PLANNING COMMISSION MINUTES
March 1, 2011
7:00 p.m.

Present: Chairman Tom Smith, Vice Chairman Dave Badham, Barbara Holt, Sean Monson, Michael Allen, City Council Representative Beth Holbrook, City Prosecutor J.C. Ynchausti, City Engineer Paul Rowland, Planning Director Aric Jensen, Youth Council Representative Jasilyn Brinkerhoff, and Recording Secretary Connie Feil.

Absent: City Attorney Russell Mahan and Von Hill.

Chairman Tom Smith welcomed all those present.

Dave Badham made a motion to approve the minutes for February 15, 2011 as written. Barbara Holt seconded the motion and voting was unanimous in favor.

1. Consider preliminary and final commercial site plan approval for 70 S. Main, Brian Knowlton, applicant.

Chairman Tom Smith is the architect for this project so he recused himself from this item. Vice Chairman Dave Badham became acting Chairman.

Aric Jensen explained that Mr. Knowlton, representing Security Investment, LLC, is requesting preliminary site plan review for a mixed use project on the northwest and southwest corners of Main Street and 100 South. The project was originally reviewed and approved by the Planning Commission and City Council in 2007; however, it was never constructed. The current proposed plan is essentially the same as the prior plan.

The architectural elevations and floor plans are ready for final site plan approval because they are relatively unchanged since 2007. However, the civil site drawings need substantial work, and Mr. Jensen asked that the Commission review the proposal but not take any action to allow Mr. Knowlton time to make the necessary revisions for approval.

Mr. Jensen continued to explain that the site layout for Phase 1 is relatively simple – all of the buildings will be 3 stories tall and will front on to Main Street with parking located to the rear. The ground level will be a mix of commercial and office tenants, with two levels of walk-up residential units above.

Parking requirements haven't changed since 2007, and so depending on the mix of uses, Phase 1 of the project will require approximately 70 stalls. Only 56 stalls are provided in Phase 1, 14 must be covered, dedicated stalls. There will obviously be some overlap between the residential and commercial users and therefore Staff cannot determine whether or not this is sufficient parking for this site. The applicant will provide a shared parking analysis showing how the mixed uses will work along with the civil site drawings with its next submittal.

The future phases shown on the submitted plans are conceptual only and will probably change somewhat as they evolve, but the general idea is that the building will be located near the street with parking to the rear. There is no timetable for the future phases.

Brian Knowlton explained that the shared parking will work and this will be a good project for Main Street. He reduced the number of residential units which made them larger and nicer units. Mr. Knowlton will have all revised drawings back to Staff in the morning for their review. He would like to start his construction within 60 days and have it finished by the end of this year.

Paul Rowland explained that this project is being divided into multiple phases and all drainage has to be done with phase one.

Michael Allen made a motion to continue this item for 3-15-2011. Sean Monson seconded the motion and voting was unanimous in favor.

2. Consider preliminary site plan approval for Huntington Apartments & Townhomes at 2005 S. Main, Nathan Pugsley, applicant.

Tom Smith thanked Dave Badham and returned to the table.

Michael Eager, project manager, was present. Aric Jensen explained that Nathan Pugsley is requesting preliminary approval of the Huntington Apartments and Townhomes multifamily site plan. The proposed site is immediately north of the City Cemetery, and extends east to west from Main Street to 200 West, through the block. The site is located in the RM-19 zone and is actually a combination of three properties totaling 4.24 acres. Based on the acreage and the zone, a maximum of 81units is permitted. Mr. Pugsley is proposing 70 units, 22 of which are townhomes, and 48 which are garden style (stacked) units.

The reason for this unusual mix is the fact that parcels in this part of town are narrow and deep, to the point that the parcel facing on 200 West is barely wide enough to accommodate a road and a single width of townhomes. The two parcels facing on Main Street are wider and can accommodate several larger buildings with mixed orientations.

Parking for the site will be provided in two ways. In the townhome section, each unit will have a single car garage and two driveway spaces. In the apartment section, each unit will have one assigned carport space and the balance will be shared exterior stalls. In the townhome section, a minimum of 61 stalls is required and 66 are provided. In the apartment section, a minimum of 102 stalls is required and 119 are provided.

Storm water runoff will be collected through a series of pipes and catch basins and funneled to a detention basin located in the landscaping near Main Street. At that point it will discharge into the existing City storm drain system in Main Street. Part of this process will include rerouting an existing storm drain pipe that runs through the site from the Cemetery.

An 8” waterline will run through the development and connect to existing water mains in 200 West and Main Street. Fire hydrants will be dispersed throughout the project. The exact

location of the hydrants will be tweaked slightly based on the recommendations of the Fire Marshall, but they will generally be located as shown on the preliminary plans.

The building exteriors will primarily be a mix of red brick and cement fiber board painted in several different tones of tan/beige. The City requires that at least 50% of the building exteriors be clad in stone or brick. The landscaping and buildings are dispersed nicely throughout the property and oriented in a logical manner. There is a centrally located clubhouse with an office for the property manager and a garage for storing maintenance equipment, in addition to an exercise and meeting room.

There are some very minor redlines that need to be corrected and shown on the final plans.

Staff recommends preliminary approval of the Huntington Apartments and Townhomes multifamily site plan with the following conditions:

1. Include redline corrections on final plans.
2. Provide a 20' wide easement centered on new storm drain, sewer, and waterline alignments after installation and prior to issuance of any building occupancy permit.
3. Field verify location and depth of fiber optic cables in Main Street and show their location on final storm drain plan and profile.

Paul Rowland explained that all of the drainage is on site. All fiber optics will need to be located before construction. There is an existing irrigation line that cuts through the property and is included with the layout of the property.

Michael Eager explained that they plan on saving as many of the existing trees as possible. The trees that have to be removed will be replaced with new ones.

After a brief discussion Beth Holbrook made a motion to send to the City Council preliminary approval for the Huntington Apartments and Townhomes located at 2005 S. Main subject to the conditions outlined by Staff. Sean Monson seconded the motion and voting was unanimous in favor.

3. PUBLIC HEARING – Consider approving or disapproving a Conditional Use Permit for a cell tower for T-Moble located at 723 N. 400 E., Jared White, applicant.

Jared White, representing T-Mobile, was present. Aric Jensen explained that Mr. Jared White, representing T-Mobile West Corporation, requests a conditional use permit to construct a cell tower on either the existing Lindquist Mortuary property or the existing West Bountiful City Water Tank property. Both properties are located in the R-4 zone, and regardless of location, the proposed tower would be approximately 80' high in order to allow two co-locations. The Planning Commission previously reviewed this proposal in October of 2008 and granted a conditional use permit for the Lindquist Mortuary site. However, the applicants failed to act on the approval within the required time frame and it lapsed.

The current proposal is based on the conditions of the Commission's previous approval. Those conditions of approval are included as part of Staff's recommendations.

On January 18, 2011, the Planning Commission opened a public hearing regarding the new request for the proposed cell tower. Several residents in the Lindquist Mortuary vicinity attended and made comments. The comments were essentially the same made in 2008, and centered on aesthetics, property devaluation, and health factors. The public hearing was continued until February 01, 2011 to allow the applicant time to comment.

On February 01, the applicant presented his case and the public responded with essentially the same comments as in the previous meeting. The Planning Commission requested that the applicant consider the West Bountiful water tank property, located approximately ¼ mile to the east, before they would render a decision. The applicant agreed to study the site and report to the Commission whether or not it was feasible to construct a tower there. Both sites would provide adequate cell coverage and meet the needs of the applicant. Each site has its strengths and weaknesses. The following is analysis of both sites.

Lindquist Mortuary Site

The proposal is to locate the cell tower in the southwest corner of the site, close to three residential properties. Stone Creek flows between the subject property and the residential properties, and there are many, tall, mature trees along both banks. The only people who have the potential to be directly impacted by this proposal are the three adjacent residential properties and the Mortuary. The owners of the other properties in the area, and the population in general, would be indirectly impacted by having the skyline disrupted by the cell tower.

West Bountiful Water Tank Site

Depending on the exact location, the proposed cell tower would probably be further away from existing residences than the Lindquist Mortuary site. The water tank site is adjacent to open fields and so the entire tower would be visible to the neighborhood at large, as shown on the attached aerial photo.

Comments Applicable to Both Locations

A conditional use permit should be approved unless it can be shown that it is not possible to impose conditions that would mitigate any reasonably anticipated detrimental effects. The negative impacts typical of any cell tower are obstruction of view and unsightliness. Unlike ham radio towers, cell towers generally don't disrupt TV signals, cordless phones, or other electronic devices. Cellular arrays are frequently located on top of office buildings, near police stations, and in other areas where electronic equipment is used extensively.

Staff believes that either of the two locations is appropriate for the location of a cell tower, and that the Planning Commission should consider the strengths and weaknesses of both locations. The strength of the Mortuary location is that it is well screened by the existing trees along the creek. The weakness is that it is closer to existing residences than the water tank site. The

strength of the water tank site is the distance from existing residences, and the weakness is that it is in the middle of a field where everyone can see it.

Mr. Jensen gave a presentation that included aerial images of both sites for the benefit of the Commission and public.

Unless the Commission can conclusively find that there is a different site that meets the needs of T-Mobile and has less impact on the community, then staff recommends approval of either site with the following conditions:

1. The main pole shall not exceed 24 inches in diameter at any point above ground level.
2. Any cell array shall not protrude horizontally more than 3 feet from the side of the main pole.
3. The height of the pole and any attachment shall not extend more than 80 feet above the level of the existing parking lot, as measured at the closest point to the proposed tower.
4. All equipment and related infrastructure shall be located behind a locked, 6' high, open style, fenced enclosure.
5. The area around the fenced enclosure shall be landscaped with only partially obscuring plants for security and aesthetic reasons.
6. All work, including any future co-location or modification, shall be done after receiving a Bountiful City building permit.
7. No exterior wire or conduit shall be allowed.

The public hearing was opened for those with comments and concerns.

Henry Ploegar, residing at 665 E. 400 N., had concerns with the safety factor of the pole in regards to the winds Bountiful receives, wants assurance that the pole will not be blown down and no lights on top of the pole.

Erwin Bagdell, residing at 615 E. 400 N., had concerns with the size of the pole and if there would be guide wires holding it in place.

Tom Tolman, residing at 585 N. 400 E., feels that a better location would be on the West Bountiful site. He thanked the City for looking into another location.

Pat Haslam, residing at 297 E. 750 N., thanked the Commission and Mr. White for their time and effort in researching another location for the cell tower.

The public hearing was closed without further comments.

There was a lengthy discussion regarding the pro's and con's for each location, the engineering and safety of the structure, the diameter and height of the structure, placement of the structure on the West Bountiful site, and no conduit on the outside of the tower.

Dave Badham made a motion to approve the Conditional Use Permit to allow a cell tower located at 400 N. 600 E. with the following conditions:

1. The maximum diameter of the tower not to exceed 36 inches.
2. The maximum height of the tower not to exceed 90 feet.
3. Any cell array shall not protrude horizontally more than 3 feet from the side of the main pole.
4. All equipment and related infrastructure shall be located behind a locked, 6' high, open style, fenced enclosure.
5. The area around the fenced enclosure shall be landscaped with only partially obscuring plants for security and aesthetic reasons.
6. All work, including any future co-location or modification, shall be done after receiving a Bountiful City building permit.
7. No exterior wire or conduit shall be allowed.

Michael Allen seconded the motion and voting was unanimous in favor.

4. PUBLIC HEARING – Consider a rezone for multiple parcels of land in the Val Verda area of Bountiful from R-4 (Residential single Family) to R-1 (Residential Single Family with limited domestic farm animal rights).

Aric Jensen explained that Ms. JoLynn Wilson, (who was not present at the meeting), has submitted a proposal requesting a zone map amendment from Single-Family (R-4) to Single Family with domestic farm animal keeping (R-1) for multiple properties in the Val Verda area. Prior to annexation in the 1980's and 90's, the subject properties, and many other properties in the area, had a zoning designation that allowed the keeping of certain types of domesticated farm animals. When the properties were annexed into the City, no such type of zoning existed in the City Zoning Ordinance. As such they were simply zoned Single Family Residential, and the domestic farm animal use become legal non-conforming.

In approximately 2008, the City began the process of updating the City General Plan, which included the creation of a Land Use Master Plan. One of the issues discussed in the Land Use Master Plan was the non-conforming status of the Val Verda area. The general consensus was that the City should create a zone similar to the one that existed in the County prior to the annexation of the Val Verda area to allow the keeping of certain domestic farm animals.

After adoption of the Master Plan, City staff drafted a revision to the existing Single Family Residential Zone that included provisions for the keeping of certain domestic farm animals on properties that were at least one acre in size. These changes were adopted by the Council in Ordinance 2010-04, and are found in Table 14-4-103a and section 14-4-119 of the Land Use Ordinance.

As a matter of procedure, whenever the Planning Commission considers a request for rezone, it shall review it in accordance with the provisions of *14-2-205 AMENDMENTS TO ORDINANCE AND MAP*, which are as follows:

B. For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be the public policy that amendments should not be made to this Ordinance or Map except to promote the objectives and purpose of this Title, the Bountiful City General Plan, or to correct manifest errors.

The 2009 Land Use Master Plan recommends that the Planning Commission and Council approve requests to rezone properties one acre or larger in the Val Verda area to allow the keeping of domestic farm animals. In addition, the R-1 Zone was specifically created to implement the recommendations of the Land Use Master Plan. Staff recommends that the Planning Commission hold the scheduled public hearing, consider any comments from the property owners and public in attendance, and then consider approval of the requested zone map amendments. If the Commission has substantial concerns or if additional consideration is necessary, then the item should be tabled (continued) until the March 15, 2011 meeting.

Mr. Jensen made a computer presentation showing the Val Verda area and the parcels that have petitioned for the rezone. Mr. Jensen explained that these lots are 1 acre or larger in size. Some of these parcels have animals which were grandfathered at the time of the annexation into Bountiful. Currently these parcels are legal non-conforming, and many of them will become conforming if the rezone is approved.

The public hearing was opened for all those with comments or concerns.

Jim Kirkham, residing at 376 W. 3100 S., explained that currently he has no animals but his surrounding neighbors have animals. He had concerns about having too many animals at one time which would cause flies, odor and noise.

Brent Ensign, residing at 172 W. 3100 S., has chickens on his property.

Lloyd Hicken, residing at 93 E. 3100 S., explained that he has had horses at one time. He does allow a neighbor to pasture his horse on the property. He is in favor of the rezone for this area. Mr. Hicken mentioned that the residents living at 182 W. 3100 S. have chickens on their property.

Mike Noffainger, residing at 53 E. 3100 S., has been in this area for over 40 years. Currently he does not have any horses but would like to have some goats. He is in favor of the rezone for this area.

Harvey Johnson, residing at 446 W. 3100 S., explained that his lot is not large enough to qualify for any animals. Mr. Johnson supports the rezone and hopes that someday he would be allowed to have chickens.

Gary Marsh, residing at 27 E. 3100 S., has horses on his property and has never had any problems with any of the surrounding neighbors concerning his animals. He is in favor of the rezone.

Charles Benson, residing at 79 E. 3100 S., has horses, chickens, geese and agrees with the rezone so he can continue to have his animals.

Ann Johnson, residing at 3016 S. 300 W., does not have any animals on her property. She has concerns with what kind of animals and how many animals will be allowed. She would like more information on what kind of impact will be on the area regarding noise, odor, garbage and water.

Joyce Frasier, residing at 144 E. 3100 S., is in favor of the rezone but would like to know what affects this will have on property taxes.

Melonie explained that she does not live in this area but has talked with Aric about domestic animals. She lived in the Salt Lake Area where animals were allowed. She loved the feeling of country living with animals in that neighborhood.

Joann Beck, residing at 43 W. 3100 S., currently does not have any animals and is not sure if she would have any in the future. She likes the country feel that farm animals give and is in favor of the rezone.

Ray Bronson, residing at 13 E. 3300 S., has had horses in the past. He no longer has animals and will not have any in the near future. Mr. Bronson agrees with the rezone to allow those residents to have animals if they wish.

Elda Potter, residing at 2964 S. 300 W., made a phone call to Mr. Jensen stating that she prefers to leave the area as is.

Glen Smith, residing at 3287 S. 200 E., has lived in the Val Verda area since 1958 and has seen many changes in this area. Mr. Smith is not in favor of the rezone and would like Bountiful to remain as it is.

Richard Juluson, residing at 3224 S. 200 E., is also against the rezone. He feels that this is a mistake to change the current ordinance.

Alva Young, residing at 127 W. 3100 S., was raised on a farm and had animals. He currently has a large garden and several fruit trees which cover his property. He has had animals in the past but has no desire to have any more. Mr. Young is against the rezone.

Kay Colay read an e-mail from JoLynn Willson who is out currently out of town. Ms.Wilson had written five suggestions to help keep peace between neighbors. A copy will be attached to the minutes.

Jay Smith, residing at 3252 S. 200 E., wonders what the motive is to rezone this area. He has concerns about the noise, odor caused by the animals, fencing, garbage collection, and water issues. He also had concerns with who will there be conducting inspections on these animals, and concerns with government intruding on others rights.

Chairman Smith thanked all those for their comments and concerns.

Beth Holbrook made a motion to continue the public hearing to the next Planning Commission meeting on 3-15-2011. Sean Monson seconded the motion and voting was unanimous in favor.

5. Planning Director's report and miscellaneous business.

There was no further business.

Meeting adjourned at 9:10 p.m.