

**FARMINGTON CITY
PLANNING COMMISSION MEETING
September 15, 2011**

STUDY SESSION

***Present:** Chairman Randy Hillier, Vice Chairman Jim Young, Commission Members Steven Andersen, Rick Draper, Nelsen Michaelson, Michael Nilson, and Michael Wagstaff, Alternate Commission Members Brett Anderson and Kris Kaufman, Community Development Director David Petersen, Associate City Planner Christy Alexander and Recording Secretary Cynthia DeCoursey*

Chairman Hillier began the work session at 6:05 p.m. and the following items were reviewed:

#1 – Minutes

Following a brief discussion, the Commission requested that the Recording Secretary provide additional details regarding the Hampton Inn fencing issue which was discussed during the August 25, 2011 meeting.

#3 – James Mason – Applicant is requesting a recommendation of approval for a Plat Amendment for the Village at Old Farm PUD Phase 1 Subdivision encompassing .513 acres and consisting of 2 lots located at approximately 1499 & 1503 North Main Street in an NMU zone. (S-11-11)

City staff recommended approval of this request.

#4 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend the City’s General Plan by re-designating all of those areas north of Shepard Creek, west of I-15, south of Shepard Lane, and east of the UTA rails to trails right-of-way identified as “Transportation Mixed Use” (TMU) and “Low Density Residential” (LDR) and “Medium Density Residential” (MDR) to “Class A Business Park” (CA/BP); and rezoning these same areas from RMU (Residential Mixed Use) and LR (Large Residential) and R-4 to OMU (Office Mixed Use). (Z-1-11)

Background information was provided, and the proposed amendments were discussed.

#5 – Lawson Landscaping, LLC – Applicant is requesting approval for a conditional use permit for a home occupation on property located at 215 East 300 North in an OTR-F zone. (C-13-11) (Continued from 8-25-11)

Staff reported that the applicant has addressed the issues which were raised at the August 25th meeting.

#6 – Verizon Wireless – (Public Hearing) – Applicant is requesting approval for a conditional use permit/site plan for a 60-foot monopole telecommunications tower on property located at approximately 280 South 200 East in an LR zone. (C-16-11)

The City Council approved Verizon’s request to lease the property on which the facility and pole will be located, and Verizon has complied with all of the previous requests made by the Commission and the Council.

#7 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation of approval for several text amendments to the Zoning Ordinance. (ZT-1-11)

David Petersen suggested that the Commission review this item directly following the review of Item #4 because they are closely related.

REGULAR SESSION

Present: *Chairman Randy Hillier, Vice Chairman Jim Young, Commission Members Steven Andersen, Rick Draper, Nelsen Michaelson, Michael Nilson, and Michael Wagstaff, Community Development Director David Petersen, Associate City Planner Christy Alexander, and Recording Secretary Cynthia DeCoursey*

Chairman Hillier began the work session at 7:05 p.m. and welcomed those in attendance. **Michael Nilson** offered the invocation.

Motion

Jim Young made a motion to review Agenda Item #7 directly following Agenda Item #4. The motion was seconded by **Michael Wagstaff** and approved by Commission Members **Andersen, Draper, Hillier, Michaelson, Nilson, Wagstaff, and Young**.

#1 – Minutes

Additional information was requested regarding the Hampton Inn fencing issue, and the amended minutes will return for approval during the next meeting.

#2 – City Council Report

David Petersen reported that the City Council approved the Final Plat for the Farmington Crossing North Phase 5 Subdivision following a recommendation of approval from the Planning Commission.

SUBDIVISION APPLICATION

#3 – James Mason – Applicant is requesting a recommendation of approval for a Plat Amendment for the Village at Old Farm PUD Phase 1 Subdivision encompassing .513 acres and consisting of 2 lots located at approximately 1499 & 1503 North Main Street in an NMU zone. (S-11-11)

Christy Alexander said the applicant would like to consolidate two parcels which previously were the entire Village at Old Farm PUD Phase 1 with a portion of Parcel E in the Village at Old Farm PUD Phase 3. The property will be divided in two, and a shared access easement will be placed on the driveway.

Motion

Nelsen Michaelson made a motion to recommend that the City Council amend Phase 1 of the Village at Old Farm Subdivision as requested. The motion was seconded by **Michael Wagstaff** and approved by Commission Members **Andersen, Draper, Hillier, Michaelson, Nilson, Wagstaff, and Young**.

Findings:

1. Elimination of a common area, by dividing the property in two, will remove conflicts and access issues in the rear of the homes.
2. The new plan provides greater ease in the sale and ownership of both lots.

GENERAL PLAN & ZONING AMENDMENT APPLICATION

#4 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend the City’s General Plan by re-designating all of those areas north of Shepard Creek, west of I-15, south of Shepard Lane,

and east of the UTA rails to trails right-of-way identified as “Transportation Mixed Use” (TMU) and “Low Density Residential” (LDR) and “Medium Density Residential” (MDR) to “Class A Business Park” (CA/BP); and rezoning these same areas from RMU (Residential Mixed Use), LR (Large Residential), and R-4 to OMU (Office Mixed Use). (Z-1-11)

David Petersen said the City Council enacted temporary zoning regulations on April 28, 2011 to explore the possibility of amending the General Plan and rezoning property in this mixed use area. City staff met with and received input from office park and housing developers, real estate professionals, affected property owners and other stakeholders. He pointed out the areas on the General Plan map which would be designated as “Class A Business Park” (CA/BP) and the proposed rezoning of the same areas. The City Council has planned for years to create a business park which will provide a daytime population for Station Park and reduce vehicle miles traveled in Davis County because of additional job creation in Farmington. This area is the only vacant property of this size located near a major interchange in Davis County, and open space designations along Shepard Creek are consistent with what has been done in the past.

Public Hearing

Chairman Hillier opened the public hearing at 7:25 p.m.

Larry W. Haugen, 94 East 500 North, owns property on Burke Lane and agrees with the removal of the R-4 zoning in the area because the density is too high. He advised the City to be patient and not move forward too quickly regarding the office park. He asked about the height of the commercial buildings in the office park area, and **Mr. Petersen** said the plan calls for four stories on local streets and six on collector streets. He questioned whether the business park would require less sewer facilities than residential zones. He does not agree with changing the designation below the stream, and he is concerned about mixed-use residential zoning.

Mike Romney, 1451 Burke Lane, built his home on two acres of property 30 years ago. The property was zoned rural residential and was owned by the County, and three other homes were built in the same area. He said that past City Councils and Mayors of Farmington have promised to have a buffering zone around the four homes. He realizes that progress needs to happen, but it will be almost impossible for them to recover what they have invested in their properties. He has been trying to sell his home for the past 5 years, but no one is interested in living there, and developers are only interested in purchasing the land—not the homes. He supports the proposal, but he asked the Commission to consider the difficult situation of the homeowners. He does not know what the answer is, but he asked for a buffering zone around their homes.

Kyle Stowell, 1764 Burke Lane, lives on an acre of land in this area, and he and his neighbors have horses, cows, and chickens and enjoy a rural lifestyle. He agreed with the comments made by **Mike Romney** and asked for some type of buffering between buildings and his property. He believes a four-story building will devalue his property, and he asked the Commission to consider their dilemma.

Judd Lawrence, Bingham Engineering, 5225 Wiley Post Way, Salt Lake City, represents the owners of the old Woodside property who live out of state and did not participate in the previous meetings. He commented that the open space area on the map looked too wide. He said the owners were invited to each stakeholder meeting and were notified regarding this meeting. The owners felt they were not given sufficient time to review the proposal, and they would like to submit written comments prior to a decision by the Commission.

Jerry Cook, 631 Pheasant Way, Centerville, asked for a clarification. He was informed by staff at the stakeholder’s meeting that the zoning line (where the new road ties into Burke Lane) would follow the creek, but now it appears that is not the case.

David Petersen said he will verify the width of the open space and explained that during the stakeholders' meeting, City staff forgot about the City's policy which requires an open space corridor surrounding creeks in the City. He referred to similar open space corridors on each of the creeks located in Farmington and said the open space plans are consistent with what has been done in the past. He also explained that the General Plan is a policy which offers ideas of where the City wants to go, and it is not intended to follow property lines.

Jim Young suggested leaving the public hearing open until the next Commission meeting to allow further study and discussion of this important item. There was discussion regarding appropriate buffers for the residential properties located in the middle of this area, allowing comments from affected property owners who did not respond to the other opportunities, property owners to the west (and outside) of the proposed zoning, and the extension of the public hearing.

David Petersen said a previous notice was sent to the affected property owners and included details of the entire proposal with four maps and the four text amendments. Another public hearing will be held in October during the City Council meeting, and notices will be sent out for that meeting also. Letters from the Evans and Cooks were included in the staff report. He reminded the Commission that this proposal is a critical piece of Farmington's goal to create jobs, use tax dollars well, and live within its means.

Motion

Steven Andersen made a motion to continue the public hearing until the next Planning Commission meeting on September 29, 2011 to allow additional time for input from affected property owners and to determine if some type of buffer can be provided for residents who live in the center of this area. Comments from affected property owners must be received by City staff on or before Thursday, September 22, 2011. The motion was seconded by **Jim Young** and approved by Commission Members **Andersen, Draper, Hillier, Michaelson, Nilson, Wagstaff, and Young**.

#7 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation of approval for several text amendments to the Zoning Ordinance. (ZT-1-11)

David Petersen said the City Attorney suggested that the Commission reconsider the zoning text amendments which include:

1. clarifying the term "Medium-density residential" in TMU zones (11-18-105);
2. restricting high density residential uses in the OMU zone (11-18-105);
3. modifying building height and open space standards in all TMU zones (11-18-106(2));
4. providing expiration standards in TMU zones for development plans (11-18-107) and Project Master Plans (11-18-108).

Public Hearing

Chairman Hillier opened the public hearing at 8:05 p.m.

Judd Lawrence, Bingham Engineering, 5225 Wiley Post Way, Salt Lake City, said the property owners he represents did not have sufficient time to respond to this proposal for amending the zoning text in the OMU zone. **David Petersen** stated again that they were given two chances prior to respond to this item.

The Commission briefly discussed whether or not to allow additional time for public comments and decided to move forward with approval of the zone text amendments. The public hearing was closed at 8:07 p.m.

Motion

Rick Draper made a motion to recommend approval of the proposed amendments to the Zoning Ordinance as set forth in the September 15, 2011 staff report. The motion was seconded by **Steven Andersen** and approved by Commission Members **Andersen, Draper, Hillier, Michaelson, Nilson, Wagstaff, and Young.**

Findings for Approval

1. Large buildings with several dwelling units (more than six) are not compatible with the medium density residential designation in mixed use zones;
2. The Office Mixed Use area is primarily for office and commercial uses. Large high density housing projects are a primary use and should not be permitted in OMU areas;
3. The two-story height and greater open space requirements are more compatible with the purposes of the RMU zone;
4. Economic environments change and often futures are uncertain. Development plan and PMP approvals in the mixed use zone should have standards related to expiration for such approvals.

CONDITIONAL USE APPLICATIONS

#5 – Lawson Landscaping, LLC – Applicant is requesting approval for a conditional use permit for a home occupation on property located at 215 East 300 North in an OTR-F zone. (C-13-11) (Continued from 8-25-11)

Christy Alexander presented information regarding this request—staff feels it is necessary for **Jake Lawson** to apply for and receive a lot line adjustment incorporating the portion of **Ardella Lawson’s** property used for storage into **Jake Lawson’s** parcel. The applicant met with staff to address other concerns discussed during the August 25, 2011 public hearing and to comply with the conditions of the zoning ordinance.

Jake Lawson, 215 East 300 North, met with staff to discuss the property line issue. He spoke with his attorney who said a lot line adjustment does not apply in this case—he would be required to purchase the property. The rights to the property can be signed over, and that is what has been done. He is unable to purchase the property at the current time. It is not his intent to be there for several years—he plans to relocate the business in the next few years.

Christy Alexander read from the City Code: “Only family members related by blood, marriage, or adoption who are bona fide residents of the dwelling unit shall be employed on said premises except that one additional person may be employed as a secretary, computer operator or helper or there are no more than five family members engaged in the Home Occupation.” **Mr. Lawson** said there is no dwelling unit on the lot.

Michael Wagstaff pointed out that this issue hinges on the wording “said premise”. “Said premise” does not mean “in the building”. The intent behind a home occupation is not to limit the activity to a house, and as the Commission applies this law, **Mr. Lawson’s** property rights need to be considered. **David Petersen** agreed and referred to another case which was similar in nature and which used two separate legal descriptions. He offered to speak with **Mr. Lawson’s** father and work out a way to accommodate the request. There was further discussion regarding home occupations in Farmington.

Michael Nilson did not attend the previous meeting and asked **Mr. Lawson** why the business could not be located on his own property. He said he does not have sufficient room on his own lot, and the extra space is used for tree storage. **Mr. Nilson** expressed concern that a business zone was being created in the middle of a residential zone.

Motion

Michael Wagstaff made a motion to approve a conditional use permit for a home occupation landscaping business at 215 East 300 North allowing the storage of trees and vehicles outside the home with the following conditions:

1. The applicant works with the City to obtain all necessary business license permits;
2. The business operation times and days are limited to that which the applicant indicated with the application;
3. The applicant implements landscaping, within 30 days of the issuance of a business license, onsite as shown on the attached site plan and maintains the landscaping to ensure proper storm water drainage and that no erosion occurs into the streetscape;
4. The applicant maintains a landscaping buffer to shield the visibility of tree and vehicle storage from the street;
5. Loading of vehicles will not occur near the sidewalk nor block pedestrian traffic;
6. Landscaping vehicles will not be allowed to park on the street;
7. The applicant must apply for and receive a lot line adjustment adding the storage portion of Ardella Lawson's property to his parcel before obtaining a business license permit;
8. The size of vehicles used in conjunction with this home occupation shall not exceed one (1) ton rated capacity;
9. The home occupation shall not generate substantially greater vehicular traffic than commonly associated with residential activities in the neighborhood in which it is located.
10. This permit will be valid for two years, at which time the permit will be reviewed. If the property is sold by the applicant, the conditional use permit will expire.

The motion was seconded by **Rick Draper** and approved by Commission Members **Andersen, Draper, Hillier, Michaelson, Wagstaff,** and **Young**. Commission Member **Nilson** did not approve the motion.

Findings for Approval

1. The proposed use is desirable to provide a community service that will contribute to the general well-being of the community by providing local jobs and exceptional landscaping services on a local level.
2. The proposed use complies with the regulations and conditions in the Farmington City Zoning Ordinance.
3. The proposed use complies with the City's General Plan by complying with the Zoning Ordinances set forth to carry out the General Plan.
4. The proposed use is compatible with the character of the site and surrounding neighborhood as the landscaping storage would be set back from the street, properly shielded, and would not impact the residential nature of the area.
5. Adequate services are available for the operation of the landscaping business and with the storage on site and limited operation hours, parking and access will not be significantly impacted.
6. The use is not detrimental to the health, safety and general welfare of persons residing in the vicinity and will not cause unreasonable risks, will not interfere with the lawful use of surrounding properties and will not create a need for essential services which cannot be reasonably met.

#6 – Verizon Wireless – (Public Hearing) – Applicant is requesting approval for a conditional use permit/site plan for a 60-foot monopole telecommunications tower on property located at approximately 280 South 200 East in an LR zone. (C-16-11)

Christy Alexander explained that the proposed location for this 60-foot monopole is directly adjacent to the Woodland Park restroom facility which is southwest of the Police Station. The cell tower will be camouflaged with a fake evergreen exterior to screen the monopole from traffic on 200 East and blend in with the Park, and an accessory building will be built adjacent to the monopole to house ground equipment. The City Council approved a request from Verizon to lease the property on which the pole will be located.

Public Hearing

Chairman Hillier opened the public hearing at 8:25 p.m.

Doug Kofford, 9847 South 500 West, Sandy, is a consultant for Verizon. He said this process was started a year and a half ago, but the site was pulled for a time because of budget cuts. He said the installation of this new tower will help fill the gap in coverage.

Bob Arbuckle, 145 E. Paracle Circle, lives directly south of the police station, and is against the proposal. He asked the City if they had a master plan for cell towers and what their rationale was for cell tower locations in the City. He wanted to know if Verizon looked at any site other than this location. He informed the City that they need to have an indemnification agreement and a bond. He said his wife has two beehives on their property, and she is worried about them because cell towers negatively affect the bees.

Justin Green, 303 South 200 East, representative for his father, **John Green**, said his father does not approve of the cell phone tower--mostly because of the appearance of the pole. He does not want to see the fake, ugly tree each morning. Woodland Park is used frequently, and a cell tower in the area is not the best choice.

Doug Kofford showed several pictures of other sites where the "tree" concept is used and explained the process of selecting sites for cell towers. Their engineers looked at six sites prior to deciding on this location. People do not like cell towers, but they like using their phones. Verizon has met the City's zoning codes, and the City will receive \$20,000 per year for the term of the lease which is 15 years. It takes at least 15 years for Verizon to earn back the money which was spent to build the cell tower. If the lease is terminated after 15 years, Verizon will remove the pole and restore the property minus wear and tear. They also carry \$2 million insurance coverage on the pole.

The Commission suggested the possibility of locating a balloon at the site which would help residents see the height of the proposed tower. They discussed the noticing area and the number of residents who were contacted. **Christy Alexander** said the noticing area was 500 feet, and approximately 90 residents were notified. The information was also posted on the City's website and the state website. When asked about the time frame for building the tower, **Mr. Kofford** explained that they would like to begin as soon as possible.

Noleen Arbuckle, 145 E. Paracle Circle, said the fake pine trees are hideous. They currently have no trouble with phone reception. She is one of several beekeepers in the area, and the bees are affected by the signals—they get confused and cannot get back to their hives.

The public hearing was closed at 9:05 p.m.

David Petersen said he took a youth group to various sites in Cache County, including Cox's Honey--they confirmed that the bee population has decreased, but it is not because of cell phone usage.

Motion

Michael Nilson made a motion to approve a conditional use permit for the placement of a 60' monopole wireless telecommunications tower and accessory building on property located at approximately 280 South 200 East with the following conditions:

1. A coverage plan site specific to the application shall be submitted and accepted by the Planning Commission prior to the processing of any permits for permitted or conditional use locations;
2. Any future poles to be located in the area shall require a separate conditional use permit;

3. A building permit shall be submitted for the construction of the monopole, initial antenna array, each additional co-location antenna array, associated ground equipment, and accessory building;
4. The monopole shall be limited to 60' as proposed in the plans;
5. The monopole shall be fenced with a six (6) foot vinyl coated chain-link fence;
6. There shall be no climbing pegs located on the lower twenty (20) feet of the monopole;
7. All power lines leading to the accessory building and antenna structure shall be underground;
8. The applicant must receive staff's approval of a landscaping plan for the accessory building as per the requirements of the zoning district in which it is located.

The motion was seconded by **Michael Wagstaff** and approved by Commission Members **Andersen, Draper, Michaelson, Nilson, Wagstaff**, and **Young**. **Chairman Hillier** voted against the motion and stated that additional information should have been provided to nearby residents.

Findings

1. 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.
2. 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 proposed facility and the adjacent buildings are not tall enough to provide an equivalent level of service.
3. Spacing between monopoles will not create quantifiable detrimental impacts to adjacent properties as this is the only telecommunications 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.
4. 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.
5. The proposed use complies with the regulations and conditions in the Farmington City ordinance for such use.
6. The proposed use conforms to the goals, policies and governing principles of the Comprehensive General Plan for Farmington City.
7. The proposed use is compatible with the character of the site adjacent properties, surrounding neighborhoods, and other existing and proposed development.
8. 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.

ZONING TEXT CHANGES

#8 – Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend the City's Zoning Ordinance by establishing additional criteria for special exceptions regarding historic buildings and enacting a definition for "adaptive reuse." (ZT-2-11)

David Petersen reported that a resident approached him a few days following the August 25, 2011 Commission meeting and expressed opposition in the neighborhood to the City's proposal of creating a duplex in a home owned by Lagoon. City staff decided to hold a neighborhood meeting, and six residents were invited. The majority supported a single-family home but not a duplex at this site. As staff tried to find a way to accomplish a 2-family dwelling, they thought of tweaking the special exception ordinance. This was showed at the meeting the

citizens thought it was a good change regardless if the Lagoon home was preserved or not. Staff feels that this amendment to the zoning ordinance is a good thing for Farmington.

Public Hearing

Chairman Hillier opened the public hearing at 9:20 p.m.

Alyssa Revell, 208 W. State Street, Chairman of the Farmington City Historic Commission, loves adaptive reuse. It is a green way of recycling and using buildings over and over. Keep the historic nature of the building and area. They first thought the building would be drastically changed. On another matter, an application to create a national historic district on Main Street from Park Lane to 200 South (including this section of 100 North street) was recommended by City and state and the Historic Commission is awaiting word nationally. It won't just be one house that has historical protection—it will be the whole neighborhood.

The public hearing was closed at 9:25 p.m.

Motion

Steven Andersen made a motion to recommend approval of the proposed amendment to Section 11-3-045(1) enacting a new definition for adaptive reuses (Section 11-2-020(3)) as follows:

SECTION 11-3-045 Special Exceptions.

- (1) Purpose. A special exception is an activity or use incidental to or in addition to a principal use permitted in a zoning district or an adjustment to a fixed dimension standard permitted as an exception to the requirements of this Title or an adaptive reuse of a building or structure eligible, or that may be eligible, for the National Register of Historic Places so long as the adaptive reuse does not compromise such eligibility. A special exception has less potential impact than a conditional use but still requires careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site. This Section sets forth procedures for considering and approved special exceptions to the provisions of this Title.

11-2-10 Definitions.

- (3) Adaptive Reuse. Rehabilitation or renovation of existing building(s) or structure limited to residential and office use(s) other than the present use(s).

Motion

The motion was seconded by **Nelsen Michaelson** and approved by Commission Members **Andersen, Draper, Hillier, Michaelson, Nilson, Wagstaff, and Young.**

Findings:

- 1. The proposed amendment is reasonably necessary because there may be some historic buildings and structures now or in the future that cannot economically be restored and/or preserved with the existence of a viable adaptive reuse.
- 2. It is in the public interest because such actions will enhance and stabilize neighborhoods, foster civic pride, preserve Farmington's heritage and history, and continue to strengthen a sense of place and community.

3. The Farmington City General Plan is based on the overall goal of creating within the community a healthy, attractive, and pleasant living environment for its residents. This goal is the most significant element underlying the General Plan. The text amendments strongly support this goal.

OTHER BUSINESS

#9 – Miscellaneous

a. Planning Commission Policies and Procedures

Christy Alexander asked Commission members if they had reviewed the proposed amendments to the Planning Policies and Procedures document. Several members said they received a pdf file and they requested a word version of the file.

ADJOURNMENT

Motion

Steven Andersen made a motion to adjourn, and the meeting was adjourned at 9:30 p.m.

Randy Hillier, Chairman
Farmington City Planning Commission