

PLANNING COMMISSIONS MINUTES
November 19, 2002
7:00 P.M.

Present: Chairman Dick Dresher, Vice-Chairman Mark Green, Clark Jenkins, Michael Allen, Duane Gardner, Larry Rigby, City Council Representative Barbara Holt, City Attorney Rusty Mahan, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Dick Dresher welcomed all those present and introduced all Planning Commission Members. Mark Green made a motion to approve the minutes for October 15, 2002 as amended. Clark Jenkins seconded the motion and voting was unanimous.

Conditional Use Permits

1. Continuation of consideration for granting a conditional use permit for a radio transmitter monopole at 474 E. Hidden Lake Circle, Millcreek Broadcasting, applicant.

Jerry Costello, Kevin Terry and Scott Matthews, representing Millcreek Broadcasting, were present. Blaine Gehring explained that following the field trip, Millcreek Broadcasting went back and with a topographical survey identified an area just east of the tank site on a relatively flat part of the hillside as the new tower location. There will be a new access road extended from the tank site up to the new location. A 70 ft. tower would be placed on the site with an equipment building at its base. There will need to be a couple of extra bays on the tower, but with its new location that won't be any more obtrusive because of the tower's location further up on the hill. Millcreek Broadcasting will also build the trailhead parking lot and restroom building as originally proposed. Bountiful City will also cut off the current shortcut trail north of the tank site with large boulders at the west and east access points to the trailhead road and the extended tower access road. With the tower now further up the hill, the background will be more hillside than sky, so, the pole should be painted accordingly to blend as much into its visible background as possible.

The Planning Commission also asked for a copy of any radiation studies that were done. Each Planning Commission had a copy of the survey. Radiation from this site is quite within safety standards and requirements, especially where it will be placed further up the hill and away from all homes and the water tank site.

Staff recommends the Planning Commission grant the conditional use permit for the monopole and equipment shed as proposed with the condition that the pole be a color to blend into the hillside background when viewed from the valley and adjacent properties.

Kevin Terry has talked to some of the residents and they approve of the tower being relocated up the hill. Mr. Terry explained that from the parking lot you can see only the top section of the tower and from the cul-de-sac the tower cannot be seen. The pole will be a color that is agreed

upon with the Staff.

Paul Rowland explained that this will be a non motorized vehicle trail and there will be a gate at the access to the trail. The City will control the trailhead and access to the tower will be blocked off. The parking stalls are 9' by 18' but the parking lot will need to be widened at the top for a turnaround for trailers with no parking in the turnaround.

Scott Matthews addressed concerns with interference from the tower to the residents. Mr. Matthews explained that radio stations that have garble are usually from AM not FM stations. The frequency is stronger for FM. This tower will not interfere with any reception to the residents. There is a clause with the Federal Communication Commission, which has to be signed by Millcreek Broadcasting, stating that if there is any interference at all with a resident Millcreek Broadcasting will have to pay all the costs to correct it.

Mark Green questioned why the tower has to be on the hill rather than down at the Bard or somewhere where the ground is flat?

Scott Matthews drew a diagram and explained that the FCC has contour rules that have to be followed. Radio stations have to be geographically separated. The stations cannot be too close together or too far apart for good reception. Using a location at the Bard will put the reception outside the contour site. This relocation is an ideal site for reception and non-visibility from the residents.

Barbara Holt made a motion to grant a conditional use permit for a radio transmitter monopole at 474 E. Hidden Lake Circle.

Mark Green mentioned that he will vote nay for this proposal and asked to review the recommendations from Staff. How specific is it going to be in regards to the parking lot and the improvements? Mr. Rowland explained that Millcreek Broadcasting will sign a lease with the City because this is on City property. The conditional use permit grants them the ability to have a monopole on City property but does not grant them the lease. Specifics on the layout of the parking lot to be big enough for a horse trailer to turn around, the restrooms, access road etc. are being worked out. Jerry Costello will submit all the plans for approval.

Larry Rigby seconded the motion and voting passed by majority vote. Mark Green and Duane Gardner voted nay.

Mark Green mentioned that he appreciates all efforts made to resolve the questions and concerns. Mr. Green would like to be involved with Staff on the equipment building, tower and parking lot. Mr. Green would like it to look as nice as possible. He was reassured that the site and parking lot will be a very nice site.

Site Plans

1. Consider final site plan approval for the Modified Pages Place Apartments at 1900 North

200 West, Chad Salmon, developer.

Chad Salmon, developer, Troy Ferran, contractor, were present. Paul Rowland explained that the revised preliminary site plan for this project was approved by the Planning Commission and City Council in October. At that time specific conditions were placed on the revised site plan with the following conditions:

1. Revise the landscaping plan to: (a) match the site plan for number of units and parking stalls; (b) modify the landscape plan to include the new area.
2. The Storm Drain impact fee for this project will be paid to Centerville City per the agreement between the Developers, Bountiful City and Centerville.
3. Provide the additional easements:
 - a. Full road along Pages Place Drive north of 1900 North.
4. Payment of the following fees:

a.	one additional culinary meter per size reqd.	Per size
b.	Storm Drain Impact Fee: 0.5 acres @ \$2,100/ac	1,050.00
c.	Site Plan review fee	100.00
5. Submit a revised Construction Site Storm Water Pollution Prevention Plan.
6. All patios must be 8'x12' min. and no privacy fences between units may come any closer than 8' from a property line.
7. All conditions of the original approval remain in effect.
8. All approvals are conditional on the finalization of the Disconnect/Annexation process.
9. Buildings 30 through 39 be reviewed for the possibility of pulling them forward to provide larger rear yards.

Staff has received a revised plan which has added the one required parking stall. There has been a revised landscaping plan submitted. Units 30 through 39 have not been moved to the east and Chad Salmon can explain. All of the original approved units have already had a small patio (about 5' x 9') poured. Going back and requiring all units to have an 8' x 12' patio would be difficult. The requirement at this point will only affect units 30-39 and those are the units we are concerned about having enough green space behind them.

Paul Rowland mentioned that everything seems to be in order with what was reviewed and approved on the preliminary site plan. Staff recommends the Planning Commission send a

favorable recommendation to the City Council for final site plan approval with the conditions approved for the preliminary amended as follows:

1. Before being put on the City Council agenda, the revised landscaping plan showing the inclusion of the new area needs to be submitted.
2. The Storm Drain impact fee for this project will be paid to Centerville City per the agreement between the Developers, Bountiful City and Centerville.
3. Provide the additional easements:
 - a. Full road along Pages Place Drive north of 1900 North.
4. Payment of the following fees:

a.	one additional culinary meter per size reqd.	Per size
b.	Storm Drain Impact Fee: 0.5 acres @ \$2,100/ac	1,050.00
c.	Site Plan review fee	100.00
5. Submit a revised Construction Site Storm Water Pollution Prevention Plan.
6. All patios must be 8'x12' min. and no privacy fences between units may come any closer than 8' from a property line.
7. All conditions of the original approval remain in effect.
8. All approvals are conditional on the finalization of the Disconnect/Annexation process.

Chad Salmon explained that the reason for not moving the units forward is that the original plans had a four-plex where now is open space. With this revised plan a six-plex was added with the four-plex and is being used as a noise buffer from Air Products. There is also a row of poplar trees along the back to help buffer out the noise. The access road back into where the storage units were to be has been partially completed and has partial drain boxes in place. It now extends back to about where unit 33 would be on this modified plan. Mr. Salmon feels that with these improvements already in place, moving those new units further east would be very costly because it would require the removal of asphalt and the drain boxes. Mr. Salmon has worked with the property owners and Centerville City to come up with something to please everyone. This seems to be the best solution for property owners, Centerville City and Bountiful City.

Duane Gardner asked how the garbage would be picked up? There will be two large commercial type dumpsters which will be picked up two or three times a week. There was a discussion on the location of these dumpsters. It was decided to relocate the dumpsters north of the storage units so garbage pickup will be easier.

Mark Green made a motion to recommend final site plan approval for the modified Pages Place Apartments subject to the recommendations of Staff with #6 being modified as follows:

6. All new patios must be 8'x12' min. on units 30 through 39 (Bldg. #1) and no privacy fences between units may come any closer than 8' from property line.

Michael Allen seconded the motion and voting was unanimous.

Subdivisions

1. Consider preliminary and final subdivision approval for South Point Condominium conversion at 1875 S. Main, Marv Blosch, owner.

Dick Drescher excused himself from this item having a conflict of interest. Mark Green conducted the meeting for this item.

Marv Blosch, owner, was present. Paul Rowland explained that in July of this year, the Planning Commission reviewed and recommended approval of a condominium conversion for the South Pointe Apartments. Part of the discussion and subsequent recommendation was that “(a)ll separate garage units are to be used with ownership held either by a unit owner or in common with the homeowners association.” As a result of that condition, Mr. Blosch has gone back and had plans drawn converting the small single car garage to a one-bedroom unit with a single car garage and kitchen and living room on the first floor and a new second floor with a small open sitting area, bedroom and full bath. With the garage converted to a living unit, there are now 11 units with a single car garage for each unit, parking in front of the garages on most units, and 15 additional stalls which meets the ordinance.

Mr. Blosch would like to proceed with the conversion and is asking for a new recommendation from the Planning Commission as the first recommendation was never taken to the City Council for approval.

Staff recommends preliminary and final condominium plat approval for South Pointe Condominiums with only condition #2. Condition #1 has been submitted to Staff.

- ~~1. Minor corrections to the condo plat and submission of a complete mylar plat for recording.~~

2. Pay of fees as follows:

a.	Checking fee	11units @ \$100/unit	=	\$1,100.00
b.	Recording fee	2 sheets @ \$50/sht.	=	100.00

Barbara Holt made a motion for preliminary and final approval for South Pointe Condominium conversion subject to condition #2. Larry Rigby seconded the motion and voting was unanimous.

2. Consider preliminary subdivision approval for the Eckman Subdivision at 275 North 700 East, Larry and Randy Eckman, developers.

Larry Eckman, developer, and Scott Balling, engineer, were present. Paul Rowland explained that this five lot subdivision, located in an R-1-6.5 zone, (6,500 sf. min. lot size, 70 ft. of frontage at the setback) has been created by taking three existing lots with houses and combining them with the vacant ground at the end of 700 East Street. This section of 700 East is a dead end stub road with no cul-de-sac at the end which has created a maintenance problem for years.

Currently, Stone Creek runs through the property near the end of the existing street improvements. Some time previously, a reinforced concrete box culvert was placed in the creek to provide for a driveway into the property on the south side of the creek. At the time, the owners anticipated that they could create a subdivision off of the existing improvements with some type of hammer head turn-around acting as the end of the street. In discussions with the owners and their engineer, it was determined that providing some sort of circular turn around at the end of the street for snow plows, garbage collection and normal circulation was best. Since the creek is so close, and the city doesn't really want another culvert under our streets, it was decided that a smaller cul-de-sac with no sidewalk (there is no walk along the entire block) would be a workable compromise. In order to make this work, the Eckmans purchased the home on what is proposed to be lot 4 so that the street improvements could encroach on a portion of the property. The proposal is for a 70' foot diameter cul-de-sac, rather than an 84' diameter circle. This is the same size that is used on PUD roads such as Barton Woods PUD, where there is very little traffic and no walk.

Since Stone Creek is subject to flooding and has been mapped with a FDMA 100 year flood zone on the property, a hydraulic analysis of the creek needs to be preformed to determine the extent of the flood plain, and to determine the elevation for the new homes to be built on lots two and three. Current regulations require that all homes be built outside of the 100-year flood plain. Since our current FDMA Flood Plain map does not specify the exact extent of the flood way, a civil engineer must analyze the hydraulics of the creek to show how far a 100-year storm will encroach.

Each of the lots well exceeds the 6,5000 square foot minimum and the frontage requirements and since it is not located in the foothill area, ground slopes are not a consideration for approval. Mark Green asked if the back of curb abuts the boxed culvert and if there is five feet for an easement? The back of the cul-de-sac needs to be at least five or six feet from the boxed culvert. The boxed culvert needs to be the property owners responsibly, not the taxpayers. Mr. Balling mentioned that there are existing wing walls off the culvert and the wing walls will be extended and there is an easement. It was decided that the property line will be back of curb and the cul-de-sac will be pulled back away from the culvert.

Paul Rowland mentioned that part of Exception #1 (regarding the sidewalk along 800 East) needs to be eliminated. Staff recommends that the Planning Commission send favorable recommendation for preliminary approval of the Eckman Subdivision, with the following

conditions and exceptions:

Exceptions:

1. No sidewalk be required along 700 East ~~or on the existing lot on 800 East.~~
2. The cul-de-sac be allowed to have a 70' diameter rather than the standard 84' diameter.

Conditions:

1. Posting the site improvement bond and payment of subdivision fees as required in City Ordinance.
2. Signing a Development Agreement with the City
3. Payment of underground power fees as determined by Power Department.
4. Submit a final title report for the entire property.
5. Complete a hydraulic study of the creek to determine the extent of the 100 year flood plain to insure that the proposed building sites are outside of the flood way.
6. Complete all required construction drawings and the plat as required prior to consideration for final approval.

Mark Green made a motion to recommend preliminary subdivision approval for the Eckman Subdivision subject to the two exceptions and conditions recommended by Staff. The following modification and addition as follows:

Exception to be modified: 1. No sidewalk be required along 700 East.

Condition to be added: 7. A resolution be reached with the property line issue at the back of the Cul-de-sac with the box culvert.

Duane Gardner seconded the motion and voting was unanimous.

Special Items

1. Consider approving Christmas promotion in downtown area as an event allowing outdoor display from November 15 through December 31, 2002.

Blaine Gehring explained that when the ordinance was amended to allow displays in the downtown area, one of the conditions for a special permit to do so said that there would be no

outdoor displays allowed from November 1 to April 1 *except for events approved by the Planning Commission.*

The downtown merchants have been very active recently in connection with a new program the City is encouraging called the Main Street Program. Part of that program is a heavy emphasis on special promotions to enhance the business climate of the downtown area. On the heels of a very successful Halloween promotion using scarecrows, the downtown merchants have put together an exciting holiday promotion to run from mid-November through the end of the year. The Planning Commission needs to designate this promotion as an event which will allow for outdoor display under the new ordinance (Section 14-9-116 B.2b.).

Staff recommends the Planning Commission designate November 15 through December 31, 2002 a special event allowing for outdoor display of merchandise in the downtown area.

Mark Green made a motion to approve the Christmas promotion in downtown area as an event allowing outdoor display from November 15, through December 31, 2002. Barbara Holt seconded the motion and voting passed by majority vote.

Meeting adjourned at 8:15 p.m.