

FARMINGTON CITY PLANNING COMMISSION MEETING

Thursday, October 15, 2009

PLANNING COMMISSION STUDY/WORK SESSION

Present: Chairman John Bilton, Commission members Steve Andersen, Rick Draper, Randy Hillier, Jim Young, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey. Commissioners Craig Kartchner and Michael Wagstaff were excused.

Chairman Bilton began the work session at 6:30 p.m.

(Agenda Item #8) – Technology Associates – (Public Hearing) – Applicant is requesting approval of a site plan and conditional use permit on behalf of Verizon Wireless for the placement of a 60-foot wireless telecommunications tower and associated ground equipment on property located at 286 South 200 East (Farmington Police Station) (SP-2-09).

Chairman Bilton requested that this item be discussed prior to the other agenda items and asked Glenn Symes to provide some details. Mr. Symes said he was not able to contact the City Attorney prior to this meeting. He said neighbors in the surrounding areas received notice of this item and several of those who live on the south and west expressed their objections to the proposal. Various concerns discussed by the Planning Commission included:

- View shed corridors
- Legal concerns
- Verizon's conditional use permit—difficult for City to deny
- Health, safety and general welfare of Farmington's residents
- \$8,000-\$10,000 to the City per year for 15-20 years
- 60-foot height limit in the current code
- Long-term health effects
- Other possible sites

(Agenda Item #3) – BHD Architects – (Public Hearing) – Applicant is requesting a recommendation for a minor subdivision and associated plat amendment for a lot split on Lot 237 which is owned by the LDS Church in the Hunter's Creek Subdivision located at approximately 900 North Foxhunter Drive (S-10-09).

Mr. Symes said the applicant's request is to amend Lot 237 and Note 6 on the Hunters Creek Phase 2 Subdivision plat. They would like to subdivide the lot on which the LDS Church was built and then sell the extra area as a residential lot. The LDS Church owns Lots 237 and 238 and would like to sell Lot 238 with the proposed Lot 237B; however a note on the plat states that Lot 238 would be dedicated for a road at some time in the future. This note must be amended if the current owner wishes to sell the property. The Commission had a brief discussion, and David Petersen suggested that they expand the motion to include Lot 238 and to label it Parcel A.

(Agenda Item #4) – DAI – Applicant is requesting a recommendation of approval for a Final Plat for 23 lots for the Grove (formerly Palmer Estates) PUD located at approximately 525 North Main Street (S-17-06).

Mr. Symes said DAI has been able to complete most of the required issues regarding the Grove PUD. One of the most important issues was a confirmation from the Farmington City Fire Chief, **Larry Gregory**. He and **Mayor Harbertson** went to the Grove to view the measurements and proposals, and they have both given their approval.

(Agenda Item #5) – Gardner Company – Applicant is requesting a recommendation for a proposed plat amendment to the Village at Old Farm residential Phase 2 plat consisting of 69 lots located at approximately 1600 North Main Street. The amendment is proposed to adjust the shape of the building pad shown for each home site and is not intended to amend the total number of units on the plat (S-11-09).

Mr. Symes said this is a request to adjust the shape of some of the building lots in this development. The lots will change to a more conducive rectangular shape. They will record this plat and then make amendments. He confirmed that they will still be required to abide by setback and other guidelines, but this change will give them more flexibility.

(Agenda Item #6) – Farmington City (Public Hearing) – Applicant is requesting a recommendation for a zone change on property, or a portion of property, located at 150 South 200 West (the Farmington Junior High site, from LR (Large Residential) to BP (Business Park) to accommodate the relocation of a billboard (Z-3-09).

David Petersen referred to the zoning map in the staff report. He reminded the Commission that this billboard will be moved to the south of its current location, and the area needs to be rezoned from LR to BP. He said it is consistent with the general plan, and the City Attorney recommends a size of approximately one-half acre with a width of 100 feet.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman John Bilton, Commission members Steve Andersen, Rick Draper, Randy Hillier, and Jim Young, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey. Commissioners Craig Kartchner and Michael Wagstaff were excused.

Chairman Bilton opened the meeting at 7:05 p.m. and offered the invocation.

Approval of Minutes - (Agenda Item #1)

Motion

Rick Draper made a motion that the Planning Commission approve the minutes of the September 24, 2009 meeting. **Randy Hillier** seconded the motion, and it was approved by Commission member **Jim Young**. **Steve Andersen** abstained because he was not in attendance.

City Council Report - (Agenda Item #2)

Glenn Symes reported on the City Council meeting held October 6, 2009:

- Item #5 regarding security bonds was discussed with the City Attorney and will be reviewed tonight and by the City Council on Tuesday, October 20, 2009.
- Item #6 regarding temporary boutiques in model homes was approved by the Council.
- Item #7, the urban forestry ordinance, was approved by the Council.
- Item #8, the preliminary and final master plan for the Grove PUD with 23 units was reviewed, and the final plat will be discussed tonight and by the Council at their next meeting.
- Item #9, final plat approval for Rice Farms Estates Phase 5 and amendments to lots 401 and 408 of Phase 4 was also approved by the City Council.

BHD Architects – (Public Hearing) – Applicant is requesting a recommendation for a minor subdivision and associated plat amendment for a lot split on Lot 237 which is owned by the LDS Church in the Hunter’s Creek Subdivision located at approximately 900 North Foxhunter Drive (S-10-09). (Agenda Item #3)

Background Information

Glenn Symes displayed the original Hunter’s Creek Subdivision plat and explained that the LDS Church owns Lots 237 and 238. The Church did not use as much of the property as they had anticipated, and would like to sell it as a buildable lot in the neighborhood. However, a note recorded on the plat specifies: “Lot 238 shall be a nonconforming lot which cannot be built upon, and it shall be retained by the Church of Jesus Christ of Latter-Day Saints as an open space lot and utilized as right-of-way when needed for the planned road extension (950 North).” To accomplish the Church’s desire to sell this lot, all of lot 237 needs to be vacated, along with note #6, and an amended note will be recorded with the new subdivision plat which will allow the Church or future owner to sell it. He also said the Commission decided in the work session to vacate Lot 238 along with Lot 237 from the original subdivision plat and to label it as Parcel A.

Public Hearing Opened

Chairman Bilton opened the public hearing at 7:10 p.m.

Rulon King owns the property just to the north of this subdivision and asked where the entrance to Lot 237 would be located and if Lot 238 would be included in the sale.

Mr. Symes pointed out where the access would be on the new lot and said Lot 238 would be included in the sale. He said the proposed lot would be approximately one acre in size but would not have enough frontage property to have two lots.

Public Hearing Closed

The public hearing was closed at 7:15 p.m.

Mr. Symes explained that no zoning change was necessary and that Woodside Homes is still acting as the HOA.

Motion

Steve Andersen made a motion that the Planning Commission recommend to the City Council approval of the minor subdivision of Lot 237 and Lot 238 of the Hunters Creek Phase 2 Subdivision with the associated plat amendment vacating Lots 237 and 238 and note 6 of the Hunters Creek Phase 2 Subdivision with the following conditions:

1. Note 6 of the Hunters Creek Phase 2 Subdivision be placed on the new subdivision plat with the proper wording changes allowing the LDS Church to sell Lot 238 of the Hunters Creek Phase 2 Subdivision plat.
2. The applicant continues to work with City staff to finalize and record an amended plat for the minor subdivision of Lot 237 and 238 of the Hunters Creek Phase 2 Subdivision.
3. Lot 238 will be identified as Parcel “A”.

Jim Young seconded the motion, and it was unanimously approved.

Findings for Approval

1. The proposed lot split is consistent with the minimum lot requirements set forth in the AE Zone and within the Hunters Creek Subdivision.
2. The existing church site meets all necessary lot size and open space requirements after the minor subdivision is recorded.
3. The newly created residential lot does not place the Hunters Creek Subdivision over the maximum number of units permitted under original approvals.

DAI – Applicant is requesting a recommendation of approval for a Final Plat for 23 lots for the Grove (formerly Palmer Estates) PUD located at approximately 525 North Main Street (S-17-06). (Agenda Item #4)

Background Information

Glenn Symes gave a brief update of this item. He referred to the 23-lot configuration and said staff feels comfortable with the efforts DAI has made to satisfy the concerns of the Commission.

Motion

Steve Andersen made a motion that the Planning Commission recommend to the City Council the approval of a Final Plat for The Grove at Farmington Creek located at approximately 100 West 600 North, with the following conditions:

1. The applicant shall comply with all requirements of the Planning Department, Engineering and all utilities regarding the Final Plat requirements.

2. The applicant shall continue to work with the City's Fire Chief to secure approval for the design of the proposed road and access system.
3. The applicant continues to work with the City's Historic Preservation Commission to establish appropriate regulations in the HOA's CC&Rs for the maintenance and protection of the Hector C. Haight House located on the property.
4. The applicant shall comply with all requirements of the Planning Department, Engineering and all utilities regarding any outstanding issues related to the PUD Master Plan.
5. All conditions of approval from previous approvals and the Preliminary and Final PUD Master Plan shall be conditions of approval on this application.
6. The total number of lots approved shall be limited to 23, and any further amendment to increase the number shall require a Master Plan Amendment approval.

Randy Hillier seconded the motion, and it was unanimously approved.

Findings for Approval

1. The Final Plat is consistent with the approved Master Plan for 23 units.
2. The Final Plat adequately shows all easements for the protection of open space, drive accesses, detention basins and land drains.
3. The Final Plat provides proper access for the Palmer property and all other lots within the development.

Gardner Company – Applicant is requesting a recommendation for a proposed plat amendment to the Village at Old Farm residential Phase 2 plat consisting of 69 lots located at approximately 1600 North Main Street. The amendment is proposed to adjust the shape of the building pad shown for each home site and is not intended to amend the total number of units on the plat (S-11-09). (Agenda Item #5)

Background Information

Glenn Symes presented information regarding this item and specified that there were no changes in the number of units or in the location of the units, but the request is to amend the shape of the building pads.

Motion

Randy Hillier made a motion that the Planning Commission recommend to the City Council approval of an amended plat for the Village at Old Farm PUD Residential Phase 2 subdivision with the following conditions:

1. All conditions of approval from any previous approval shall be placed as conditions of approval on this application.
2. The applicant continues to work with staff to finalize and record the Village at Old Farm PUD Phase 2 Amended subdivision plat.
3. The applicant must receive approval from the Farmington City Council for the plat amendment and any amendments to the development agreement that may be associated with the plat amendment.

Steve Andersen seconded the motion, and it was unanimously approved.

Findings for Approval

1. The amendments are minor changes to the shape of the individual building pads on the original plat and do not constitute a significant change to the Master Plan.
2. The overall number of residential units does not change with the plat amendment.
3. There are no changes proposed to the type of residential units recorded with the original plat.

Farmington City - (Public Hearing) – Applicant is requesting a recommendation for a zone change on property, or a portion of property, located at 150 South 200 West (the Farmington Junior High site, from LR (Large Residential) to BP (Business Park) to accommodate the relocation of a billboard (Z-3-09). (Agenda Item #6)

Background Information

David Petersen presented information regarding this item and said the billboard will be relocated to the south of its current location. According to state law it cannot be located in a residential zone; therefore, the property needs to be rezoned from residential to commercial. It will be approximately one half acre in size which staff feels is a reasonable size. As a comparison, he said the Lagoon billboard site is 35,000 square feet, and this billboard site will be significantly smaller at 21,780 square feet.

Public Hearing Opened

Chairman Bilton opened the public hearing at 7:30 p.m.

Robert Arbuckle, 145 East Paracle Circle, Farmington, asked how the City would benefit from this proposal.

Mr. Petersen replied that this had been a long process. He said the City anticipates a request for a six-lot subdivision north of Farmington Jr. High some time in the future. YESCO requested that their billboard of 28 feet be raised to 70 feet, and the City could not prevent them from doing that because the height of billboards in Utah is determined by the state legislature and not by local communities. This billboard has a fully lit 620-square foot face. After long negotiations with YESCO, a compromise of 45 feet was agreed upon. Mr. Petersen said it is a win-win situation for the applicant and the City because the billboard will be moved away from the potential residential subdivision and will benefit YESCO because it will be located further south where the State Street overpass is no longer a significant obstruction to the billboard.

Public Hearing Closed

The public hearing was closed at 7:40 p.m.

Motion

Rick Draper made a motion that the Planning Commission recommend that the City Council rezone a portion of the School District property from LR to BP, whereby the square footage of the area and dimensions of such portion shall reasonably match the size equal to the coverage area of the relocated billboard. The size will equal approximately the minimum lot size of one-half acre, and the billboard will be centered within the newly zoned area. The precise area and dimensions will be determined by City Staff after the exact location of the billboard is identified. **Steve Andersen** seconded the motion, and it was unanimously approved.

Findings for Approval

1. The proposed rezone is consistent with the Planning Commission's decision to grant a special exception to YESCO to relocate a billboard.
2. The action is in harmony with the City Council's letter of agreement with YESCO.
3. Pursuant to state law, billboards must be relocated to commercially zoned areas; and
4. The BP zone is consistent with the Farmington General Plan which designates the future land use of the area as Office/Business Park.

Farmington City – Applicant is requesting a recommendation on a proposed amendment to the City's Subdivision Ordinance regarding security bonds. The proposed amendment is specific to when a required security bond must be posted 9ZT-5-09). (Agenda Item #7)

Background Information

Mr. Symes said developers are not required to post a bond before they begin the installation of public improvements; however, this change in the Ordinance would require them to post a bond prior to any work being done. He said the City has had problems with this issue in the past with projects that are not completed in a timely manner, and the City is left with unfinished infrastructure. He said in the previous meeting the Commission asked staff to review the proposal with City Attorney **Todd Godfrey** and to ask for his opinion regarding bonding for private improvements. The Attorney gave his approval of the wording and said that while there was potential for the City to require bonds for private property, he did not feel an urgency to require them at this time.

Rick Draper suggested that bonding for private improvements should be discussed at some point in the future and said he has worked with many municipalities who require bonding for private property. He said the City has a vested interest in seeing these developments completed in a timely manner.

Motion

Jim Young made a motion that the Planning Commission recommend approval of the proposed amendments to the City's Subdivision Ordinance, Title 12 of the City Code, to the City Council. **Rick Draper** seconded the motion, and it was unanimously approved.

Findings for Approval

1. The proposed amendment would require a developer to post a required bond prior to work on any improvements.
2. The posted bond would give the City the opportunity to finish work that is to be dedicated to the City in the event a project stalls;
3. The proposed amendment would incentivize a developer to begin work on improvements only when such improvements will be completed;
4. The proposed amendment separates the bond process from the plat recordation process and relates it to the actual improvements to be installed.

Technology Associates – (Public Hearing) – Applicant is requesting approval of a site plan and conditional use permit on behalf of Verizon Wireless for the placement of a 60-foot wireless telecommunications tower and associated ground equipment on property located at 286 South 200 East (Farmington Police Station) (SP-2-09). (Agenda Item #8)

Background Information

Glenn Symes made a presentation regarding this item and said the proposed location is near the new Farmington City Police Station and Woodland Park. He pointed out the adjacent property lines and landmarks and said the location is currently zoned LR. The Farmington City ordinance for wireless telecommunication facilities, §11-28-190, states: “The facility will be no higher than 60 feet and cannot be closer than 200 feet to a residential zone.” He emphasized that the standards of a conditional use permit will be required as well. He listed four other telecommunication facilities in Farmington:

- Farmington Junior High: approved for 120 feet
- Knowlton Elementary: approved for 100 feet
- Clark Lane and Park Lane: 80-100 feet high
- Davis County Facility: 80-100 feet high

Public Hearing Opened

Chairman Bilton opened the public hearing at 7:45 p.m.

Robert Arbuckle, 145 East Paracle Circle, Farmington, said he and his wife own property to the south of the proposed site. He asked why the City would be willing to grant this request and what their compensation would be. When **Mr. Symes** answered that it would be \$8,000-\$10,000 per year, he questioned why the City would sell their Park and the residential ambience of Farmington for \$8,000-\$10,000 per year. He also asked if any alternative sites were being considered and said he thought approval had been given for a cell phone tower near the Monte Vista School and on Canyon Road. He said Verizon needed to provide two things: (a) multiple site possibilities, (b) significant holes in their coverage, and he suggested that Verizon attach to existing towers. He believes property values in the area and his wife’s beehives would be negatively affected.

John Green, 303 South 200 East, Farmington, lives to the east of this proposed site, and he would be looking at this cell tower every day of the year. He said his son lives in Ohio, and the solution there is that every cell tower is required to resemble a pine tree. He said there is nothing desirable about

cell towers, and he and his neighbors are against this proposal and feel it would negatively affect their property values. He asked Verizon to address the additional costs that would be involved in making this a more aesthetic tower.

Gary Litster, 112 East 200 South, Farmington, said he lives directly below the police station and east of **Brent Bishop**, and he was not notified of this hearing. He said he did not have a problem with the police station being built at this location, but he did not realize how much light would be associated--his entire back yard is lit up at night. He does not want additional light from a cell tower, and he is against this proposal. He asked the Commission to consider all of the relevant issues.

Maryann Faucet, 228 East 350 South, Farmington, lives on the east side of 200 East and agrees with the letter from **Brent Bishop**. She has a contract with Verizon, has no problem getting service, and does not want a cell phone tower to be installed in this location.

Doug Kofford, representative from Verizon, addressed some of the comments made by the residents. He said he has lived in various cities around the country, and the proposed fees for this tower are very low. He said the findings of a study done in Seattle showed no impact on property values. He stressed that coverage may be fine for Verizon users currently, but with all the improvements and new electronic devices, there will be a demand for additional coverage. He said land lines are almost obsolete. He knows that towers are not the most pleasant thing to look at, but residents adapt to them. He requested that the City mitigate the light at the police station. He said he has never heard of cell phone towers causing trouble for beehives. They have looked at other areas, including downtown Farmington, but there were no other viable options. He said Verizon is moving into a new phase next year which will increase the demand for additional coverage.

Public Hearing Closed

The public hearing was closed at 8:05 p.m., and **Chairman Bilton** asked for comments and/or questions from the Commission. Following a lengthy discussion, the Commission requested that the applicant address the following issues:

- Float a balloon at 60-feet to reflect the proposed height
- Photographs of towers disguised as trees
- Other possible sites and show significant holes in coverage
- Due diligence
- Residents informed
- Proposed location adjacent to one of Farmington's premier parks
- Independent analysis of impact on honey bees
- Property values

Motion

Steve Andersen made a motion that the Planning Commission continue this item for four weeks to allow time for the applicant to address the suggested issues regarding this request. **Randy Hillier** seconded the motion, and it was unanimously approved.

ADJOURNMENT

Motion

Steve Andersen made a motion to adjourn the meeting. **Rick Draper** seconded the motion, it was unanimously approved, and the meeting was adjourned at 8:50 p.m.

John Bilton, Chairman
Farmington City Planning Commission