

**FARMINGTON CITY
PLANNING COMMISSION MEETING
November 19, 2015**

STUDY SESSION

***Present:** Commissioners Brett Anderson, Heather Barnum, Bret Gallacher, Kent Hinckley and Alex Leeman, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Chair Rebecca Wayment and Commissioner Dan Rogers were excused.*

Item #1. Minutes

Kent Hinckley pointed out that he was not listed as "Present" under the Regular Session of the November 5, 2015 Planning Commission minutes. The notes will be amended to reflect the change.

Item #3. Nick Mingo/Ivory Development – Requesting Recommendation of Zoning Map and General Plan Amendment

Eric Anderson said during the last Planning Commission meeting, the Commission requested additional information on the subdivision, which included a request to see a traffic study, determine if the development can be serviced by sanitary sewer and culinary water and ensure the flood plain is in the correct location as stated on the applicant's plans. **Eric Anderson** said he included the executive summary, key findings and recommendations from the 86 page traffic study completed by a Traffic Engineer in the staff report. Based on the study, the original proposed development of 129 lots would result in minimal traffic. As for culinary water, the City Engineer submitted a letter stating there is enough water capacity to service the development. There is also a pump station near the proposed development for sanitary sewer. Also, the most recent yield plan shows the exact location of the flood plain which is exactly where it was located on the last proposal.

Eric Anderson said all previous issues were resolved; however, the applicant just changed the zone request for the development from the LR zone to AE. The applicant has not yet submitted the concept plan to staff for review so it has not been included in the staff report. He recommended the Commission table the item to allow time for review of the concept plan. **David Petersen** also said that since it was noticed as a public hearing, the Commission can continue the public hearing to allow for the public to make a comment on the concept plan once it has been submitted and reviewed.

Kent Hinckley asked what the applicant's rationale is behind amending his zone change request from LR to AE. **David Petersen** said he is unsure on the applicant's rationale; even with bonus density options, the applicant will still be 35 lots less than the previous yield plan for the LR zone provided. **Eric Anderson** said there are other AE zones in the vicinity; the applicant may feel requesting an AE zone is more palatable than requesting a residential zone as there are no other residential zones in the area. **Kent Hinckley** asked why the Planning Commission cares if there are other residential zones in the area. **David Petersen** said approving a residential zone in this area may establish a policy as no one has deviated from the General Plan for this area.

Eric Anderson also pointed out that it is not a matter of density that is in question, but if the Commission feels this is an appropriate area for residential versus light manufacturing and business use. **Heather Barnum** said that she is concerned that there is not another location for light industrial use

within the City, but **Bret Gallacher** pointed out that the property has not been selling as it is currently zoned anyways.

Eric Anderson also pointed out that shrinking the LM&B zone could affect the City's ability to allow for sexually oriented businesses (SOBs). **David Petersen** explained allowable distances of SOBs from residential areas. He also said based on court rulings, if a city does not designate a spot for SOBs then SOBs can go anywhere within the City. He said it is important to designate a spot for these businesses; the City determined LM&B is the designated spot for SOBs.

The Commissioners and staff further discussed SOBs and other concerns with amending the LM&B zone to a residential zone.

REGULAR SESSION

***Present:** Commissioners Brett Anderson, Heather Barnum, Bret Gallacher, Kent Hinckley and Alex Leeman, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Chair Rebecca Wayment and Commissioner Dan Rogers were excused.*

Item #1. Minutes

Heather Barnum made a motion to approve the Minutes from the November 5, 2015 Planning Commission meeting with the discussed amendment. **Bret Gallacher** seconded the motion which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from November 17, 2015 City Council meeting. He said after he reviewed the Planning Commission's logic behind the motion for the recommendation of approval for the Tami Russell PUD Overlay, the City Council better understood the decision and moved forward with its approval. **Eric Anderson** also added that the City Council expressed appreciation for the time and effort the Commission put into working through that item. **David Petersen** said Doug Cromar with CRS Engineering had concerns about the completion of the improvements on the opposite side of the road; he wanted clarification as to who the responsible party will be that complete those improvements. The City Manager said it will be discussed at a later date. **David Petersen** also said the Council held a public hearing regarding impact fees.

REZONE/GENERAL PLAN AMENDMENT APPLICATION

Item #3. Nick Mingo/Ivory Development (Public Hearing) – Applicant is requesting a recommendation of zoning map and general plan amendment for 56.68 acres of property located at 1269 South 650 West from an AE (Agriculture Estates) and LM&B (Large Manufacturing and Business) zone to an LR (Large Residential) zone and an LM (Light Manufacturing) to a LDR (Low Density Residential) designation. (Z-5-15)

Brett Anderson advised the public that what was noticed and presented to the Commission in the staff report is different (requesting zone designation LR) than what is being presented by the applicant at this time (requesting zone designation AE) He said the Commission would like to continue

the discussion to another time when staff and the Commission has had time to review the item; however, the Commission would like to review the applicant's past action items as a report to the public.

Eric Anderson said the applicant previously came before the Commission requesting the LR zone, but recently changed the application to request the AE zone. During the previous Planning Commission meeting, the item was tabled to allow the applicant time to obtain more information on the flood plain for the property, address potential traffic concerns and determine if this property can be serviced by sanitary sewer and culinary water. **Eric Anderson** said the applicant has provided updated flood plain lines which show the actual flood plain in the same place as originally shown by the applicant. The City Engineer wrote a letter saying the City has capacity to service culinary water at this site, and there is a lift station nearby for sewer. Jill with Central Davis Sewer District (CDS) said full plans are required before CDS will confirm the capacity for sanitary sewer to the subdivision. As for the traffic concerns, the City's Traffic Engineer provided a full traffic study which showed minimal traffic impact for this kind of development.

Eric Anderson said the request to the AE zone can be discussed in further detail at the next Planning Commission as a conceptual plan has not yet been submitted by the applicant for staff and Commission review.

Nick Mingo, 978 E. Woodoak Lane, Salt Lake City, said he feels **Eric Anderson** appropriately addressed all previous outstanding issues that he addressed since the last meeting; however, he does not understand what is being requested at this time. He said he feels the question that is before the Commission at this time is if the Commission feels a residential zone, like AE, is an appropriate land use or if they feel it should remain zoned LM&B. He said he submitted his yield plan which he feels could also act as his conceptual plan. He said he is willing to submit a concept plan if that's what the Commission wants. He said as it currently stands, amending his request to rezone the property from LR to AE will amend the yield plan from 129 to 79.

Brett Anderson asked the reason for changing the rezone request from LR to AE. **Nick Mingo** said during the last meeting, he was left with the impression that many felt residential was appropriate for this site; however, the current proposal was too dense. Amending the zone and decreasing the lots would be meeting the community's desire for the site.

Brett Anderson said historically, the Commission is reluctant to grant a zone text change until they know what will be on the land for that zone. He said the Commission prefers to have a full understanding as to what is being proposed. **Brett Anderson** said he also wants to give the public an opportunity to also know what the Commission is considering so they have another opportunity to voice their opinion on the plan that will be presented.

In reference to Nick Mingo's comment, **Kent Hinckley** also expressed concern that the bigger question is if the Commission feels this property is suitable for a residential zone as opposed to light manufacturing and business. He is also concerned that sending the applicant back to complete a concept plan is sending the message that the Commission feels this is suitable for residential. **Bret Gallacher** agreed in principle, but said that he feels it is difficult to put that into practice. He also does not want to send a message to the applicant if he does specific things, he will have the rezone to residential approved; however, he does not feel making a decision on the land use is appropriate until it is understood what the Commission may be accepting in its place.

Nick Mingo asked if the Commission has the option to deny the motion if they were not feeling that residential was even an option. The Commissioners agreed that denial is an option.

Heather Barnum said that she is not convinced that she feels this property should be rezoned from LM&B at this time. She feels there is not any harm in giving the property a few more years until it is determined if the City will need it at a later time. **Kent Hinckley** agreed; he expressed concern that he does not want it to appear that the request is being continued to only obtain a concept plan. He wants to ensure the applicant understands the determination of the rezone is still under question.

Motion:

Heather Barnum made a motion that the Planning Commission continue the public hearing to December 3, 2015 for staff to have adequate time to review the concept plan and make a more informed recommendation to the Planning Commission on the rezone and General Plan amendment applications. **Alex Leeman** seconded the motion which was unanimously approved.

CONTINUAL USE APPLICATION

Item #5. Nerf Garcia/Technology Associates on behalf of Verizon Wireless (Public Hearing) – Applicant is requesting conditional use permit approval to install a wireless tower facility on 3.68 acres of property located at approximately 340 West Park Lane in a C-R (Commercial Recreation) zone. (C-15-15)

Eric Anderson showed the aerial view of the proposed location for the tower facility. He said the property to the south is where Lagoon stores equipment and the property to the east is the Lagoon Annexation Building. He said the property is zoned C-R which is a zone specific for Lagoon. He said the only issue surrounding the approval of this item is a requirement in Section 11-28-190(f)(4) that states a monopole shall not be located within 200' of a residential zone. **Eric Anderson** showed the small LR area that is located within 100' of the proposed location for the tower. He said the Ordinance allows for the Planning Commission to reduce the setback requirements from a residential zone as found in Section 11-28-190(k)(5). **Eric Anderson** said he spoke with the nearby property owners; they are in favor of the proposed location for the tower. He said the tower is only proposing rays at the top; however, the monopole is equipped to allow for co-location in the future. He said the applicant will also provide Verizon's proprietary coverage plan.

Nefi Garcia, 5710 S. Grandview Dr. Murray, said the industry has dramatically changed as the majority of the market is being driven by smartphones and the use of data. The increase in data usage is requiring need for more sites. He said cell phones now also use VOLTE which means some phones are now equipped to handle voice calls over the LTE network. He said it's important to understand that although there are more sites going up, it does not ensure better voice quality but will mean more availability for data. He said currently the nearest Verizon cell site is on 1525 W by the S&S Train Park. With the City growing, there is a greater need for another site. He said he has met with the Nelson's which is the resident near the proposed site; they are comfortable with the location of the tower.

Heather Barnum asked about the previous pole that was recently approved for the Oakridge Country Club. **Nefi Garcia** said it was a small cell site; the proposed tower will be a normal cell site. He said the small cell sites provide a solution for a small area, like the country club. He said the proposed cell site will handle the coverage and data for Station Park up to Lagoon and down Main Street.

Brett Anderson asked if this cell site will look more like a light post as was proposed for the small cell site that was approved for the country club. **Nefi Garcia** said it will not look like a light post; it will look like a normal cell site.

The Commissioners and staff discussed setbacks for accessory buildings within the C-R zone. It was determined that Lagoon has an amusement ride setback of 100'; however, the accessory building on the applicant's proposed location meets that setback.

Alex Leeman asked if Verizon is the only carrier on this site. **Nefi Garcia** said for now, Verizon is the only carrier, but the site is designed to hold more in the future.

Heather Barnum asked if there are any health or safety risks associated with the cell site. **Nefi Garcia** said the FCC provides standards and regulates the amount of energy transmitted and the location of the rays on the pole to ensure it is safe for the public.

Brett Anderson opened the public hearing at 7:51 p.m.

No comments were received.

Brett Anderson closed the public hearing at 7:51 p.m.

The Commissioners were comfortable moving forward with a motion.

Motion:

Bret Gallacher made a motion that the Planning Commission approve a conditional use permit for the placement of a 120' monopole wireless telecommunications tower on property located at approximately 340 West Park Lane (Parcel ID 080880080) with the following conditions:

1. The applicant will need to locate the proposed facility a minimum of 100' from the LR (Large Residential) zone along with the west side of Main Street;
2. A coverage plan site specific to the application shall be submitted by the applicant and approved by the Planning Commission prior to issuance of any building permit;
3. A grant of access is required through UDOT approval; if there is a change in the land use intensity of the existing access;
4. Any further poles shall be located in the area shall require a separate conditional use permit;
5. A building permit shall be submitted for the construction of the monopole, initial antenna array and each additional co-location antenna array, associated ground equipment, and any accessory buildings related thereto;
6. The monopole shall be limited to 120' as proposed in the plans, and the monopole shall allow for the possible co-location of other antenna in the future;
7. The monopole shall be fenced with a six (6) foot vinyl coated chain-link fence or other fencing as required or approved by the Planning Commission;
8. There shall be no climbing pegs located on the lower twenty (20) feet of the monopole;
9. All power lines leading to the accessory building and antenna structure shall be underground.

Kent Hinckley seconded the motion which was unanimously approved.

Findings for Approval:

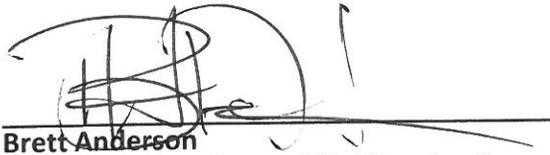
1. The location of the antenna in the center of Lagoon property removes it from being visually intrusive and will mitigate any potential adverse effects on adjacent neighborhoods.
2. The proposed use of the particular location is necessary to provide a service or facility which will contribute to the general well-being of the community.

3. The proposed use complies with the regulations and conditions in the Farmington City ordinance for such use.
4. The proposed use conforms to the goals, policies, and governing principles of the Comprehensive General Plan for Farmington City.
5. The propose use is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development.
6. 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.
7. Such uses shall not, under the circumstance 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.
8. The only neighbors who would potentially be impacted by this facility have expressed support of its proposed location and do not have reservations about it being 100' from their property.

ADJOURNMENT

Motion:

At 7:59 p.m., **Heather Barnum** made a motion to adjourn the meeting which was unanimously approved.

A handwritten signature in black ink, appearing to read "Brett Anderson", is written over a horizontal line. The signature is stylized and somewhat illegible.

Brett Anderson
Vice-Chair, Farmington City Planning Commission