

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
DECEMBER 11, 2018

FINAL

Commission Chair Ted Knowlton called the meeting to order at 6:30 p.m. and Brandon Tucker led those present in the Pledge of Allegiance.

PRESENT: Commission Chair Ted Knowlton
Commissioner Stephen Garn
Commissioner Kent Kirkham
Commissioner William Ward
Commissioner Brandon Tucker
Commissioner BreAnna Larson
Commissioner Natalie Gordon

STAFF PRESENT: Sherrie Llewelyn, Community Development Director; Kate Werrett, Planning Technician; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Matt Myers, South Davis Sewer; Vinnie Rowe, Insite Towers.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING-CONSIDERATION OF CONDITIONAL USE PERMIT FOR A CELLULAR TELEPHONE TOWER AT APPROXIMATELY 1280 WEST CENTER STREET (SOUTH DAVIS SEWER DISTRICT), INSITE TOWERS, APPLICANT

Sherrie Llewelyn reported that the applicant was proposing to place a cellular telephone tower to be located on the South Davis Sewer District property. She explained that the lease area would be approximately 50 feet by 50 feet for the tower and equipment shelter with an easement provided on the property via an existing 20 foot wide paved access. The mechanical equipment and the base of the tower would be surrounded by a six foot chain link fence with three strands of barbed wire strung across the top of the fence. The proposed tower would be 120 feet in height with a 6 foot lightning rod for a total height of 126 feet.

Mrs. Llewelyn presented renderings of what the proposed tower would look like from various street views. The Development Review Committee (DRC) reviewed this application and did not

request any additional screening or stealth pole requirements due to the existing landscaping of the site, the general industrial nature of the location, as well as the height of the existing power transmission lines along Center Street which are 70-80 feet tall. The site also has two lattice radio towers of 120-140 feet in height. The proposed tower would be owned by the tower company and leased to other carriers with the initial carrier to be T-Mobile. The engineering plans have been submitted to the City and approved by the Engineering Department. No additional grading of the site is required. Notification was mailed to property owners within 300 feet of the site and no public comment was received.

Sherrie Llewelyn said that the DRC recommended approval of the conditional use permit with the condition that the tower be capable of allowing the co-location of multiple carriers. She also stated that in the General Industrial (MG) zone cellular towers are classified as a conditional use, and while the maximum height in the zone was 45 feet; wireless towers are granted an exception to the height restriction under Code Section 10-1-25.

Chair Knowlton asked if Code Section 10-1-25 contained a maximum height requirement or any guidance on how the decision should be made. Sherrie Llewelyn replied that the code did not specify and only stated that cellular towers were exempt from the height requirements of the zone. She explained that the reason why the Commission was able to specify height requirements for the previous cellular telephone tower request was due to the fact that it was to be located on City owned property and in a residential area.

Mrs. Llewelyn also said that in the unlikely event this tower fell over that it would not endanger any structures as it was located in an open area and would be approximately 230 feet from the road.

Commissioner Larson asked if the height restriction of 45 feet for a building in this area was set based on a visual impact or due to the proximity of the nature conservancy. Sherrie Llewelyn replied that this was the maximum height established for the MG and MD zones with an exception for a height variance by conditional use permit.

Vinnie Rowe, Insite Towers, explained that towers today are built with crumple zones so they would not tip over but would fold in half in the event of a tower failure, thus any potential impact is further reduce. He said that they are requesting 120 feet for the tower to allow for four carriers and that if the tower were any shorter they would need to place an additional tower in the area if other cellular carriers desired a tower in the future.

Commissioner Larson asked about the timeframe for installation. Vinnie Rowe replied that once Insite had a building permit they would order materials and then work on leasing agreements

with T-Mobile and the other carriers. He said that construction would most likely start within four to six months.

Commissioner Kirkham asked for clarification on who would own the property. Vinnie Rowe replied that Insite would lease the property from the Sewer District.

Commissioner Ward asked if that information would be required to be publically published. Vinnie Rowe responded that it was not required to be posted but Insite would post the memorandum of lease publically in the event that the property was sold.

Commissioner Kirkham asked how often Insite would need to access the site once the tower was installed. Vinnie Rowe said that there would be upgrades to the equipment every 6 to 12 months and that any changes to the equipment must be submitted to the City beforehand. He also said that as part of the contract stated that emergency access to the site must be available 24/7.

Chair Knowlton asked where the lowest carrier would be located. Vinnie Rowe replied that there needed to be a 15 foot buffer between each carrier so the lowest carrier would probably be at the 80 foot mark. He said that the height was necessary to cover much of the area west of Legacy Highway.

Sherrie Llewelyn commented that north of the Sewer District property was the Legacy Nature Preserve so this was one of the few publically owned properties that could be leased for a cellular tower.

Commissioner Larson asked for clarification on how many carriers would be located on this tower. Vinnie Rowe replied that it would be four total co-location spots.

Vinnie Rowe then explained that if in the event a nest was built on the tower it would be protected and they would not be able to disturb it until after nesting season.

Commissioner Garn moved that the Planning Commission approve the conditional use permit and site plan for the cellular phone tower request by Insite Tower to be located on South Davis Sewer District owned property at 1280 West Center Street with the following conditions:

- 1) The tower be capable for co-location of multiple carriers.**

Commission Chair Knowlton opened the public hearing at 6:47 p.m. There were no public comments and he closed the public hearing at 6:48 p.m.

Commissioner Gordon arrived at 6:48 p.m.

Commissioner Garn moved that the Planning Commission approve the conditional use permit and site plan for a cellular phone tower requested by Insite Tower to be located on South Davis Sewer District owned property at 1280 West Center Street with the following conditions:

- 1) The tower be capable for co-location of multiple carriers.**

Commissioner Kirkham seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Tucker and Larson. Commissioner Gordon abstained from voting.

3. DISCUSSION ONLY-PROPOSED ORDINANCE AMENDMENTS REVIEW SCHEDULE/PRIORITIES

Sherrie Llewelyn reported on several proposed ordinance amendments to be reviewed by the Planning Commission during 2019. These ordinances included the form based code for the Town Center, an amendment to the Site Plan regulations, including landscaping standards, pedestrian connections, bike amenities, bus shelters/stops, and the process for minor site plan amendments. Other ordinance amendments included the subdivision ordinance, the sign ordinance, and short term rentals.

Chair Knowlton asked about pedestrian connections as part of the site plan and asked if this could be part of the subdivision ordinance as well. He also spoke of the recent State Supreme Court ruling regarding the Cottonwood Mall redevelopment plan and said that while Holladay City felt it was an administrative action that the court ruled it was a legislative action. He asked if City staff could work with the City attorney to review if the Planned (P) District was vulnerable to a referendum.

Sherrie Llewelyn commented that for that reason there are always two steps to a P District including a motion for a rezone and a separate motion for the site plan or general development plan. She also said that she was on the Utah League of Cities and Towns Land Use Task Force and would be reviewing the proposed legislative changes to the State code. Mrs. Llewelyn said that one code change would require that each Planning Commission agenda item be listed as a legislative or administrative action which could help provide clarification.

Chair Knowlton asked that staff work with the City attorney to determine if there was any vulnerability.

Chair Knowlton suggested that parking requirements also be added to the list. Sherrie Llewelyn replied that the form based code for the Town Center would address parking in that area and said that similar regulations could be adopted for other zones.

Sherrie Llewelyn then spoke on the Cutler and Center Street area. She said it had been rezoned from industrial to General Commercial (CG) which created issues with existing industrial type buildings as certain uses no longer met the code for the CG zone which made these buildings difficult to rent. Mrs. Llewelyn suggested that another zone, such as a business park zone, could be created to help address this issue.

Sherrie Llewelyn also provided an update on the Sports World proposal for the area near Center Street and said that this project was no longer happening.

4. CONSIDERATION OF THE 2019 PLANNING COMMISSION MEETING SCHEDULE

Sherrie Llewelyn presented the 2019 Planning Commission meeting schedule and said there was a correction to the September meetings. The dates for the meetings would be September 10th and September 24th.

Commissioner Tucker asked if the City attorney, David Church, could provide additional training for the Commission. Sherrie Llewelyn replied that the Commission is required to have annual training on the open and public meetings act and proposed that it could be scheduled during a January Commission meeting.

Sherrie Llewelyn reported that the City Council did not meet in December so there was no update. She then provided information on the terms for the Planning Commission members.

Sherrie Llewelyn spoke on The Ridge development and said that the conditional use permit that had been requested by Granite Construction in January of 2018 had been tabled in May by the Planning Commission until January 22, 2019, with direction to the applicant to submit answers to the staff recommended 35 conditions by January 1, 2019. The pending sales contract between Granite and CW Land, requires a closing prior to January 1st in order for Granite to address those conditions if the sale was not completed. She asked if the Planning Commission would consider granting an extension of the tabling date, if requested and needed to extend the closing date for CW Land in the event they needed more time for due diligence. She noted that there has not been a request by Granite and that the question was hypothetical only.

The Planning Commission felt that an extension could be considered, as this would ensure that the area was redeveloped to residential and not used as a gravel mine.

5. APPROVAL OF MINUTES

The Planning Commission meeting minutes of November 27, 2018 were reviewed and approved. **Commissioner Ward moved to approve the minutes of the November 27, 2018 Planning Commission meeting. Commissioner Garn seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Tucker, Larson and Gordon.**

6. ADJOURN

Chair Knowlton adjourned the meeting at 7:12 p.m.



Chair

Recorder



Secretary