

PLANNING COMMISSION MINUTES
November 13, 2012
6:00 p.m.

Present: Chairman Tom Smith, Sean Monson, Sharon Spratley, City Council Representative Beth Holbrook, City Prosecutor J. C. Ynchausti, City Engineer Paul Rowland, Planning Director Aric Jensen and Recording Secretary Connie Feil.

Absent: City Manager/City Attorney Russell Mahan, Vice Chairman Dave Badham, Von Hill and Michael Allen.

Tom Smith welcomed all those present.

1. Approval of the minutes for October 16, 2012

Sharon Spratley made a motion to approve the minutes for October 16, 2012 as written. Sean Monson seconded the motion and voting was unanimous in favor.

2. Introduction and swear-in of newly appointed Planning Commission Member.

Kim Coleman, City Recorder, mentioned that the oath given tonight is the same for all elected officials, police personal, or any official that is with Bountiful City. Mr. Coleman asked Sharon Spratley to stand and repeat the oath after him. When completed Mrs. Spratley was congratulated by all those present.

3. PUBLIC HEARING – Consider approving or disapproving a Conditional Use Permit to allow high speed internet relay equipment on an existing personal communications tower located at 4654 S. Summerwood Dr., Daniel Pitney on behalf of Digis-Cell Tower, applicant.

Daniel Pitney, representative, and Brent Thomas, property owner, were present. Aric Jensen explained that Mr. Pitney, representing DIGIS Corporation, is requesting a conditional use permit to install high speed internet relay equipment on an existing, personal communications tower at 4654 S. Summerwood Dr., Mr. Thomas' home.

Mr. Jensen explained that there are several areas of Bountiful City that are not served by Comcast and where physical conditions preclude line-of-sight access to wireless service providers. The applicant's request is to install two, 1' diameter relay antennas on an existing amateur radio tower located in the rear yard of Mr. Thomas' home. The antennas will provide service for the home owner as well as other residents in this area.

The following is a copy of the Bountiful Land Use Ordinance to be used when considering conditional use permits.

14-2-506 DETERMINATION

- A. *A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards.*
- B. *If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal, or if the imposition of reasonable conditions to achieve compliance with applicable standards is not possible, the conditional use permit request may be denied.*
- C. *Standards applicable to conditional uses include all the requirements of this Title, and consideration of the following:*
1. *The location of the proposed use in relationship to other existing uses in the general vicinity.*
 2. *The effects of the proposed use and/or accompanying improvements on existing developments in the general vicinity;*
 3. *The appropriate buffering of uses and buildings, proper parking and traffic circulation, and the use of building materials and landscaping which are in harmony with the area.*
 4. *The applicant, at his or her cost, shall provide any report and/or study relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information requested by the City in order to render a proper decision.*

Staff recommends approval of the conditional use permit to install high speed internet relay equipment on an existing, personal communications tower at 4654 Summerwood Dr., Bountiful, Utah, with the following conditions:

1. The existing communication tower must be inspected by a licensed Utah structural engineer, and a written statement of its worthiness and ability to accommodate the proposed equipment provided to the City Engineer to his satisfaction.
2. No additional equipment shall be added to the tower, nor shall the size of the equipment be increased, without a new or modified conditional use approval by the City.
3. A deed restriction shall be recorded on the property stating that it is a single family residence and that the issuance of the conditional use permit does not entitle the property to any additional right other than those specifically set forth in the conditional use permit and the zoning designation in which it is located.
4. Approval of this conditional use does not entitle the property owner to construct a commercial telecommunication tower at this location or to convert the existing tower into a commercial telecommunication tower.
5. Other conditions deemed appropriate by the Planning Commission.

Brent Thomas explained that other providers have service in this area but the systems are very slow because the reception is too far from the central office. Mr. Thomas would like to have a good quality reception of service for his home. He has talked to residents in the neighborhood wanting the same service.

Daniel Pitney explained that there are two ways to receive wireless access to a home. One is through a telephone line (Century Link) or through a coax cable (Comcast). Digis uses a different type of wireless communication. A dish is placed on the roof of the home which will receive a signal from an existing antenna in the area. An antenna could serve up to nine miles with a clear view. Trees or houses can block the signal because the frequency is low.

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

Ralph Carson, residing at 4585 S. Summerwood Dr., had some concerns with the frequency of the antenna disturbing his radio, TV and other services. Mr. Thomas and an engineer from Digis explained that the frequency being used is reserved for this type of use only. The frequency is low enough and is guaranteed not to interfere with any telephone, TV, radio or any other service in the home.

The public hearing was closed without further comments or concerns.

There was a discussion regarding the size, location of the antennas and who is interested in this type of service. After the discussion the Commission agreed that there would be no impact on the neighborhood.

Beth Holbrook made a motion to approve the CUP to allow high speed internet relay equipment on an existing communication tower located at 4654 S. Summerwood Dr. subject to the conditions outlined by Staff. Sean Monson seconded the motion and voting was unanimous in favor.

4. Consider a conversion from condominiums to apartments for Summer Gardens located at 2520 S. 500 W., Michael Nielsen, applicant.

Michael Nielsen, representing the owners of Summer Gardens, was present. Aric Jensen explained that owner of the condominiums units located within the Summer Gardens Townhouse Condominiums plat, is requesting that the existing condominium plat be vacated, and that the property become a single metes and bounds parcel.

Staff has reviewed the proposal within the structure of the Bountiful Land Use Ordinance and found nothing that would prevent such a request. The recommendation is to approve the proposal to vacate the existing condominium plat and to replace it with a single metes and bounds description that encompasses the entirety of the existing Summer Gardens Townhouse Condominiums plat.

Staff recommends vacating the Summer Gardens Townhome Condominiums plat, and recording of a metes and bounds legal description that encompasses the entirety of that plat, with the following conditions:

1. The applicant submits a current title report.
2. The City Council approves an ordinance to vacate the plat.
3. The new legal description is recorded concurrently with the Ordinance to vacate the existing plat.
4. The applicant pays any and all checking and recording fees.

Michael Nielsen explained the reason for this conversion is that taxes on apartments are less than condominiums. The current owner has owned the condos for over 15 years and would like the tax break.

After a brief discussion Sharon Spratley made a motion to recommend to the City Council approval for the conversion from condominiums to apartments and vacate the condominium plat for Summer Gardens Townhomes subject to the conditions outlined by Staff. Beth Holbrook seconded the motion and voting was unanimous in favor.

5. Consider preliminary subdivision approval for The Pines at North Canyon located at 97 E. North Canyon Road, Brighton Homes, applicant.

Sharon Stratley recused herself from this item due to a conflicting interest. With the withdrawal of a voting member there was not enough for a quorum. This item will continue on November 27, 2012 at 6:00 p.m.

6. Consider preliminary and final subdivision approval for Davis Boulevard Subdivision located at 1050 E. 400 N., Guy Haskell, applicant.

Wade Workman, representing Guy Haskell, was present. Paul Rowland explained that Haskell Homes is proposing a 3 lot subdivision located on the southwest corner of 400 North and Davis Blvd. The property is bounded on the east by Davis Blvd. and on the north by 400 North Street and recently had a single family home fronting on Davis Blvd., which has been removed. The subdivision will not require the construction of any roads because all three lots will front on Davis Blvd.

The subdivision is 0.67 acres in size and is located in the R-4 zone which allows up to 4 units per acre. The gross acreage of the subdivision, which includes the already dedicated street half widths, is in excess of 0.75 acres. Minimum requirements for interior lots are 8,000 sq ft with 70 lf of frontage at the 25' setback line. Corner lots are required to have 80 ft of frontage along both street boundaries and at least 8,800 sq ft. All of the proposed lots meet these minimums. There is plenty of room on each of the lots to provide for the required 2,000 sq ft min. building pad.

Sewer, culinary water and irrigation water are all available in Davis Blvd, and Lot 1 already has existing sewer and water laterals, which may be reusable. The other lots fronting Davis Blvd.

will be served from the mains already located in the street. Storm water runoff will continue to run naturally to the southwest corner of the property where it will be picked up in the 400 North gutter. No detention is provided on site therefore the developer will be required to pay the storm water impact fee of \$2,100.00 per acre.

Currently there is sidewalk along the existing streets; however, the existing walk is in very poor shape and needs to be replaced. Because the all of the existing sidewalk is only 4' wide and located at the back of the curb and gutter, it will have to be replaced with new six ft. wide walk meeting current city standards. A new ADA compliant ramp will be required at the intersection of Davis and 400 North.

Staff recommends preliminary and final plat approval for the Davis Boulevard Subdivision with the following conditions:

1. Any and all redlines be corrected.
2. The Developer sign a Development Agreement with Bountiful City and post a bond to cover the development costs.
3. Provide a current Title Report.
4. Submit a mylar plat ready for signatures.
5. Pay all required fees.

Sean Monson made a motion to recommend to the City Council preliminary and final subdivision approval of the Davis Boulevard Subdivision located at 1050 E. 400 N. subject to the condition outlined by Staff. Beth Holbrook seconded the motion and voting was unanimous in favor.

7. Consider adoption of Findings of Facts for the variance request from Kirk Christenson.

Sean Monson recused himself from this item due to a conflicting interest. With the withdrawal of a voting member there was not enough for a quorum. This item will continue on November 27, 2012 at 6:00 p.m.

8. Planning Director's report and miscellaneous business.

Mr. Jensen asked for a motion to continue items #6 &8 on the agenda for November 27, 2012.

Beth Holbrook made a motion to continue items 6 & 8 on the agenda for a special Planning Commission meeting held on November 27, 2012 at 6:00 p.m. Sharon Sparkley seconded the motion and voting was unanimous in favor.

Meeting adjourned at 7:00 p.m.