

FARMINGTON CITY PLANNING COMMISSION

Thursday, March 25, 2004

PLANNING COMMISSION REGULAR SESSION

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

Chairman Ritz called the meeting to order at 7:05 P.M. **John Montgomery** offered the invocation.

APPROVAL OF MINUTES

John Montgomery moved that the minutes of the March 11, 2004, Planning Commission Meeting be approved. **Keith Klundt** seconded the motion. The Commission voted unanimously in favor. **Bart Hill** abstained due to his absence during the March 11th meeting.

PUBLIC HEARING: DAVIS COUNTY SCHOOL DISTRICT REQUEST FOR A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A SUBDIVISION CONSISTING OF 3 LOTS ON .79 ACRES LOCATED AT APPROXIMATELY 150 SOUTH 300 EAST IN AN OTR-F ZONE (S-4-04) (Agenda Item #2)

Background Information

The Davis County School District no longer uses Monte Vista as an active elementary school. They are proposing to develop three lots in what used to be the playing field area and a portion of the jungle gym area. The three lots comply with minimum lot size standards for the OTR zone.

Three portable classrooms are identified on the schematic plan west of lots 1 and 2. If the Monte Vista building no longer serves as an active elementary school, why are portable classrooms necessary for the old school site?

END OF PACKET MATERIAL.

Mr. Petersen reviewed the agenda item. The playing field behind Monte Vista is zoned OTR. The City Engineer had prepared a site map which Mr. Petersen distributed. There was a question that had been raised by the City Engineer about the sewer, but when researched the Sewer District had approved the plan. Mr. Petersen asked about the portable buildings that were planned for the site. The portable buildings were to be used as offices, not class rooms. All public improvements were in place. There were no road changes in connection with the request.

Public Hearing

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

Gary Payne (Davis School District) said that there had been a suggestion to install a white vinyl fence to help hide the buildings. Landscaping will also be provided.

Ronald Atwood (85 South 350 East) felt that he would be the neighbor who would be the most impacted by the project. He appreciated the opportunity to give input regarding the remodeling of the building and grounds. His concern was that there may be a serious parking problem along the street. He asked that there be adequate parking provided for those using the offices.

Mr. Payne showed a diagram of plans for parking. There will be a secure parking area for the technology people that will be using part of the offices. There will be improved parking all around the rest of the building. Mr. Payne had recommended that money from the sale of some of the lots go to increase parking if needed. He stated that the plan was to provide for all needed parking on site.

A question was raised regarding the fencing. **Mr. Petersen** stated fencing requirements regarding non-vinyl material do not apply to the rear and side yards.

Mr. Payne reviewed the different school district departments that will be using the building.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing. The Commission members discussed the issues. They asked that the white vinyl fence not be shiny and that a note be included in any approval which stipulated that all OTR requirements be observed.

Motion

Bart Hill moved that the Planning Commission recommend to the City Council that they grant schematic approval subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The developer shall provide a sidewalk abutting 300 East running the full length of the entire Monte Vista property from north to south.

2. Improvement drawings for the subdivision shall be subject to review and approval of several reviewing agencies, including but not limited to the Central Davis county Sewer District. The District must approve the sewer configuration leaving the west side of the proposed building lots and traversing across the Monte Vista School grounds and parking lot towards 200 East Street. The developer shall meet all Sewer District requirements such as providing adequate access to manholes.
3. All development shall comply with provisions of the OTR zone.

John Montgomery seconded the motion, which passed by unanimous vote.

Findings

1. The request complied with the City ordinances.
2. The request was in compliance with the General Plan.
3. The School District was willing to cooperate with Planing Commission requests.

PUBLIC HEARING: SUSAN HOLBROOK REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO ESTABLISH A TEMPORARY NURSERY RETAIL SALES BUSINESS SOUTH OF THE OLD “BRASS COMB” LOCATED AT APPROXIMATELY 75 NORTH MAIN IN A BR ZONE (TU-2-04) (Agenda Item #3)

Background Information

The applicant, Susan Holbrook has had previous success locating similar temporary retail businesses located at Smith’s and the Shepard Pointe Office Condominium project. It seems that a temporary use such as this will be a nice fit with the other businesses located in the area.

The applicant is proposing to place a “green house pavilion” on the site. Section 11-28-120(g)(3) states:

“Tents, stands, trailers, mobile equipment, and other similar temporary structures may be utilized provided they are clearly identified on the submitted plan, and it is determined by the city Planner they will not impair the parking capacity, emergency access or safe and efficient moving of pedestrian vehicle traffic on or off the site.”

The spot selected for the greenhouse pavilion will block access to two or three parking spaces. However, it appears adequate space remains for the necessary parking to serve the proposed business.

The ordinance states that the hours of operation of temporary uses in commercial and industrial zones shall be established at the time the use is approved.

Also the ordinance states:

“The applicant shall provide to the City Planner proof of liability insurance for the requested use if necessary. This proof shall be submitted with the application.”
(Section 11-28-120(g)(12).

END OF PACKET MATERIAL.

Mr. Petersen summarized the background information. He briefly discussed the site plan. City Staff felt that Ruby’s Petunias would be a good use for the site and would help bring business to the downtown area.

Public Hearing

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

Ms. Holbrook stated she would be available for any questions from the Planning Commission.

Public Hearing Closed

With no further public comments, **Chairman Ritz** closed the public hearing.

Mr. Montgomery asked what Ms. Holbrook’s preference would be regarding hours for opening.

Ms. Holbrook stated it depended on daylight hours.

Chairman Ritz stated that during the previous year, the Commission had required that the business be open from 8 A.M. to 8 P.M.

Mr. Montgomery asked about parking.

Ms. Holbrook stated there would likely be at most three customers at one time.

Chairman Ritz asked if Ms. Holbrook was satisfied with the requirements as listed. She responded that she was.

Mr. Klundt asked about the security of the property.

Ms. Holbrook stated that she was not concerned about security and that she had not had problems in the past.

Motion

Keith Klundt moved that the Planning Commission approve the application as requested subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. Permanent signs are prohibited. The size and location of signs shall be compliance with applicable provisions of the sign ordinance of the zone in which the use will be located. All signs shall be removed when the activity ends.
2. No loudspeakers or amplifying sound devices shall be used in conjunction with the temporary use.
3. Outdoor lighting if used shall be subdued. All lighting shall be designed, located and directed so as to eliminate glare and minimize reflection of light in neighboring properties. Search lights shall not be permitted.
4. The conduct of the temporary use business shall be limited to the hours of 8 AM and 8 PM.
5. The temporary nursery sales business may exist up until the last day of June 2004.
6. Permanent changes to the site are permitted. When the temporary use ends, the applicant shall restore the site to its original condition, including such clean up, washing and replacement of facilities as may be necessary.
7. The applicant shall provide for the adequate conveyance of water from the site. No excessive puddling shall be allowed due to over watering of the plants or for any other reason.

Bart Hill seconded the motion, which passed by unanimous vote.

Findings

1. The request complied with land use requirements and ordinances.

2. The use would be a good one for the area. The business will be compatible with the boutique and art establishment across the street.
3. Traffic in the area will be good for the business and will not negatively impact the area.

PUBLIC HEARING: LAGOON CORPORATION REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO CONSTRUCT A 300,000 GALLON WATER TANK AND PUMP HOUSE FACILITY LOCATED AT APPROXIMATELY 100 WEST 300NORTH IN AN CR ZONE (C-2-04) (Agenda Item #4)

Background Information

Several weeks ago Lagoon Corporation commenced constructing a 300,000 gallon water tank and pump house facility at the location referenced above. On February 5, 2004, it came to the attention of the Farmington City Building Inspector that Lagoon was constructing the facility without a building permit. The inspector immediately placed a "stop work order" on the project. Thereafter, the Farmington City Zoning Administrator informed Lagoon that they cannot continue to construct the 300,000 water tank and pump house facility without the issuance of a conditional use permit and site plan approval by Farmington City.

Lagoon appealed the decisions by the Zoning Administrator to the Farmington City Board of Adjustment. On March 16, 2004, the Board of Adjustment upheld the determination of the Zoning Administrator and, shortly after this action, Lagoon filed a conditional use permit application with the City. In the spirit of community cooperation, certain members of the Board encouraged City staff to work with Lagoon and expedite, where feasible, any application through the conditional use and site plan approval process. Lagoon Corporation just recently submitted an application. A staff report will probably not be available until the night of the Planning Commission meeting. The next Planning Commission meeting after March 25, 2004, is the April 22, 2004, meeting.

END OF PACKET MATERIAL.

Mr. Petersen recommended that since there had not been much information submitted to the City regarding the request, consideration of the application be tabled to allow time for resolution of several issues. He reviewed what had happened during the Board of Adjustment meeting and that he was asked by the Board to work with Lagoon to get as quick a response as possible. One property owner was concerned that the tank be screened and not noisy. Concerns raised by City Staff included the building inspector's worry about the strength of the wall, which is already constructed. Other construction standards were in question. Lagoon may need a Davis County flood control permit. If there is a back flow caused by the tank, there will be some

significant consequences. Mr. Petersen stated there were many questions that needed to be answered. Basically, there was a question whether or not there should be two separate systems established. Several questions need to be reviewed by the Fire Marshal and the water superintendent. A fluoride unit may be required. There may need to be a pump. There is a requirement that culinary water and secondary water systems cannot mix. The City will need a landscaping plan before it can consider approval. Home Land Security requires security plans to be in place. If Lagoon plans to use the water as culinary water, there are a number of State requirements Lagoon will have to meet. Mr. Petersen stated that the City wants to protect the health, safety, and welfare of the people using the water.

Public Hearing

Chairman Ritz opened the meeting to a public hearing. He invited representatives of Lagoon to address the Commission.

Dal Freeman (Park Engineer for Lagoon) stated that he had designed water rides for many years. He designed his first water attraction 34 years ago. Rattle Snake Rapids uses a great deal of water. When the ride was first proposed, the City had originally had concerns about providing the water for the ride. The City wanted to study their ability to provide water for the ride before approval. There were a great deal of elements that affected the amount of water available. Such things involved seepage problems and evaporation in the arid area. When Lagoon stated they would provide their own water supply, it was a great relief for the City. When test holes were driven to begin work on the ride, a good source of water was found. Lagoon drilled a deep well next to the ride. At 28 feet deep, Lagoon found a water source which had been sufficient for 5 years. The ride has been opened for 7 years. Two years ago as the drought increased the water supply became a problem. At that time, Lagoon decided to move forward with the water supply facility. It was not Lagoon's intent to move forward without a building permit. From the very beginning, Lagoon had planned to provide its own water for the water ride. They moved forward with the concrete walls thinking that approval had already been given. The pumps and purification machinery were to be installed next year. The pump house and other parts of the tank were below ground and covered with landscaping and other features that would hide them. The plan to use the water for culinary water or for fire fighting was not the intent of the Park. Lagoon would never go forward with such plans until they checked with the proper officials. The only intent for the tank was to supply water for the ride. There was no intent to blatantly go forward without a building permit. Lagoon wanted to be a good citizen and obey all laws. The Park is due to open in two weeks. Park officials would like to clean up the area where they had begun construction. Mr. Freeman asked that the City's help in moving the project forward so that their business would not be affected.

Dee Hansen (engineer for Lagoon) stated that Lagoon recognized that if the tank was used for culinary water that all State requirements would have to be fulfill. Those applications

had already been set in motion. He discussed the possibility of cross connections between the Lagoon system and the City system. There may be a benefit for both parties to have a cross connection between the two systems. Plans would be in place that would protect both systems. All tanks are provided with safety systems so that there would be no overflow. There is an element of iron and magnesium in the water that exceeds the State requirement for water. Lagoon planned to put filters on the system to correct the problem. Water that would come out of the tank would go through a treatment system first. Lagoon's security system is better than most cities within the United States. Lagoon officials had no idea that they were in violation of City ordinances. They are anxious to open the Park for the summer season and to have the construction area cleaned and landscaped. He asked that the Commission approve the request and allow the Park to move forward with the project. Lagoon would meet all safety and ordinance requirements. Mr. Hansen was present every time concrete was poured and personally inspected the standards. Testing was done with every pour. The construction was done to the highest of standards. If the tank is ever to use the water as culinary water, all requirements would be observed. Mr. Hansen felt all conditions of the City would be met.

Mr. Freeman asked that Mr. Freed be excused because he was on his way to Europe.

Public Hearing Closed

With no further public comments, **Chairman Ritz** closed the public hearing.

Mr. Montgomery asked if every load of concrete had been tested. In response to the question, Mr. Hansen stated that every load had been tested and had met required standards.

Mr. Petersen asked if the tank would be used this year. Lagoon representatives stated that the tank would not be used this year. They only wanted to have the "stop work" order lifted so that the building could be finished and cleaned up. Mr. Petersen stated that the building inspector may be willing to walk the site and make a recommendation. The inspection findings could be reported back to the Chairman.

Chairman Ritz asked about the list of concerns as stated by the City Planner.

Mr. Petersen stated that the plans to date showed no connection with the Rattle Snake Rapid ride. Plans indicated a potable water system. In order to allow Lagoon to move forward the plans would have to be redrawn and resubmitted to the City.

In response to a question from the Chairman, **Mr. Hansen** stated that for now water would only be used for the ride. When Lagoon asked to have the tank designed, they asked that it be designed so that it could be used for more than just the ride if needed in the future. A modification to the plans to show the water tank for use only for the ride could happen in a

matter of days.

Mr. Hill stated that the intent of the Board of Adjustment was to move the request of Lagoon forward as quickly as possible, but that the concern was that the tank had been planned for culinary water.

Mr. Petersen stated that according to City procedures, a site plan needed to be approved by the Planning Commission. The reason the “stop work” order had been put in place was to help builders stay on track. The Planning Commission discussed possible actions that would allow the Park to complete the building and get the area ready for the public. Dave White, Paul Hirst, and Eric Miller would need to be involved in the process.

Motion

Keith Klundt moved that the Planning Commission table consideration of the application until the next meeting of the Commission. **John Montgomery** seconded the motion, which passed by unanimous vote.

T-MOBILE REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO CONSTRUCT A CELLULAR PHONE TOWER ON TOP OF THE RICHARD E. KENDALL BUILDING LOCATED AT 70 EAST 100 NORTH IN A BR ZONE (C-17-03) (Agenda Item #5)

Background Information

The Planning Commission previously reviewed this request on March 11, 2004, along with another location at the old Monte Vista School grounds. The Planning Commission approved a motion to table the request at the March 11 meeting.

T-Mobile is now asking the Planning Commission to table consideration of the Monte Vista site to see if alternative locations can be obtained.

At the last meeting some members of the Planning Commission raised the issue as to whether or not a significant gap in coverage exists and whether or not another cellular tower for T-Mobile in the downtown area is necessary. Furthermore, has T-Mobile exhausted all co-location opportunities in the area?

Section 11-28-190(f)(2)(ii) states in part:

“Antennas shall not exceed more than fifteen (15) feet above the roof line of the building itself unless approved as a conditional use.”

The proposal from T-Mobile is much higher than 15 feet above the roof line of the Kendall Building.

END OF PACKET MATERIAL.

Mr. Petersen summarized the background information. The applicant had requested that the agenda item be tabled. Patty Thornton, representing T-Mobile, stated that the Davis County School District had requested that T-Mobile see if an alternative location could be obtained. Mr. Petersen covered ordinance requirements for antennas.

Ms. Thornton (representative of T-Mobile) asked the Planning Commission to consider approving the extension of height on the Kendall Building so that T-Mobile could accomplish the needed increased coverage in the area. She provided information regarding customer complaints about the coverage as it currently existed. The T-Mobile engineers had tested coverage at specific places in the City. There had been a high number of customer complaints in the area. Ms. Thornton discussed the area that was being covered by current towers.

Chairman Ritz asked about alternative sites and if they would provide even better improvement.

Ms. Thornton stated that the optimal site was the Monte Vista site, but after public input opposing that site, the School District asked T-Mobile to look at other sites. The Kendall Building was the second best site. If the Kendall Building site is approved, there would not be enough room for another carrier to share the tower.

Chairman Ritz asked a question about the ordinance restrictions against a lattice tower.

Mr. Petersen confirmed that City ordinances do not allow lattice towers.

Chairman Ritz asked if the Kendall Building site was approved, could T-Mobile replace the lattice tower with a mono-pole.

Ms. Thornton stated T-Mobile could replace the existing lattice tower with a mono-pole. She had been at the location with an engineer and said that if the tower were completely replaced, engineering could be improved so that guy-wires would not have to be used.

Mr. Petersen stated that the Kendall Building may have been constructed prior to the existing ordinance. If so, the Board of Adjustment could grant authority to allow the lattice tower to be improved and remain in use. The Planning Commission would also have to approve the conditional use application to reconstruct the tower. The building is owned by the City at this point. The School District has a lease-to-buy contract with the City. The Planning Commission

talked about the possibility of having a tower located at the old City Shop location. The old City Shop location is less than 1200 feet from the Monte Vista property. Mr. Petersen asked why the old City Shop location was not satisfactory.

Ms. Thornton stated that the old City Shop location would require that the pole be at least 120 feet, which would not be allowed by City ordinances.

Mr. Montgomery stated that if another carrier came in and were not allowed to locate on the Kendall Building, the City would have similar problems to resolve with the new carrier.

Ms. Thornton asked if T-Mobile could do a higher tower if they were allowed to locate at the old City Shop site.

Mr. Petersen said that the shop site is comprised of two zones: the A and LR zones. Towers 120 feet in height may be allowed as a conditional use in the A zone. Meanwhile, the maximum tower height in the LR zone is 60 feet as a conditional use.

The Planning Commission discussed possible locations near Rudd Creek. Towers in other cities have been successful when located on elevated sites such as in the foothills. The Rudd Creek location is City owned and is zoned either agriculture or residential. There are communication facilities located at that site currently. The lattice tower issues, ownership of the Kendall Building, and the height of the tower are three issues that would need to be resolved if the current application were to be considered. The Rudd Creek location needs to be studied, especially since it would provide for co-location with other carriers.

Motion

John Montgomery moved that the Planning Commission table consideration of the application until the next meeting of the Commission in order to assess all issues of the Kendall Building (building ownership, height of the pole, and issues regarding the lattice pole), in order to address the City shop site including quality of coverage and co-location possibilities, and in order to address the same issues with regards to the Rudd Creek location. **Bart Hill** seconded the motion, which passed by unanimous vote.

CITY COUNCIL REPORT AND MISCELLANEOUS

Mr. Petersen reported the City Council meeting:

- The City Council authorized the Mayor to enter an order vacating and amending Lots 2, 3, 21, 22, 25 and 26 of the Fairways of Oakridge South Planned Unit Development.

- The City Council approved the adjusted boundary lot lines in Shepard Heights Subdivision proposed by Peterson development.
- The City Council granted the request for an exception to the dead-end street limitation standards for 100 North Street east of 200 East Street.
- The City Council authorized the Mayor to sign a resolution of intent as drafted by the City Attorney and City Staff initiating proceedings to study options and possibilities of adjusting the common boundary lines between Farmington City and the City of Fruit Heights and provide for a public hearing thereon.

Wasatch Front Regional Council

The Mayor and a member of the City Council will be meeting with Mr. Petersen and Gregory Scott regarding the bus/rapid transit issues on Thursday, April 8, at 8:30 A.M. Mr. Petersen will request Mr. White to attend the meeting as a representative of the Planning Commission.

Training

Mr. Petersen stated that the City will pay for Planning Commission members to attend workshop training sponsored by Utah Local Governments Trust. Commission Members were asked to inform City Staff if they would like to attend.

Farmington Station Owner's Association

Owners of the condominium project sent a letter to the City informing them of their frustration with the developer of the Farmington Station Subdivision. It was also their perception that the City had not enforced requirements. Owners wanted to have the developer's conditional use permit revoked. On March 30th at 8:30 A.M. there will be a walk-through of the area to study the issues. Mr. Montgomery volunteered to represent the Planning Commission on the field trip.

ADJOURNMENT

John Montgomery moved to adjourn at 9:25 P.M.

Cory Ritz, Chairman
Farmington City Planning Commission