

# FARMINGTON CITY PLANNING COMMISSION

Thursday, September 11th, 2008

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## PLANNING COMMISSION STUDY SESSION

**Present:** Chairman Kevin Poff, Commission Members Paul Barker, Rick Wyss, Randy Hillier, Craig Kartchner, John Bilton, Steve Andersen, City Planner David Petersen, Assistant City Planner Glenn Symes, Planning Secretary Melissa Jackson, and Recording Secretary Valerie White. Commissioner Jim Young was not present.

[John Bilton arrived at 6:43 p.m.]

[Steve Andersen arrived 6:47 p.m.]

**Chairman Kevin Poff** began discussion at 6:35 p.m. The following items were reviewed:

### **(Agenda Item #1) Minutes:**

The Commission reviewed the minutes of the Planning Commission meeting held August 28, 2008. Chairman Poff suggested changes to pages 6, 7 and 11 of the meeting minutes.

### **(Agenda Item #3): T-Mobile (Public Hearing) – Applicant is requesting approval of a conditional use for the placement of a wireless Telecommunications facility on the west side of Eagle Bay Elementary School located at 1933 West Clark Lane. The proposed facility is a 100' monopole tower (C-6-08).**

**Commissioner Poff** asked if T-Mobile had the co-locators already in place. Mr. Poff made reference to the Knowlton Elementary cell tower and that it was approved for 80' then once they secured the co-locators they could extend to 100'.

**Craig Kartchner** asked Mr. Symes if he knew the height of the power lines in the area.

**Glenn Symes** said he did not know the exact height, but would guess that the wooden power poles closest to the homes are approximately 50'-60', and the metal poles further west are probably close to 100'.

**Craig Kartchner** asked if T-Mobile had provided a letter from the school district. He stated that he spoke with a few neighbors in the area and said they were opposed until they found out that the school benefits from the installation of the cell tower and there was interest in the details of those benefits.

**Paul Barker** said they should defer to the neighbors since there is an encroachment on the 200' to the property line. He feels their input is key.

**Craig Kartchner** questioned the location of the pole and if it would be just as effective elsewhere.

**Chairman Poff** stated that T-Mobile indicated that particular location was preferred by the school district.

**Commissioners Kartchner & Poff** both said they would like a letter from the school district indicating as to why they chose that exact location for the tower.

**Glenn Symes** stated that T-Mobile found it easier to build one single pole with three co-locators, then T-Mobile could do all the negotiating and the school district would not have to.

**Randy Hillier** asked to be reminded why they need a conditional use permit because they were not within 200' of the boundary.

**Glenn Symes** stated that because it is an institutional use, even in a residential zone, they are allowed to apply for a conditional use. Standard requires it be 200' away from a residential zone. The fifth conditional use standard listed in the wireless telecommunications facility ordinance allows the Planning Commission to reduce the 200' setback to whatever they see fit, there is no minimum.

**Glenn Symes** reviewed the findings listed in the staff report, based on the eleven conditional use standards between the two ordinances. The motion to deny is also based on those standards, with that said it could be found that the Planning Commission did not find reason to reduce the 200' setback, therefore it does not meet the standard.

**(Agenda Item #4): Kent Whitehead (Public Hearing) – Applicant is requesting approval of a conditional use and site plan for the development an office/warehouse complex containing four buildings at property located at 850 North 500 West (SP-6-08).**

**Glenn Symes** reviewed the item. The applicant is proposing four buildings on this site but will start with one or two. **Mr. Symes** proposes that if the Planning Commission chooses to approve they just defer to staff the other approvals so the applicant does not have come back to the Planning Commission for the other phases.

**Paul Barker** felt that this is a great use for the area.

The study session adjourned at 6:57 p.m.

**PLANNING COMMISSION REGULAR SESSION**

**Present:** Chairman Kevin Poff, Commission Members Paul Barker, John Bilton, Rick Wyss, Jim Young, Craig Kartchner, Randy Hillier, City Planner David Petersen, Assistant City Planner Glenn Symes, Planning Secretary Melissa Jackson and Recording Secretary Valerie White. Steve Andersen was excused after Study Session.

**Chairman Poff** called the meeting to order at 7:00 p.m. **Paul Barker** offered the invocation.

[**Jim Young** arrived at 7:09 p.m.]

**(Agenda Item #1) APPROVAL OF MINUTES**

The minutes of the August 28, 2008, Planning Commission meeting were reviewed during the study session.

**Motion**

**Paul Barker** moved to approve the minutes of the Planning Commission meeting held August 28, 2008 with the changes discussed in the study session. **Craig Kartchner** seconded the motion, which was unanimously approved.

**CITY COUNCIL REPORT (Agenda Item #2)**

**David Petersen** reported the proceedings of the City Council meeting held on September 2, 2008. He covered the following items:

- Reviewed ordinance to rezone Farmington Bay to R (Residential)
- LDS Church on Main Street
- Modify Village at Old Farm reimbursement lot line adjustment in Somerset

**(Agenda Item #3) T-MOBILE (PUBLIC HEARING) – APPLICANT IS REQUESTING APPROVAL OF A CONDITIONAL USE FOR THE PLACEMENT OF A WIRELESS TELECOMMUNICATIONS FACILITY ON THE WEST SIDE OF EAGLE BAY ELEMENTARY SCHOOL LOCATED AT 1933 WEST CLARK LANE. THE PROPOSED FACILITY IS A 100’ MONOPOLE TOWER (C-6-08).**

**Background Information**

**Proposal Information**

An application has been submitted for the placement of a 100' telecommunications facility, monopole, on property located in the northwest corner of Eagle Bay Elementary School. The proposed monopole is a standard telecommunications pole with a standard antenna array at the top of the tower. The proposal is to place the 100' cell tower on this site at this location to allow for co-locating antenna array below the initial antenna array and to eliminate the need for several additional monopoles in the general area. The space available for ground equipment at the base of the pole is a large enough area to allow additional ground equipment for co-locating facilities. The proposed location is at the western property line of the school adjacent to a residential area to the west and directly adjacent to corridor containing large power lines.

**Ordinance Requirements**

At the last Planning Commission meeting, August 28<sup>th</sup>, staff presented information regarding the ordinances and the administration of elements of the Wireless Telecommunications ordinance. There seemed to be a general consensus with regard to current structure of the ordinance and what may be allowed as a conditional use. It was determined at that meeting that since the property on which the wireless telecommunications facility is proposed is considered an institutional use that the underlying zone was not a factor in determining allowable uses with regard to the proposed use and that a wireless telecommunications facility may be reviewed and approved under the conditional use process. The ordinance sets forth additional conditional use standards in addition to the standards set forth in the Conditional Use ordinance that must meet in order for the proposal to be approved. The ordinance allows a monopole to be approved up to 100' in height or up to 120' in height if approved as a co-location. The proposal is requesting a height limit of 100' and an approval as a co-location. The height limit of 100' typically allows for three separate arrays of antennae. This height limit may eliminate the need for one or two additional 60' cell towers in the same general area for carriers that may not otherwise be able to co-locate on this tower.

**Information Presented to PC with August 28<sup>th</sup> Staff Report**

Recently, an application was submitted to the City for a conditional use permit for the placement of a 100' monopole wireless telecommunications facility at Eagle Bay Elementary School. It was thought at the time of application that the current ordinance regulating these facilities limited the height to 60'. As a result, a request was made to amend the ordinance to allow for a taller pole. A notice was posted to the newspaper several weeks ago to ensure compliance with all requirements of noticing. Upon further review of the ordinance however, staff feels that there is no need for an ordinance amendment to allow the City to process the applicant's submittal.

There are several sections of the Wireless Telecommunications Facilities ordinance in Chapter 28, Supplemental and Qualifying Regulations, that deal with height and placement. The table shown in the ordinance shows a monopole with (what should be in the text) a structure greater than 2' in width and a total height taller than 60' as a use not

permitted in the AE and AA zones (this is the zoning for Eagle Bay Elementary). This would suggest that the applicant's submittal would need a text amendment. Section 11-28-190 (e) (2) states that "*All types of wireless telecommunication facilities are prohibited in residentially zoned areas except as may be permitted with a conditional use permit upon or within any institutional use, regardless of the zoning designation*". This section lists public schools as an institutional use. This suggests that the "N" on the use table is trumped by the fact that the school is an institutional use. If this is the case, the default height limit would be the standard for review of a conditional use permit. Section 11-28-190 (g) states the height limit as "*...up to one hundred (100) feet or up to one hundred twenty feet if approved as a co-location.*" The combination of these provisions seems to suggest that a 100' tall monopole is a conditional use if placed on the site of an institutional use in a residential zone.

The one area that may pose difficulty for the applicant with regard to their specific application is its proximity to adjacent residential parcels. Section 11-28-190 (f) (4) states that "*No such monopole shall be located within two hundred (200) feet of a residential zone.*" Since the school is categorized as an institutional use, the zoning for that parcel is trumped. However, adjacent parcels are still zoned residential and this section requires a 200' buffer from the residential parcel, not the structure. This particular staff report and agenda item does not deal with the specifics of the application, but a walk through of this provision is important. Section 11-28-190 (k) (5) provides the opportunity for the applicant to request a reduction in the required setback if the Planning Commission finds that "*practical difficulties are demonstrated by the applicant*". A request for a zone text change can be made to eliminate the need for the 200' buffer. This would prove problematic for all other areas of the city since this provision is not relegated to residential zones.

Ordinance changes may be discussed if the Commission wishes to make changes to section 11-28-190. However, as stated, staff feels that no changes need to be made to the ordinance at this time.

END OF PACKET MATERIAL

### **Public Hearing Opened**

**Chairman Poff** opened the meeting to a public hearing at 7:08 p.m. and invited public comments.

**Jared White** - 121 Election Drive, Draper, Utah 84020. **Mr. White** is a representative from T-Mobile. He informed the Planning Commission that the school district feels the location at Eagle Bay Elementary has the least impact on the school and allows them to keep their fields available. He also stated that it is justifiable because it is right in line with a series of power poles (an overhead picture was shown).

**Craig Kartchner** asked why the school district did not want three separate 40'-60' towers.

**Mr. White** stated it seems more feasible to have one 100' pole than three 60' poles in the same vicinity. He pointed out the difficulty of co-locating on a 60' pole. Most carriers will agree to co-locate on a 60' tower but they want to be located at 60'. T-Mobile is not willing to be located at 40' on their own tower, they would not get the coverage needed. With a 100' pole you would have a 20' separation with a carrier at 100', 80' and 60'. The school district does not want to have to deal with three separate companies. They use T-mobile as their carrier and want to have them do the administrative for the other carriers.

**Commissioner Hillier** asked **Mr. White** what kind of revenue the school district would receive. **Mr. White** said they would pay a private individual \$700-\$800 a month with a 2% escalation rate. The school district would get \$1100 a month with a 3% escalation rate with an additional \$600 per co-locator. Once the tower is at capacity they would be paying the school district \$2300, escalating to 3% per year.

**Commissioner Paul Barker** asked staff if the residents in the area were noticed.

**Glenn Symes** confirmed that notices were mailed.

**Commissioner Paul Barker** questioned **Commissioner Craig Kartchner** who resides in the area for his input since no representation from the area came to voice their opinion. **Mr. Kartchner** asked if the 300' mailing notice could be expanded.

**Glenn Symes** said they could if the Planning Commission requests it.

**Commissioner Wyss** stated that if you do it for this proposal, you will need to do it everywhere else.

**Craig Kartchner** pointed out that a 100' tower affects people a lot more than for example a building adjacent to a house, therefore an expansion of the notice may be justifiable.

**Rick Wyss** responded that when you have an ordinance in place, the Commission can not pick and choose which items you are going to expand. He pointed out that it would be the City Council's position to change the ordinance.

**David Petersen** added that according to the Planning Commission by-laws they can elect to expand notice on a case-by-case basis.

**Jared White** states that the entire drive behind what T-Mobile builds is demand. If the people using the service in the area were not requesting better coverage, T-Mobile would have no desire to build a tower in the area.

**Commissioner Kartchner** said he can appreciate Mr. White's point, but feels that asking for better coverage does not equate in the consumer's mind having a tower built in their backyard.

**Jared White** pointed out that you can see from the freeway 50 cell towers between Farmington and Salt Lake. He has found that once the towers are in they do not have any public complaint.

**Commissioner Jim Young** commented that the 45 residents that were noticed were most immediately effected and wondered how many Mr. Kartchner had spoken with.

**Craig Kartchner** said he had spoken with three of the residents and they were all opposed until they learned that the school district would benefit and were interested in the details of the agreement.

**Chairman Kevin Poff** is aware of the need for more cell phone towers in this modern age. The power lines existed before the houses were built in the Ranches. Some things are just a part of modern life and we do need to be careful that we do not place them in egregious places, but he does not feel that this location qualifies as such. It does seem to be a location that works for the elementary and does benefit the school. **Mr. Poff** does not feel there is an abiding safety issue or that it would be detrimental to the community at this location.

**Jared White** commented that the towers have to be placed in residential areas, it is no longer possible to transmit signals from the outskirts and provide proper coverage. The towers have to be placed where the demand is highest.

There was discussion on the amount of calls a tower can handle per day and the bandwidth of a data transfer versus phone calls.

**Commissioner John Bilton** inquired what the distance was of the closest home to this location. **Glenn Symes** responded that it is approximately 140'-150' away, so 50'-60' shy of the 200' requirement. **Mr. Symes** clarified that requirement is from the zone not the dwelling.

**Commissioner Jim Young** mentioned he was inclined to approve this item, but wanted to know what **Commissioner Craig Kartchner's** thoughts were on proceeding and if he thought they needed to expand the notification even though the residents most immediately effected did not represent themselves at the public hearing.

**Commissioner Craig Kartchner** stressed that he is inclined to deny it. He pointed out that not only is the zone within the 200' but the actual residence is within the 200' buffer.

**Jared White** suggested a compromise of an 80' tower. The reason they are requesting a 100' pole is due to the school district. T-mobile could amend their application and request an 80' tower with a 20' extension at a later date. The stipulation would be when T-Mobile got approval for the 20' extension they would move to the top and the co-locators would be at 80'.

**Chairman Poff** stated that is what they did with Knowlton Elementary and the tower did eventually fill to capacity and extend to 100'.

### **Public Hearing Closed**

### **Motion**

**Commissioner Rick Wyss** made the motion to approve the request for conditional use approval of a 100' monopole wireless telecommunication facility on property located at Eagle Bay Elementary School with the following conditions:

1. The future co-locations be approved as permitted uses;
2. That a building permit be submitted for the construction of the monopole, initial antenna array and each additional co-location antenna array and associated ground equipment;
3. The monopole be limited to 100' as proposed in the plans;

The following findings were established:

1. The proposed tower is compatible with the height and mass of existing power lines located to the west of the proposed site.
2. Co-location of the proposed antenna is not possible on other existing structures in the same vicinity without significantly impacting antenna transmission or reception as there are no other existing structures on which the array may be placed. The placement of the proposed structure will create an opportunity for future co-location without significantly impacting transmission or reception of the proposed antenna array.
3. The location of the antenna in relation to existing vegetation,

topography and buildings has achieved the highest level of screening as there is no vegetation or topographical opportunities to screen the proposed facility and the adjacent buildings are not tall enough to provide an equivalent level of service.

4. Spacing between monopoles will not create quantifiable detrimental impacts to adjacent properties as this is the only telecommunication monopole in the general vicinity and may eliminate quantifiable detrimental impacts to adjacent properties due to spacing by reducing the need for additional monopoles in the same area.
5. The Planning Commission finds that practical difficulties have been demonstrated by the applicant and therefore grants a reduction in setback requirements from the adjacent residential zone.
6. The proposed use of the particular location is necessary to provide a service or facility which will contribute to the general well-being of the community.
7. The proposed use complies with the regulations and conditions in the Farmington City ordinance for such use.
8. The propose use conforms to the goals, policies, and governing principles of the Comprehensive General Plan for Farmington City.
9. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development.
10. Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available.
11. Such use shall not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of the persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity.
12. The information the commission was given proves the need for a tower in the area proposed.

13. This item was noticed and no residents came to oppose.
14. It is a benefit to the school district.

**John Bilton** seconded the motion, which passed by a vote of 6 to 1. **Chairman Poff**, and Commissioners **Hillier, Bilton, Barker, Young, and Wyss** voted in favor.

**Commissioner Craig Kartchner** opposed the motion. His reasons for voting in the negative were:

1. Not only will the tower be within the 200' buffer from the property line, but the actual residence is even closer than that.
2. He feels we are not protecting the citizens of Farmington, but providing for the private individual business to benefit over residents.
3. Other locations were not properly considered.

**(Agenda Item #4) KENT WHITEHEAD (PUBLIC HEARING) – APPLICANT IS REQUESTING APPROVAL OF A CONDITIONAL USE AND SITE PLAN FOR THE DEVELOPMENT AN OFFICE/WAREHOUSE COMPLEX CONTAINING FOUR BUILDINGS AT PROPERTY LOCATED AT 850 NORTH 500 WEST (SP-6-08).**

**Background Information**

An application has been submitted for a conditional use and site plan approval for the construction of an office/warehouse complex consisting of four buildings on a total of approximately 6 acres. The proposed buildings are a combination of office and warehouse with one large building housing up to eight individual office warehouses. Each of the units within the building houses a small office with the remainder as warehouse space. This is not a self-storage type of product but more of a business warehouse product in which a business may store, ship, hold or transfer goods. An example of this type of use may be an internet company or a company with a smaller retail store elsewhere with storage and shipping in this facility. The majority of the anticipated traffic would be the actual business owners and shipping trucks. There is very little anticipated traffic other than these users.

The property on which the application is proposed is a large lot in the LM &B zone. It is one of the lots in the Farmington Bay Business Park subdivision and located at approximately 1200 South 650 West. There are other similar adjacent uses including storage units to the south of the subject property. The requirements for the underlying zone have been met with regard to location, setbacks, landscaping and other elements. Landscaping is limited to 5% on site as required for an industrial use and is provided

along the perimeter of the site with a combination of xeriscape and trees. Lighting in site is limited to the building exteriors only and should not create a problem with regard to adjacent uses and excessive light pollution as there are no residential properties adjacent to the site.

The project is proposed in several phases with each “phase” consisting of each of the four buildings and the completion of the parking and loading areas directly adjacent to each building. Staff is recommending that the Planning Commission defer approval of each of the remaining “phases” to staff and that staff have the authority to determine compliance with each of the requirements for approval.

END OF PACKET MATERIAL

**Chairman Poff** introduced this agenda item and then turned the time over to Staff.

**Glenn Symes** reviewed the background information. **Mr. Symes** displayed an overhead elevation of the buildings and pointed out that most of it is impermeable surface. The building will have the Farmington Rock element as required. City staff has not heard of any opposition to this proposal.

**Kent Whitehead** - 845 North 400 West, North Salt Lake, UT 84054. **Mr. Whitehead** has been involved with similar projects on the west side of North Salt Lake. He states they have been very popular, accommodating small businesses that are in need of small warehouses. With the expansion of Farmington, he feels this is a good location and that it will bring good tenants.

### **Public Hearing Opened**

**Philip Paget**- 1012 South 650 West. Mr. Paget lives a quarter mile north of this proposed project and never received a notice, he was informed by neighbors that live further south. His other concern was that the address written on the agenda for this item was listed as 850 North 500 West. He felt this was misleading to the people of the neighborhood. He also worries about the increased traffic this project will bring.

**Chairman Kevin Poff** stated that **Mr. Paget** did not receive a notice because the ordinance states it be sent within a 300' radius and he is beyond that radius. There was also a discussion about the incorrect address. The agenda stated the address as 850 North 500 West, however, it was written as 1200 South 650 West in the staff report and also in the notices that went out. Therefore, the mailing had the correct address and did comply with the 300' ordinance.

### **Public Hearing Closed**

**Chairman Kevin Poff** commented that this is zoned as LM&B (Light Manufacturing Business), therefore there will be some traffic. However, there is a long term plan to alleviate the traffic increase eventually.

**Commissioner Randy Hillier** questioned **Mr. Whitehead** as to what kind of businesses would be occupying these warehouses and what kind of traffic might be created. **Kent Whitehead** answered that he did not think it would create a lot of traffic, most of the tenants would be small subcontractors that do mechanical work, air conditioning, and shipping. Most units will have two to three cars involved, he thinks it will bring in less traffic than the storage units.

**Commissioner Paul Barker** thought it would be helpful to comment on the future of 650 west. **David Petersen** told the commission at some point 650 West will go south to Lund Lane then west to 1250 West then south to Centerville. Hopefully it will be widened to the north to Glovers Lane. It should eventually be a major collector. **David Petersen** also pointed out the area has been zoned LM&B for six to seven years.

**John Bilton** asked if any of the tenants were of a sexually oriented business nature. **Mr. Whitehead's** reply was no.

### **Motion**

**Commissioner Craig Kartchner** made a motion that the commission approve a conditional use and site plan for the construction of an office/warehouse complex located at 1200 South 650 West with the following conditions:

1. That each phase of the project be reviewed by staff to ensure compliance with all requirements of approval.
2. The applicant completes all requirements for site plan approval for each phase as well as all on-site and off-site improvements requirements to comply with City Engineer, Public Works, Fire Department, Planning Department, Storm Water Official, Central Davis Sewer District, and Weber Basin Water District. Any condition of site plan approval shall also become a condition of the conditional use approval.
3. All landscaping shall be installed as shown on the approved site plan.
4. That all other conditions imposed on any previous conditional use permit be observed.

**Commissioner Randy Hillier** seconded the motion, which passed unanimously.

The following findings were established:

1. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community;
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use;
3. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan;
4. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing development;
5. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation;
6. The proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the vicinity and does not cause:
  - a. Unreasonable risks to the safety of persons or property because of vehicular traffic or parking;
  - b. Unreasonable interference with the lawful use of surrounding property; and
  - c. A need for essential municipal services which cannot be reasonably met.
7. Future traffic is to divert trucks off of 650 West.

**(Agenda Item #5 ) MISCELLANEOUS, CORRESPONDENCE, ETC.**

**David Petersen** spoke about their field trip to Denver. The purpose of the trip was to visit several mixed use developments. They agreed it was a very informative and beneficial trip.

[**Commissioner Rick Wyss** left at 8:19 p.m.]

**David Petersen** stated that the Mayor suggested we reconvene the Sub-

Committee and invite attorney for America West, Robert McConnell and then also a representative from Rich Haws group to serve on the committee.

**ADJOURNMENT**

**Commissioner John Bilton** moved to adjourn. **Craig Kartchner** seconded the motion, which passed unanimously. The meeting adjourned at 8:40p.m.

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*Kevin Poff, Chairman*  
*Farmington City Planning Commission*