

Bountiful City
Planning Commission Minutes
May 2, 2017
6:30 P.M.

Present: Chair – Sean Monson; Planning Commission Members – Dave Badham, Jesse Bell, Tom Smith and Sharon Spratley; City Attorney – Clint Drake; City Planner – Chad Wilkinson; City Engineer – Paul Rowland; and Recording Secretary – Darlene Baetz

Excused: Planning Commission Member – Von Hill and City Council Representation – Richard Higginson

1. Welcome and Introductions.

Chair Monson opened the meeting at 6:30 pm and welcomed all those present.

2. Approval of the minutes for April 18, 2017.

Tom Smith made a motion to approve the minutes for April 18, 2017 as written. Dave Badham seconded the motion. Voting passed 4-0-1 with Commission members Badham, Bell, Smith and Spratley voting aye and Monson abstained.

3. Consider preliminary and final site plan approval for a Verizon Telecommunication Tower at the South Davis Recreation Center located at 550 N 200 West, Jared White representing Verizon, applicant.

Jared White was present. Chad Wilkinson presented the staff report.

Mr. Jared White, representing Verizon Wireless, requests preliminary and final site plan approval for a new telecommunications tower located at the South Davis Recreation Center. The proposed tower is to be located on the north side of the Recreation Center in an existing landscape area. The subject property is located within a Single Family Residential (R-4) zone. Telecommunications towers are an allowed use in the R-4 zoning district.

The Land Use Ordinance encourages location of telecommunications facilities on public properties and more specifically states that the policy of the City is to make available to telecommunications companies such sites that the City owns which can reasonably serve the needs of the companies, the citizens and the City. When located on a City owned property, a telecommunications tower is considered a permitted use and does not require a public hearing.

The proposal includes the installation of an 80-foot high telecommunications monopole tower along with antennae. The application also includes the installation of a fenced equipment area approximately 20 feet by 36 feet in area (720 square feet). A 10-foot wide access easement is proposed across the Recreation Center parking area to provide for routine maintenance of the facility. The applicant proposes to provide power to the facility from an existing pole located to the north west of the tower. An additional easement is proposed across the north side of the Rec. Center site in order to provide access to fiber optics and power. The precise location of these easements will be subject to review and approval by impacted City departments.

The applicant has indicated that they are willing to install a 60-foot tall tower instead of the 80 foot tower. However, the installation of a lower tower will limit the ability for co-location by other providers in the future. Co-location is encouraged by City Code in order to minimize the number of towers in the City. The 80 foot height requested is consistent with other towers installed in the City including the tower at Mueller Park Junior High. The proposed tower is effectively screened from public view to the south by the Rec. Center building and is located several hundred feet from 200 West and Main Street. The closest of the existing residences is approximately 150 feet from the proposed tower and a large tree exists between the tower and the residence. The conditions below include a maximum width for pole and the antennae array in order to mitigate visual impacts.

The proposed tower will create visual impacts to adjoining properties. Impacts to traffic and existing utilities are expected to be minimal.

Staff recommends that the Planning Commission forward a recommendation of preliminary and final site plan approval for the requested telecommunications tower subject to the following conditions:

1. The applicant shall meet all requirements of the Bountiful Power Department.
2. Provide easement documents, including legal descriptions for review and approval by the City.
3. The communications tower shall not exceed 30 inches in diameter at the base and shall taper to no more than 20 inches in diameter at the top of the pole.
4. The maximum tower height allowed shall be 80'. Antennas and appurtenances shall not extend more than 6 feet above the tower.
5. The color of the tower is to be determined by staff.
6. At no point shall any part of an antenna array, including the antenna pads, extend more than 80" inches from the exterior of the communications tower pole.
7. The tower shall be constructed in such a way to allow for at least three different services, meaning the original applicant equipment and two co-locations on the same tower.
8. The applicant shall consent to at least two future co-locations on the tower.
9. The applicant shall obtain a building permit before commencing construction.
10. Any and all fees shall be paid.

Mr. White stated that the closest tower to the proposed location is located at Viewmont High School and the new tower will offload the strain of the existing tower.

Tom Smith made a motion that the Planning Commission pass a recommendation to the City Council for preliminary and final site plan approval for a Verizon Telecommunication Tower at the South Davis Recreation Center located at 550 N 200 West with the ten conditions outlined by staff. Sharon Spratley seconded the motion. Voting passed 5-0 with Commission members Badham, Bell, Monson, Smith and Spratley voting aye.

4. PUBLIC HEARING - Consider approval for a Variance to Section 14-5-105 A in order to allow for parking within the required front yard setback at 157 W 300 South, Robert McArthur, applicant.

The applicants, Robert McArthur and Alan Mortensen, have requested a variance to allow for a parking space within the required front yard setback area of a property he developed at 157 W 300 South. The property is located in the RM-19 zoning district and is part of the DuMc Planned Unit Development.

Section 14-2-111 authorizes the Planning Commission as the review body for variance requests related to parking and setbacks.

The applicant has requested a variance to allow an existing driveway and parking area constructed at 157 W 300 South to remain. The DuMc Planned Unit Development was originally approved in 2013 as a three unit multifamily development. The site plan approved by the City Council and Planning Commission did not include the driveway and parking space and the site plan approved as part of the building permit set did not include the driveway and parking space. Subsequent to the issuance of the building permit for the site, the driveway was constructed and was discovered during a bond release inspection by City Engineering staff. The driveway approach for the parking space was constructed without permit and does not meet City standards for driveway approaches. The City initiated enforcement action in order to obtain compliance with the Code and the applicant has elected to request a variance rather than removing the noncompliant driveway.

The parking space in question does not meet the standards for the RM-19 zone. Section 14-5-105 (A) states that, “No dwellings, parking spaces, or other site elements, other than sidewalks, landscaping, and *approved* driveways may be allowed in the front setback”. Additionally, Section 14-5-117 states that, “Driveway and parking areas in multifamily projects shall be designed so that vehicles do not back on a public street.”

The staff report for the original Planning Commission review of the item noted that the units “are effectively attached single family dwellings, and so the parking standard, driveway width, etc, applied are those for single family dwellings.” Single family residential requirements include a minimum 35 foot separation between driveways located on the same property and a restriction on parking of vehicles within a required front yard except for on an *approved*, paved driveway. Whether the development is treated as a single family dwelling or a multi-family dwelling, the driveway does not meet the standards of the Land Use ordinance. The applicant has suggested that the development be deemed a “townhome style” residential development in order to utilize an exemption in the multifamily zone standards. However, this is inconsistent with the original approval and would still not address the parking of vehicles in the front yard which is prohibited in the multifamily zoning standards.

The applicant submitted photographs of existing driveways and parking spaces throughout Bountiful. Some of the driveway examples appear to be illegally constructed with several of the examples using metal plates or ramps instead of a legally constructed driveway to access a parking area. Others appear to access the parking areas by mounting the curb. This is expressly prohibited in the Code. The existence of other non-permitted and/or illegal driveways is not a justification for a variance.

Variance Findings in Utah State Code were included in the Planning Commission packet and in the applicant’s file.

Staff recommends denial of the requested variance to allow for a parking space in the required front yard of a multifamily development in the RM-19 zone. Staff recommends removal of the parking space and driveway leading to the parking space in order to comply with the approved site plan and the standards of the Land Use Ordinance.

Applicants discussed the reasons of hardship to keep the driveway.

1. Buffer from storage
2. Visual buffer power plant

3. Off street parking
4. Public Safety access
5. Beautification
6. Security and safety from other properties

Chair Monson opened the Public Hearing at 6:59 p.m.

Larry Dupax resides at 145 W 300 South. Mr. Dupax worked with Mr. McArthur in 2013 to present this project for approval and believes that the driveway is functional and creates benefit to the community. It creates a buffer from the storage units and improves the area.

Alan Mortensen resides at 157 W 300 South. Mr. Mortenson purchased the subject property and loves the house and wants to stay in the downtown area.

Chair Monson closed the Public Hearing at 7:03 p.m.

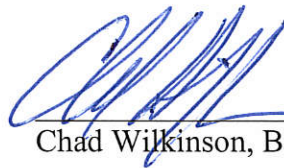
Commission members and staff discussed the code that allows for a second driveway or a circular driveway. Mr. Wilkinson stated that the existing approved plans on record don't meet the requirements for a driveway in a single family zone or a multifamily zone. The commission members agreed with the fit and aesthetics of the driveway but also agreed that it did not meet the code requirements.

Sharon Spratley made a motion to deny the requested variance to allow for a parking space in the required front yard of a multifamily development in the RM-19 zone. Jesse Bell seconded the motion. Voting passed 4-1 with Commission members Badham, Bell, Monson, and Spratley voting aye with Smith voting nay.

Mr. Wilkinson stated that this issue is currently with the prosecutor's office and will be working out an option for the sidewalk/curb cut.

5. Planning Director's report, review of pending applications and miscellaneous business.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 7:16 p.m.



Chad Wilkinson, Bountiful City Planner