

FARMINGTON CITY PLANNING COMMISSION

Thursday, February 26, 2004

PLANNING COMMISSION REGULAR SESSION

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

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

APPROVAL OF MINUTES

Jordan White moved that the minutes of the February 12, 2004, Planning Commission Meeting be approved with corrections as noted. **Keith Klundt** seconded the motion. The Commission voted unanimously in favor.

DANVILLE LAND INVESTMENTS L.L.C. REQUEST FOR RECOMMENDATION FOR FINAL PLAT APPROVAL FOR THE FIRST PHASE OF THE HUNTERS CREEK SUBDIVISION CONSISTING OF 36 LOTS ON 20.655 ACRES LOCATED AT 1875 WEST 950 NORTH IN AE ZONE (S-4-03) (Agenda Item #2)

David Petersen discussed the preliminary plat which had received approval some time ago. The applicant was asking for a recommendation of final plat approval of the first phase of development. Staff had considered that it may be best to have the first two phases and accompanying road dedications approved as separate items. The developers have agreed to certain offsite access improvements. There will also need to be a maintenance plan for the open space in the subdivision.

Nathan Pugsley, the applicant representing Woodsides Homes, addressed the Commission members. He stated that in order to get FEMA approval, there were several significant improvements that needed to be accomplished. Those improvements needed to be finished during the coming summer months. He asked that the request be approved at the current meeting so they could get construction moving. Mr. Pugsley submitted a new draft of CC&R's to the City Planner.

Chairman Ritz opened the meeting to consideration by the Planning Commission. The impact of access improvements on this subdivision and possible developments nearby was briefly discussed.

Motion

John Montgomery moved that the Farmington City Planning Commission recommend that the City Council grant final plat approval of Danville Land Investments' request for the first phase of the Hunters Creek Subdivision consisting of 36 lots on 20.655 acres located at 1875 West 950 North in an AE zone subject to all applicable ordinance requirements and development standards and the following conditions:

1. The applicant shall comply with all conditions of preliminary plat approval, including but not limited to the following:
 - a. Review and approval of the plat and improvement drawings by the City Engineer, Public Works Director, Fire Department, Central Davis county Sewer District, Farmington Area Pressurized Irrigation District (FAPID), and the Farmington City Storm Water Official.
 - b. Review and approval by the City Engineer and the Farmington City Storm Water Official, the grading plan, which shall show by appropriate graphic means the proposed grading of the subdivision, and the storm facility plan showing the needed storm drain facilities with runoff calculations and location size and outlet of the drainage system. The grading and storm drainage plans shall also include best management practices outlined in the Farmington City Storm Water Management Plan, including, but no limited to an erosion control and revegetation plan.
 - c. If necessary identify the FEMA 100 year flood plain on the final plat.
 - d. The developer shall submit a soils report as required by the Subdivision Ordinance as part of the preliminary plat for the subdivision.
 - e. The developer shall enter into a written Development Agreement for the project with the City prior to or concurrent with final plat approval.
2. The applicant shall dedicate to the City in fee title a trail traversing parcel A in a southwesterly direction from 950 North Street behind lots 106 through 109 consistent with the trail identified on the approved preliminary plat. The trail shall be identified on the final plat. Prior to conveyance of the trail right-of-way, the developer shall stake the alignment of the trail for review and inspection by City staff and representatives of the trail committee.
3. The developer shall provide a maintenance plan acceptable to the City for Parcel A and Parcel B.

4. A public utility easement shall be provided on the final plat for at least one side lot line for each lot.
5. The developer shall resolve the issue as to why the utility and drainage easement on the south side of lots 122 through 127 abruptly stops at the Parcel B common area.
6. A note shall be placed on the final plat indicating that a soils report has been prepared and submitted to the City for the proposed subdivision in accordance with the provisions of the Farmington City Code.
7. When a subdivision contains lands which are reserved in private ownership for community use, the subdivider shall submit with the final plat the name, the proposed articles of incorporation, the by-laws of the owner or organization empowered to own, maintain, and pay taxes on such lands.
8. An address shall be placed on each lot shown on the final plat.
9. The developer shall submit for review by the City, CC&R's for the project.

Jordan White seconded the motion, which passed by unanimous vote.

Motion

Keith Klundt moved that the Planning Commission approve dedication of 950 North Street as described in the packet. **Bart Hill** seconded the motion, which passed by unanimous vote.

Findings

1. The motion was consistent with City standards and ordinances.
2. The approval was in keeping with the Farmington City General Plan.
3. The developer had been cooperative with the City in fulfilling requirements thus far.
4. Final plat approval was consistent with the preliminary plat approval.

PUBLIC HEARING: HERALD AND BARBARA RICE REQUEST FOR APPROVAL TO DEVELOP A TWO LOT SUBDIVISION (LOT-SPLIT) BY METES AND BOUNDS CONSISTING OF 3.71 ACRES LOCATED AT THE SOUTH END OF DAVIS CREEK

DRIVE (50 EAST) AT APPROXIMATELY 1025 SOUTH IN AN A ZONE (S-13-03)
(Agenda Item #3)

Background Information

The Farmington City Planning Commission voted on January 22, 2004, to table this agenda item to allow time for interested parties to work out issues regarding trail placement, HOA membership, review of CC&R's, maintenance and other issues. Furthermore, the City Planner was asked by the Planning Commission to address the flag lot issue with the City Council.

A field trip has been scheduled between City representatives and the property owner to look at alternative trail alignments. Results from this field trip will be reported at the Planning Commission meeting.

Apparently the property owner and the prospective buyers of the two proposed residential lots met with representatives of the Creekside HOA. It appears that one of the future property owners desires to become a member of the HOA and the other does not. However, the dissenting property owner apparently expressed a great interest to keep and maintain his property in a manner compatible with the standards of the HOA.

After meeting with the HOA, the property owner, Harold and Barbara Rice, are requesting that the south end of the 50 East right-of-way be vacated to Lots 1 and 2 of the Harold Rice Subdivision.

During a recently City Council meeting the City Planner addressed the flag lot issue with the Council. The Council did not offer sentiments one way or the other regarding the flag lots. However, they suggested that the Planning Commission prepare a recommendation regarding the flag lots as the Commission determines appropriate.

END OF PACKET MATERIAL.

David Petersen reviewed the background information. The agenda item had been tabled to allow time for the interested parties to work out issues. The Planning Commission had asked the City Planner to address the flag lot issue with the City Council. He had done so and the City Council said they were not in a position to vote on the issue until a formal application had been made. They also asked that the Planning Commission formulate a proposal to which the City Council could respond. Mr. Petersen reviewed the site plan and proposals for access and maintenance of the stem. Even though there is a double stem, it was suggested that a joint access agreement be in place to protect any future owners. The City Planner reported that one potential future lot owner was not interested in becoming a member of the Creekside HOA or being

subject to their CC&Rs. Mr. Petersen stated he had gone on a field trip with another potential future lot owner and had discussed placement of the trail. He reviewed the plans previously considered for trail location near the dike adjacent to the subdivision. It was the general recommendation by City staff that the trail be placed either on top of the dike or just east of the dike. Mr. Petersen also reviewed an issue regarding a 20 foot remnant piece which had been recorded at the County as property of Perry Homes, Inc., but which was also evident on documents in the possession of Harold Rice that it belonged to him. This issue needed to be resolved.

[Ms. Roybal arrived at 7:30 P.M.]

Public Hearing

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

Todd Rice (resident of West Bountiful, potential property owner of one of the new lots) had met with the neighbors and discussed possible membership in the Creekside HOA. They had discussed amending the HOA by-laws. The discussion was still in the process. The neighbors and the property owners wanted to know what the purpose of the trail was. There is no parking for access to the trail so the public would not be able to use it.

Jim Barnett (938 South Creekside Court, President of the Creekside HOA) had met with the Rice family. His primary concern was what type of development would be constructed on the two parcels. Residents of the Creekside subdivision were anxious that the new property owners become a part of the Creekside HOA for mutual benefit. When the Creekside development was constructed, the City stipulated various restrictions, including having extra wide parking strips and wide walk ways. They also required the privacy fencing around the subdivision. The requirements added a big expense. The results were that the subdivision was a closed community who took pride in their surroundings. Access to the new lots would be through the one entrance to Creekside. Although the access is a public road, it would be the only access to the new properties. They really are a part of the Creekside community. Everything that has been done to improve the Creekside subdivision benefits the two lots as much as the rest of the Creekside HOA. There are benefits to the developers under the HOA. They would have rights to ensure their neighbors did not impact them negatively.

Jerry Pierce (966 Davis Creek Lane) stated that he knew both Harold and Barbara Rice to be good neighbors and good to do business with. He hoped the Creekside neighbors could have the same relationship with their son and daughter and law (potential lot owners). Mr. Pierce indicated he believed the new lot owners may have gotten a wrong impression about the members of the Creekside HOA. He stated that everyone in the association are like family. They

have two parties a year, one in the summer and one in the winter where they socialize and hold HOA business meetings. The new property owners need to be part of the community. Everything that goes on would benefit them and they would have an equal vote with the rest of the neighborhood. If members of the HOA, the new lot owners would have a voice in the proceedings of the neighborhood.

Joseph Jardine (84 West Creekside) expressed his concern that if the lots were developed or if the trail disturbed the dike there would be a disruption in the water flow, which may in turn cause flooding at some future date.

David Petersen stated that FEMA had not indicated any intent to move the dike. Also, Davis County officials will likely need access along the eastern side of the dike for maintenance. The area may need shoring, but it is attractive the way it is rocked.

Mr. Jardine asked if landscaping would impact the ability of the dike to hold water.

Mr. Petersen stated tight restrictions are in place disallowing any landscaping or building in floodway areas. Current vegetation such as trees and grasses must be protected as far as possible. The Planning Commission could require a flood control permit from the County if they wished to do so.

Clint Patterson (1081 South Creekside) has several questions regarding the placement of the trail. He expressed concerns about privacy issues for home owners along the trail corridor. He also expressed concern for the families who had small children and the impact the trail would have on those children.

Mr. Petersen stated that a trail had already been approved for the area near the dike. The Farmington City Trail Committee would be asked for their recommendation regarding the exact location of the trail.

Mike Penrod (1071 South 55 West) expressed his opposition to the trail being so near his home. He was also concerned about the impact trail users would have on the rock dike. Mr. Penrod also asked questions regarding the 20 foot remnant property.

Mr. Petersen stated there had been a mistake regarding the 20 foot remnant parcel which would have to be resolved prior to approval. In response to other question, Mr. Petersen stated that the trail corridor could remain property of the City or it may be deeded back to the property owner with an easement to the City for access. The trail issue would not be addressed during the evening's meeting.

Jonathan Hughes (927 Mountainside Circle) stated he owned property adjacent to the Rice parcel. Mr. Hughes strongly recommended approval, so that the issue would not stagnate. He said the trail placement should be decided by the City Council. Mr. Hughes felt the Rice family had been asked to jump through too many hoops. The Planning Commission was being asked to approve 2 lots on almost 4 acres. During the same time it was taking to consider the Rice application, the Planning Commission had approved 54 lots in west Farmington where the roads are not adequate to handle the density of housing. Mr. Hughes urged the Planning Commission to approve the application during the current meeting.

Public Hearing Closed

With no further forthcoming comments, **Chairman Ritz** closed the public hearing and asked for consideration by the Planning Commission. The Commission discussed the issues, including the following points:

- If the parcel was being developed into one dwelling unit, there would be no reason to come before the Planning Commission.
- Mr. Petersen stated that Farmington is blessed with many natural amenities. Among other things, there are 5 stream channels, hillsides, the Great Salt Lake, and a bird refuge. The stream channels are still in tact. They have not been piped or otherwise taken from public access. In the west, water is an extremely important resource. These amenities are available to everyone. Other communities have piped or buried their streams. In the early 1990's, Farmington City began a conscience effort to preserve the natural corridors, open space, and unique character of rural Farmington. One way is to have a trails plan where stream corridors are placed in public domain with public access. The trail system in the City can help preserve open space and access to the hillsides and other areas of recreation and natural beauty, such as the Lake. Farmington has had great success in this process. Many citizens of the City want the Farmington protected as a rural area. The trail system is one way of achieving the goal.
- The process of creating and preserving the trail system in the City has been very important and has been done in open meetings and with public input.
- The question was asked, is there a concern about property devaluation if the new lot owners do not become members of the Creekside HOA, especially in light of maintenance issues that may arise over the years. Developing the parcel into two lots is an obvious benefit to the developer. If both lot owners become members of the Creekside HOA, then the issue is resolved.

- It would likely be appropriate for the developer to contact the County to find out if they are required to gain a flood control permit from Davis County prior to approval. The County may need to have maintenance access to the flood plain area.
- Some access would need to be provided if the trail were placed on the top of the dike. The dike is as much as 6 feet tall in some areas.
- David Petersen stated there were two areas of concern: the trail alignment has not been established and ownership and recordation of the 20 foot remnant parcel needs to be resolved. The trail is intended as a foot path for access through the subdivision. It is not intended that it be asphalt or concrete. Placement of the trail would allow the most privacy for nearby neighbors if it were on the east side of the dike.
- Mr. Talbot commented that this Commission has traditionally taken a hard stand against a flag lots. The issue needs to be discussed in more depth. He asked why the one potential future owner did not want to become a member of the Creekside HOA. Creation of the flag lot is a great financial benefit for the applicant. (The potential future owner commented that the property would be developed to a standard at or above those used in constructing Creekside homes. There seemed to be no real reason to join the HOA especially in light of the fact that the by-laws would have to be amended in order to allow membership. The owner felt it would take too long for the amendments.)
- The flag lot issues, HOA membership, trail issues, and maintenance issues were all outstanding issues that should likely be resolved prior to consideration. Some proposals in the current application seemed to be in opposition to precedence already set by the Planning Commission.
- Negotiations need to continue regarding the membership of the new lot owners in the Creekside HOA.
- The Farmington City Trails Committee needs to walk the proposed trail corridor and give recommendations regarding location.
- Mr. Petersen discussed flag lot standards. He also discussed the possibility that the development could construct access as a hammerhead. Hammerheads had been used in the Creekside development with some success. The Public Works Department was not opposed to hammerheads. A hammerhead may eliminate the need for a flag lot stem access to the two new lots.

Motion

John Montgomery moved that the Planning Commission table consideration of this agenda item to allow time for the applicant to make a better case pursuant to City Ordinances as to why the flag lots should be approved instead of a standard dead-end cul-de-sac or hammerhead, and until an appropriate alignment for the trail is established, a flood control permit is acquired (if necessary) from Davis County by the developer, the issue regarding the 20-foot remnant parcel is resolved, and the Fire Chief has reviewed development access alternatives and given his comments regarding any or all of the proposed alternatives. **Cindy Roybal** seconded the motion.

In discussion of the motion, Mr. Talbot suggested the Planning Commission strongly encourage potential owners of the two proposed lots to meet with members of the Creekside HOA and consider joining the association. Joining the HOA could be discussed as part of an alternative to the flag lot request. Mr. Montgomery and Ms. Roybal concurred with making the recommendation part of the motion by amendment. A vote was taken on the motion, which passed by unanimous vote.

The Planning Commission asked the City Planner to have alternative motions prepared for consideration at the next Planning Commission meeting. Alternative motions could include different options to the flag lot access to the property. All such alternatives should be reviewed by the Fire Chief for his input.

Motion

Jordan White moved that the Planning Commission consider agenda items #4 and #6 simultaneously. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: RK BUIE CO., KENT BUIE REQUEST FOR A RECOMMENDATION TO AMEND THE FARMINGTON CITY GENERAL PLAN BY RE-DESIGNATING 6.8 ACRES LOCATED AT APPROXIMATELY 850 NORTH SHEPARD CREEK PARKWAY FROM “OFFICE/BUSINESS PARK” TO “GENERAL COMMERCIAL,” AND TO FURTHER CONSIDER REZONING THE PROPERTY FROM R-4 AND BP TO C FOR PURPOSES OF ESTABLISHING A MULTIPLE-FAMILY APARTMENT DEVELOPMENT (Z-2-04) (Agenda Item #4) and PUBLIC HEARING: R. KENT BUIE REQUEST FOR A RECOMMENDATION TO AMEND THE ZONING ORDINANCE BY ALLOWING APARTMENT DWELLING GROUPS AS A CONDITIONAL USE IN THE GENERAL COMMERCIAL ZONE—CHAPTER 16 (ZT-1-04) (Agenda Item #6)

Background Information

The applicant, Kent Buie, previously presented apartment development concepts for the subject property to the Planning Commission several weeks ago. Although not included in the packet, more detailed elevations and a schematic plan for the project will be presented by the developer at the Planning Commission meeting.

On December 4, 2003, the Planning Commission tabled action on a proposed General Plan amendment for the U.S. 89 corridor and other areas of Farmington and established a committee to further refine the proposed General Plan amendment for future consideration. As part of the General Plan amendment, it was proposed that the Kent Buie property be redesignated CMU (Commercial Mixed Use). Particulars regarding this CMU's designation are still being hammered out by the committee. The applicant informed the City that he could not wait for the results from the committee but needed to press forward with his proposal at this time.

State law requires two-week notice in a paper of general circulation in the area for General Plan amendments. This deadline was not met in time for Planning Commission meeting, but another public hearing meeting the notice requirements has been set for March 11, 2004.

Any eventual motion for approval should include the condition that the applicant must work with the City in establishing a CMU zone for the property.

END OF PACKET MATERIAL.

David Petersen briefly reviewed the background information. He covered the history of the Farmington Creek Preserve development. He stated that at the time the Preserve was approved, development agreement was established that prohibited any residential construction within certain areas until the year 2009. The application before the Planning Commission currently was for a rezone; it was not an application for an apartment complex. However, in order to approve the complex, the rezone would have to be accomplished. All property owners would have to agree with the amendment to the development agreement in order to gain approval. The CMU zone had been contemplated for long term land use goals for the property. Mr. Petersen distributed a letter submitted by Peter Cooke regarding his opposition to the rezone application. He also distributed an updated copy of the 1998 Telus traffic study. The study concluded that a slight reduction of traffic would be accomplished by shifting a portion of the land use to residential.

Public Hearing

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

Ken Buie, (developer) addressed the Planning Commission. He felt there would be a resolution with Peter Cooke and his group within the next couple of weeks. Mr. Buie also stated that the proposed multi-family apartment complex was a concept justified because of the need in the area for roof tops to attract commercial development. He had been working on the project at Farmington Creek Preserve for almost 8 years. Mr. Buie was committed to the retail scheme on the site and had been to several positive retail meetings in recent months. Meetings with the retailers had also raised the issue of short falls in the number of Farmington area residences. The proposed complex was not just an apartment building. It was planned to be a mixture of owner-occupied condos and apartments. The design of the mixed use residential property was surrounded by a lot of open space. Mr. Buie showed elevations of proposed apartment buildings and stated the work was in its early preliminary stages. It was planned that there would be 22 units per acre closer to high traffic areas, and 14 units per acre on the inner portions of the development. The concept was called “neo urbanism” and was distinguished by attractive street scapes, rear parking, and mix types of housing.

Susan Holbrook (107 Aberdeen Circle) expressed strong feelings about the perceived change in the development agreement which called for residential restrictions until 2009. She said the citizens in the area had been made party to a legal agreement which should be kept in force. The motion before the Planning Commission was contrary to the legal agreement. She said that people living in the area would have the apartment complex 100 yards from their front doors. The citizens of the mobilized themselves to do whatever possible to maintain the current zoning. Ms. Holbrook stated that she and her neighbors were not contacted about the amendment of the legal agreement. She also stated that the Envision Utah project study endorses the development agreement as it is currently read. There is mixed zoning already in place in the area. Ms. Holbrook continued by pointing out that the Master Plan for the area had had the residents’ input and the plan was approved by the City Officials. Citizens moved to the area with the understanding that the current zoning would be maintained. She distributed a printed document explaining her reasons for opposition and stated she felt there was ample evidences for each of reasons. Any retail coming to the area would be jeopardized by the apartment structure. Retail uses could not be seen if the apartment buildings were constructed. The transportation corridors in the area could not handle apartment building traffic. Neither high density housing nor commercial development is in keeping with the spirit of the Farmington Preserve or the bird refuge. The area under consideration for the apartment complex is covered with water. There is 5 feet of water in some places. Ms. Holbrook suggested City officials obtain wetland conservation plans from other communities to see what could be done in Farmington. She also indicated that the Rose Cove apartment complex has not been able to achieve full occupancy. How can more apartments be justified when the Rose Cove is not full?

Robert North (924 North 1100 West) stated that many of the residents on 1100 West were over-whelmingly opposed to large apartment complexes. It does not fit with the desires of

the current residents. Mr. North wanted to maintain the rural feel and image of Farmington City. He said Farmington citizens do not want high density housing. He did support the retail project and hoped the developer could construct the retail development to aid the City tax base.

David Harper (1146 North Fairway Circle) opposed the apartment development and said that the vast majority of west Farmington citizens have concerns about congestion and property devaluation. He ask that the City official have foresight about what citizens want Farmington to look like in the future. The officials need to preserve the City as it is

Matt Thornley stated that he would rather spend his tax dollars in Farmington than in other communities. He also felt that there were drainage concerns that needed to be resolved before further consideration of the current proposal.

Public Hearing Closed

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

- Commissioners stated that the public hearing forum was in place to gather information from the citizens. The Planning Commission did not make decisions prior to public input.
- It was commented that the timing of the current application may not have been the best. There were several issues that needed to be resolved prior to consideration of a rezone
- Commissions members remarked that the plan as presented by Mr. Buie seemed well-done and of top quality. It was unique and there was probably nothing else like in it the Salt Lake metropolitan area.
- It was also commented that it was of some surprise to hear neighbors come out in favor of commercial development.
- Some Commission members felt that apartments units can be attractive with careful planning.
- There is value in preserving open space and the unique character of the City. However, it would be helpful to have something attractive and well-maintained next to the roadways and entrances to the City. Projects done correctly would have real value.

- The public hearing had been very helpful. It was noted, however, that incorrect information has been given to residents regarding the site. A lot of things were stated during the public hearing which were not completely true because of misinformation. Mr. Petersen suggested that neighbors should meet with City staff to gain a better understand of the fact, future plans for the City, preservation measures in place, and master planning for the area in question. It would be helpful to have a more comprehensive view of the entire area.
- It was noted that care had been taken to ensure that storm drainage systems were in place.
- It was noted that citizens may feel anxious about the proposal because changes had been made in the past which compromised original standards and agreements. There may be a justifiable concerns regarding Rose Cove capacity. The neighbors are also concerned about the high density dwellings already concentrated in this area. The area needs to be kept viable.
- Chairman Ritz commented that the Planning Commission had had the advantage of seeing the proposal before the meeting. He suggested that citizens make an effort to learn more about long range plans for the area. He also stated that all documents given the Planning Commission are given due consideration.

Motion

John Montgomery moved that the Planning Commission table the application to allow time to conduct a field trip of multiple family projects in the area and to allow time for adequate notice for the General Plan amendment portion of the application. [Both Agenda Items #4 and #6 were tabled until issues regarding the master plan development agreement are resolved. It was not time to consider a rezone.]

Jordan White seconded the motion.

In discussion of the motion it was stated that the agreement needed to be studied and all issues resolved before a rezone was considered.

A vote was taken. The motion passed by unanimous vote

CONSIDERATION OF A MOTION TO RECONSIDER PREVIOUS ACTION BY THE PLANNING COMMISSION REGARDING A DECISION TO DENY A REQUEST BY T-MOBILE 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 #5)

David Petersen introduced the agenda item. The applicant had expressed concerned about the Planning Commission's denial during their meeting on Feb 12th. The denied request was for permission to construct a cellular tower on the Monte Vista grounds. Mr. Petersen stated a letter from Snell and Wilmer had been received by the City and the City's attorney had reviewed the concerns raised. The City attorney felt it was wise to reconsider the matter. Representatives of T-Mobile were present. T-Mobile officials had been asked to look at alternative sites. Mr. Petersen advised the Planning Commission that they could only reconsider an agenda item in the immediate meeting after the original consideration.

Chairman Ritz invited the T-Mobile representative to address the Commission.

Terry Cox (T-Mobile representative) stated his understanding of a discussion he had with the City Planner. He had told Mr. Petersen that he could not attend the last Planning Commission meeting and had asked that the request be tabled. It had been Mr. Cox's understanding that the item would be tabled. The Planning Commission did hear the request and had made a decision without the benefit of hearing facts from Mr. Cox.

Mr. Petersen said that he, as a City Planner, was not in charge of the agenda for the Planning Commission. Such decisions were up to the Planning Commission, specifically the chairman. Mr. Petersen asked the Planning Commission if they wanted to table the item, but it was their decision to go forth with the noticed public hearing and make a decision regarding the request. The City Planner has no authority over the Planning Commission's decisions. The concern of the T-Mobile representative had been reviewed by the City attorney. The City attorney strongly urged the Planning Commission to reconsider the issue. If the issues could be brought back before another public hearing, the hearing would be noticed as before. Citizens would be notified and all public input would be accepted. It should be noted that the citizens in attendance during the last meeting were unanimously against the location of the tower being requested.

Motion

Jordan White moved that the Planning Commission approve a motion to reconsider a previous action by the Commission regarding its decision to deny a request from T-Mobile 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. **Keith Klundt** seconded the motion, which passed by unanimous vote.

Motion

Cindy Roybal moved that the Planning Commission table consideration of application #C-17-03 to Thursday, March 11, 2004, whereupon the Commission will further consider the matter at a public hearing. Both sites, the Monte Vista location and the Kendall Building location will be considered at the March 11th meeting. The public hearing will receive proper notice for both locations.

Keith Klundt second the motion, which passed by unanimous vote.

In response to questions, **Mr. Petersen** indicated it would be appropriate to ask the T-Mobile representative for phone records. It may not be appropriate (Mr. Petersen was not sure) to ask for a study of alternative sites because the request was a joint request by T-Mobile and the Davis School District. It was also appropriate to request the presence of the City attorney during the March 11th meeting.

Motion

Jim Talbot moved that the Planning Commission continue business past 10 P.M. **Bart Hill** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: FARMINGTON CITY PLANNING COMMISSION REQUEST FOR CONSIDERATION OF A RECOMMENDATION TO THE CITY COUNCIL TO AMEND THE ZONING ORDINANCE BY ALLOWING FUNERAL HOME AS A CONDITIONAL USE IN SINGLE FAMILY RESIDENTIAL ZONES (Z-9-03) (Agenda Item #7)

Background

The Planning Commission approved a similar motion at the February 12, 2004, Planning Commission meeting. Upon further consultation with the City Attorney, it was decided that it may be best for the Planning Commission to consider a similar motion as part of a duly noticed agenda item. This may or may not be necessary but the City Attorney recommended that it may be a good thing if the Planning Commission would consider such a motion.

END OF PACKET MATERIAL.

Mr. Petersen introduced the agenda item. During the last Planning Commission meeting, a motion regarding a request to amend the Farmington a City General Plan by re-designating 1.64 acres located at 1798 North Main from “low density residential” to “office/business park” and to rezone the property from LR-F to BP for the purpose of establishing a funeral home had been presented to the Planning Commission for their consideration. However, after a well-attended public hearing and study of several alternatives, the Planning Commission decided to recommend

an amendment to the Zoning Ordinance wherein “funeral homes” would be added to the residential zones of the City as a conditional use. After review by the attorney, it was decided that both motions would go before the City Council for their consideration.

Mr. Petersen stated that the City’s attorney also felt it would not be a bad idea from an administrative point of view to consider making a recommendation to the City Council to amend the zoning Ordinance by allowing funeral homes as a conditional use in single-family residential zones. Doing so would memorialize the Planning Commission’s consideration.

Public Hearing

Chairman Ritz opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Chairman Ritz** closed the public hearing and asked the Planning Commission for consideration.

Motion

Bart Hill moved that the Planning Commission recommend that the City Council amend the Zoning Ordinance to allow funeral homes as a conditional use in single-family residential zones. **Cindy Roybal** seconded the motion.

In discussion of the motion, **Mr. Talbot** expressed his strong feelings that other options had not been given due consideration. He felt there were other areas in the City that were already zoned to allow a mortuary and that the funeral home owners should be asked to investigate such options.

Mr. Hill felt the mortuary use would be less of an impact on the northern Main street neighborhood than any other possible commercial use.

Ms. Roybal said she felt it was a good use for the property in question. The north Main Street area was no longer conducive to residential use. The Mortuary was the best thing to do

with the land. She did not feel that the use would open the area to commercial creep. The funeral home would have less impact than a church.

Mr. Ritz said the Russon Brothers may have found another place in Farmington, but the property would then have been left for some other commercial development—one that may not have been nearly as good a use of the property.

A vote was taken regarding the motion. Six Commission members were in favor. Mr. Talbot opposed the motion. The motion passed by a 6 to 1 vote.

Findings

1. The general consensus of most of the Planning Commission was that the funeral home use could provide a low impact use for residential neighborhoods similar to conditional uses already listed in residential zones.
2. It was the general consensus of most Planning Commission members that a funeral home use may not add to the promotion of commercial creep, but could, with appropriate restrictions, help protect residential neighborhoods from higher impact types of commercial uses.
3. It was the general consensus of most Planning Commission members that the funeral home use could comply with the General Plan.

MISCELLANEOUS AND CITY COUNCIL REPORT

Commission members briefly discussed the Harold Rice request and the rezone request by Mr. Buie. **Mr. Petersen** suggested that the Planning Commission have a study session before their meeting on March 11th to prepare for both issues.

It was noted that the April 8th Planning Commission meeting will be during the spring break for most schools. A quorum of members would not be present. The meeting was cancelled, and Mr. Petersen stated he would properly notify the public.

Mr. Talbot reported having attended a planning commission meeting in Mesa, Arizona. He said they had practices there that may be of help in Farmington. Among other things, the Mesa commission used a 3-minute timer. People who wished to address the commission filled out and submitted a card prior to their particular public hearing topic. The cards were given to the chairman who would then call each individual up in an orderly fashion. The three minute time limit was enforced, unless a person had been designated as a spokesman for a group. In that case they would be given 5 or 6 minutes. People expressing the same ideas were asked not to speak if their points had already been made. Also, all comments were addressed to the Planning Commission Chairman. The podium faced the commission. They also used the consensus item concept, where items that did not need to be discussed at length and were not a public hearing were briefly discussed in a study session. During the opening portions of the commission meeting, the chairman stated that items "such and such" were consensus and would be addressed in a single vote without discussion. If members of the community wished to give input regarding

the items they could do so on cards. The comments gathered from the cards would be attached to the items when they were presented to the city council. They also used a visual vote counter so that citizens could readily tell what their vote had been.

Mr. Petersen stated he would explore such options and also review them with the City attorney to make sure they complied with Utah State open meeting laws and with Farmington City Planning Commission by laws. The Commission members were interested in implementing appropriate elements of what Mr. Talbot observed in Mesa.

ADJOURNMENT

Cindy Roybal moved to adjourn at 11:00 P.M. **Jordan White** seconded the motion, which passed by unanimous vote.

Cory Ritz, Chairman
Farmington City Planning Commission