SCHOOL GROUNDS LOCATED AT 100 SOUTH AND 100 EAST IN A BR ZONE (C-17-03) (Agenda Item #4)

Background Information

This agenda item was reviewed by the Planning Commission on January 8, 2004. The Planning Commission voted to table this item in order to allow time for the applicant to submit to Farmington City photographic illustrations or elevations for towers of different heights and to submit alternative locations for the towers. The application has submitted the same to the City and the information will be presented at the Planning Commission meeting.

END OF PACKET MATERIAL.

Mr. Petersen introduced the agenda item.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited the applicant to address the Commission. The applicant was not present.

[Jim Talbot and Bart Hill were excused at 9:25 P.M.]

John Mauszuky (250 East State Street) adamantly opposed to having a huge tower obstructing the view from his property. He stated he had moved to Farmington for the view from his property. With the current proposal, that will now will be obscured. Farmington is a beautiful town. Mr. Mauszuky said he would be very unhappy with City government if the tower is constructed.

Connie Louderbaugh (sp?) (36 South 400 East) was opposed to having the tower located on school property because of potential health problem caused by microwaves. She felt the tower should be placed in a commercial area.

Chairman Ritz said he thought the health issue had been reviewed in the last public hearing. To his understanding, T-Mobile had done detailed research and had found no problems caused by the towers because of microwave exposure. He also stated that the T-Mobile engineers indicated specific location needs to increase the “in home” coverage of the company.

David Petersen stated the location on school property provided an income to the School District. Many such towers are located on school property.

Rebecca Hatch (9 South 300 East) expressed her concern that the small town flavor and beauty of the City was being ignored. The City requires public buildings to have Farmington rock on their facades, why would City officials consider building this hideous thing in the center of downtown Farmington just so that someone can receive a call. As shown by photographs, the greeting of Farmington for people coming from the south on U.S. 89, a gateway to the City, would not be beautiful.

Ronald Atwood (86 South 350 East, owner of two back to back homes) said the tower would stick out like a sore thumb. Engineering wise, it would make sense to move the location of the tower to the fire break road. The construction of the tower at the current proposed site would be like an eight-story building in his front yard. If it were placed on the hill side, the tower could be camouflaged and could be a shorter structure. Mr. Atwood strongly opposed the tower on the school property and said it would devalue his property.

Jim DeSanti (240 East State Street) discussed the photographs as presented by the applicant. He noted that the horizontal plane with the tower pictured presented a very obvious

visual obstruction. It was not a good view of the Great Salt Lake or surrounding countryside. There were other places the tower could be placed like the City Shop, the ball diamond, or the foothills. Mr. DeSanti stated there were good people who live in Farmington and he intended to stay in the City he loved. He wanted the T-Mobile tower placed somewhere else.

Patricia Anderson (671 Sommerset Street) said it was very important to the citizens of the City to maintain the visual esthetics of the beautiful town of Farmington. The T-Mobile company needs to look at all possibilities.

Brian Anderson (671 Sommerset Street) said the proposed location of the tower is visually not right. The tower needs to be moved to the mountains and disguised. People deal with lost cell phone calls. They will call back. The tower is not really needed.

Mr. Atwood said that he is a customer of T-Mobile. His service works fine from a basement location. The service probably wouldn't work any better with the planned eight-story tower.

Glen Curtis (323 East State Street) said his home faces at an angle to the proposed tower site. He walks around Farmington and enjoys the beauty of the City. The tower would be a very ugly piece of apparatus. This is a community that wants stone facades on its public buildings. We have historical sites here that are special. There are always alternative locations such as up on the fire break road. A lower tower could be put there that would give even better coverage. Mr. Curtis did not want to have Farmington a place for a lot of antennas.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing. The Commission members discussed the issues.

Mr. Klundt stated there may be provisions of the Federal Communications Act that required a city to allow the location of cellular towers.

David Petersen stated that Farmington has an ordinance regarding cell tower location. During the last meeting of the Planning Commission a number of sites were listed that could be available to the T-Mobile that would be acceptable. The City Manager suggested the tower could be located in the Rudd Creek detention basin. There are already radar towers, micro wave towers and other antennas in the basin. The detention basin would provide an isolated area where there are no homes.

Mr. Petersen reminded the Commission that the applicant was not in attendance and that they may wish to continue this agenda item to another meeting.

Motion

Jordan White moved that the Planning Commission deny the application for conditional use and site plan approval to construct a cellular phone tower 60 feet in height on the old Monte Vista Elementary School grounds located at 100 South and 200 East as request. **Cindy Roybal** seconded the motion. The Planning Commission voted unanimously in favor of the motion, included the affirmative vote of Chairman Ritz.

Findings

1. The proposed use of the particular location is not necessary or desirable to provide a service or a facility which will contribute to the general well-being of the community because other sites exist which provide the necessary coverage for cell phones users.
2. The proposed use does not conform to the goals, policies, and governing principles of the Comprehensive Plan for Farmington because the location of the proposed use does not adhere to the most significant element underlying the General Plan. That is, the Farmington City General Plan is based on the overall goal of creating within the community a healthy, attractive, and pleasant living environment for its residents. The Planning Commission determined that the site created too great of an aesthetic impact on views form neighboring properties. The proposed use is not compatible with the character of the site, adjacent properties, surrounding, neighborhoods, and other existing development.

CITY COUNCIL REPORT AND MISCELLANEOUS

During Mayor Connors visit to the Planning Commission's study session, he had reported that Sid Young and Susan Holmes had been appointed to the executive committee of SAMP. He asked that a member of the Planning Commission also be assigned. Cindy Roybal was given the assignment.

Mr. Petersen reported that the application for funding from the Transportation Enhancement project for the "Sessions Building Historic Preservation Project" was denied.

During their meeting on February 4, 2004, the City Council approved an ordinance amending the zoning map to show a change of zone for property located at 396 South 1100 West (property owned by Gary Gines) from Zone A to AE.

The City Council also approved an ordinance amending the Zoning Map to show a change of zone for property located near the southwest corner of Knowlton Elementary School grounds at 801 West Shepard Lane from zone LS to C subject to conditions as recommended by the Planning Commission. The amendment allowed the cellular tower to be placed on the Knowlton Elementary School grounds.

ADJOURNMENT

Cindy Roybal moved to adjourn at 10 P.M. **Keith Klundt** second the motion, which passed by unanimous vote.

Cory Ritz, Chairman
Farmington City Planning Commission