

LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, SEPTEMBER 14, 2010

MEMBERS PRESENT: Sharon Esplin, Gerald Gilbert, Kristin Elinkowski, Dave Weaver, Tim Pales, Blake Hazen

ALTERNATE MEMBERS PRESENT: Dawn Fitzpatrick

MEMBERS ABSENT:

ALTERNATE MEMBERS ABSENT: Brian Bodily

OTHERS PRESENT: Staff Members: Bill Wright, Nannette Larsen, Steve Garside, Julie Jewell, and Councilman Barry Flitton

1. VERIZON WIRELESS – CELL TOWER CONDITIONAL USE AMENDMENT

This property is located 1170 East Gentile in a CP-2 (Planned Community Commercial) Zoning District. The property owner is Smith's Food and Drug represented by the applicant Doug Kofford of Verizon Wireless.

Community & Economic Development Director, Bill Wright, presented the Verizon Wireless request for conditional use for a new 100-foot cell tower. He said the applicant proposes a 26 X 12-foot prefabricated building. The City is requiring the fencing to be black vinyl coated chain link around the tower and building which provides better security than a solid fence.

Mr. Wright explained the reason for the higher tower which will replace a 40-foot tower already on the site stating that foliage and grade changes interfere with service from towers at lower levels. He said the City supports taller towers because they provide for co-location with the result being fewer towers needed in the City. Mr. Wright said that a review of the zoning within the City found that the Smith's site on which this tower will be located is one of the few commercial sites that would provide coverage all the way up to Highway 89.

Mr. Wright said there was a one-mile separation between the proposed tower and existing towers. He said the tower would be placed in parking stalls behind the Smith's building which were in excess of parking needs and could be taken out of service.

Mr. Wright explained that two conditions had been added with one condition requiring that the applicant allow co-location on the tower and another condition requiring that the tower be removed within 90 days if it became obsolete. The applicant has submitted letters stating their intent to comply with those added conditions.

In answer to Commissioner Fitzpatrick's question about the removal of the existing 40-foot tower, Mr. Wright said the applicant is required to remove the 40-foot tower within 30 days of completion of the

100-foot tower. There was a discussion of site restoration following the removal of the 40-foot tower as well as site drainage issues. Mr. Wright said Staff would talk with the applicant about raising the concrete pad on which the 100-foot tower will be built. In answer to Commissioner Gilbert's question about the installation of the barbed wire on fencing surrounding the cell tower site, Mr. Wright responded that the barbed wire could be installed vertically or slanted toward the inside of the fenced area.

Mr. Wright listed the following conditions recommended by Staff for this conditional use:

1. The site must comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. The new cell tower location will occupy no more than 5 parking stalls for the tower and the equipment building.
3. The new cell tower location will install a 6-foot black vinyl coated chain link fence around the perimeter of the cell tower and the building along with 3 strands of barbed wire (for security purposes). Barbed wire must be installed vertically or be slanted toward the inside of the fenced area.
4. The new monopole cell tower will be a galvanized material to lessen the visual impact.
5. The applicant is required to obtain a building permit for the new cell tower and equipment building.
6. Any new carriers are required to obtain a building permit for co-locating on the new cell tower and must meet all City requirements.
7. The site is required to be kept clean and maintained at all times.
8. Any new lighting at the location must be contained on site at all times.
9. The 40-foot tower and antennas are required to be removed within 30 days of completion of the new tower.
10. The new cell tower must allow for co-location and supply engineering calculations by a state certified engineer that will allow for as many as three separate users on a single pole. A letter must also be supplied stating that the owners of the tower will allow for co-location and that the structure has been constructed to allow for this. (Layton City has received a letter from Verizon stating that they will comply with this requirement.)
11. The applicant must supply the City with a letter stating that if technology renders the tower obsolete and the tower is vacated, that the applicant will remove the tower, all apparatus associated with it, the top three feet (3') of the footing, and restore the site to its original condition within ninety (90) days of the vacation of the tower. (Layton City has received a letter from Verizon stating that they will comply with this requirement.)

2. CLEARWIRE – CONDITIONAL USE FOR A NEW CELL TOWER

This property is located at 781 East Gordon Avenue in a CP-1 (Planned Neighborhood Commercial) Zoning District. The property owner is Fairfield Crossing, LLC represented by Jared White from Clearwire.

Community & Economic Development Director, Bill Wright, presented the request from Clearwire (Sprint) for a 100-foot cell tower to be located behind Snap Fitness in the Fairfield Crossing Commercial Subdivision. He said the tower would allow for possibly three co-location opportunities. Mr. Wright explained that Clearwire had tried unsuccessfully to either co-locate on or purchase the Qwest (now owned by Verizon) tower located across the street from the proposed site on the Buddhist Temple

property. This tower has been out of service for some time. Staff has informed the owners of the abandoned tower that the tower must be removed.

The proposed cell tower site will have equipment cabinets rather than a building. Mr. Wright said the cell site will not interfere with the rear entrance/exit of Snap Fitness. The fence will be located to allow for a 26-foot wide Fire Department access.

Mr. Wright said Staff is recommending approval of this conditional use request based on the applicant meeting the following conditions:

1. The business must comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. The new cell tower location will install a 6-foot black vinyl coated chain link fence around the perimeter of the cell tower with 3 strands of barbed wire (for security purposes).
3. The new cell tower will be a galvanized material to lessen the visual impact.
4. The applicant is required to obtain a building permit for the new cell tower.
5. Any new carriers are required to obtain a building permit for co-locating on the new cell tower and must meet all City requirements.
6. The site is required to be kept clean and to be maintained at all times.
7. Any new lighting at the location must be contained on site at all times.
8. The new cell tower must allow for co-location and supply engineering calculations by a state certified engineer that will allow for as many as three separate users on a single pole. A letter must also be supplied stating that the owners of the tower will allow for co-location and that the structure has been constructed to allow for this. (Layton City has received a letter from Clearwire stating that they will comply with this requirement.)
9. The applicant must supply the City with a letter stating that if technology renders the tower obsolete and the tower is vacated, that the applicant will remove the tower, all apparatus associated with it, the top three feet (3') of the footing, and restore the site to its original condition within ninety (90) days of the vacation of the tower. (Layton City has received a letter from Clearwire stating that they will comply with this requirement.)

Commissioner Weaver asked if the obsolete tower on the Buddhist Temple site should be addressed in this conditional use. Mr. Wright responded that the City did not want to penalize someone who did not own the obsolete tower. He said Staff would pursue the removal of the other tower.

OTHER:

Commissioner Fitzpatrick asked about previously approved conditional uses, such as the Tabor request for an accessory residential dwelling structure, specifically about the definition of a blood relative. Mr. Wright said that the term blood relative could be defined as a family member, therefore, renting out a basement or accessory dwelling in an R-1 zoning district to someone not in one's family would not be allowed.

By Julie K. Jewell
Julie K. Jewell, Secretary to the Planning Commission

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OTHERS PRESENT: Staff Members: Bill Wright, Nannette Larsen, Steve Garside, Julie Jewell, and Councilman Barry Flitton

Planning Commission Chair, Sharon Esplin, called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited and an invocation given by Commissioner Weaver.

Planning Commission Secretary, Julie Jewell, administered the oath of office to newly appointed alternate commissioner, Dawn Fitzpatrick.

Chairman Esplin called for a motion to approve the August 24, 2010 Planning Commissioner Work and Regular Meeting Minutes. Commissioner Elinkowski moved to approve the August 24, 2010 minutes. Commissioner Weaver seconded the motion, and the voting was unanimous.

Chairman Esplin called for a motion to open Public Review. Commissioner Gilbert moved to open Public Review. Commissioner Pales seconded the motion, and the voting was unanimous.

1. VERIZON WIRELESS – CELL TOWER CONDITIONAL USE AMENDMENT

This property is located 1170 East Gentile in a CP-2 (Planned Community Commercial) Zoning District. The property owner is Smith's Food and Drug represented by the applicant Doug Kofford of Verizon Wireless.

Community & Economic Development Director, Bill Wright, presented the request from Verizon Wireless to replace an existing 40-foot cell tower on the rear portion of the Smith's Food and Drug store with a 100-foot high monopole cell tower. The applicant proposes a 26 X 12-foot prefabricated building. The cell site will occupy five existing park stalls not being used by the store.

Mr. Wright said the site will be enclosed with a 6-foot black vinyl coated chain link fence with three strands of barbed wire at the top. He said the barbed wire is required to be angled toward the inside of the fenced area or installed vertically. Mr. Wright explained that chain link provides better security with viewing into the area, and there is no need for a solid buffer based on the location of the cell tower site.

Mr. Wright said the proposed tower meets the one-mile distance separation between towers required by ordinance. He said the tower is proposed at 100 feet in height to provide opportunities for co-location. Presently, foliage and topography interrupt reception and service coverage needed up to Highway 89.

Two conditions were added to the staff report requiring the applicant to submit letters confirming that co-location would be allowed and that the tower would be removed if it became obsolete. These letters have been submitted by the applicant.

Mr. Wright said Staff recommends approval of the conditional use request based on the following conditions:

1. The site must comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. The new cell tower location will occupy no more than 5 parking stalls for the tower and the equipment building.
3. The new cell tower location will install a 6-foot black vinyl coated chain link fence around the perimeter of the cell tower and the building along with 3 strands of barbed wire (for security purposes).
4. The new monopole cell tower will be a galvanized material to lessen the visual impact.
5. The applicant is required to obtain a building permit for the new cell tower and equipment building.
6. Any new carriers are required to obtain a building permit for co-locating on the new cell tower and must meet all City requirements.
7. The site is required to be kept clean and maintained at all times.
8. Any new lighting at the location must be contained on site at all times.
9. The 40-foot tower and antennas are required to be removed within 30 days of completion of the new tower.
10. The new cell tower must allow for co-location and supply engineering calculations by a state certified engineer that will allow for as many as three separate users on a single pole. A letter must also be supplied stating that the owners of the tower will allow for co-location and that the structure has been constructed to allow for this. (Layton City has received a letter from Verizon stating that they will comply with this requirement.)
11. The applicant must supply the City with a letter stating that if technology renders the tower obsolete and the tower is vacated, that the applicant will remove the tower, all apparatus associated with it, the top three feet (3') of the footing, and restore the site to its original condition within ninety (90) days of the vacation of the tower. (Layton City has received a letter from Verizon stating that they will comply with this requirement.)

Chairman Esplin asked regarding condition #3, if the barbed wire must be installed vertically or be slanted toward the inside of the fenced area as was the usual standard for requests for barbed wire added to fencing. Mr. Wright responded that since the proposed tower is in a neighborhood commercially oriented center with residential nearby, Staff recommends the barbed wire be vertical or turned in to avoid accidental contact with the barbed wire.

The representative for Verizon Wireless, Doug Kofford, 9847 South 500 West, Sandy, Utah, said that Verizon prefers the barbed wire to be turned out so that the fence would be a deterrent to keeping people

out of the site. He suggested that if the barb wired is turned inward, the fence could be scaled and the person could become trapped inside.

Commissioner Gilbert said the Commission should be consistent with requirements at other similar sites and install the barbed wire either vertically or turned inward.

Commissioner Weaver asked if the 40-foot tower to be removed was on a concrete base. Mr. Kofford responded that there was no concrete and only grass, trees and a power meter would need to be removed.

There were no other comments from the Commissioner, the applicant, or the audience. Chairman Esplin called for a motion on the item.

Commissioner Gilbert moved that the conditional use for the new cellular tower be approved subject to the applicant meeting all conditions which are hereby adopted as requirement and subject to the amendment to condition #3 requiring that barbed wire be installed vertically or slanted toward the inside of the fenced area. Commissioner Pales seconded the motion, and the voting was unanimous.

2. CLEARWIRE – CONDITIONAL USE FOR A NEW CELL TOWER

This property is located at 781 East Gordon Avenue in a CP-1 (Planned Neighborhood Commercial) Zoning District. The property owner is Fairfield Crossing, LLC represented by Jared White from Clearwire.

Community & Economic Development Director, Bill Wright, presented a request for conditional use for a new 100-foot cell tower at the rear portion of the Snap Fitness site. He said the cell tower site would be at the back of all of the abutting properties. Mr. Wright said the cell tower would be set back 400 feet from both Gordon Avenue and Fairfield Road.

Mr. Wright explained that the new site would not have a building but would have smaller equipment cabinets. Fencing would be vinyl covered chain link with barbed wire to be placed consistently with previous similar conditional uses with the barbed wire installed either vertically or turned toward the inside of the fenced area.

The placement of the cell tower site would allow for operation of the man door of the fitness center. A fence will be located to allow for a 26-foot clearance of the drive aisle for Fire Department requirements.

Mr. Wright said the proposed tower also complies with the one-mile spacing requirement from other towers with the exception of the 80-foot tower that has been abandoned on the Buddhist Temple site on Gordon Avenue. He said Staff is working with the cell tower owner to have it removed.

Mr. Wright said staff recommends the Planning Commission approve the conditional use with the following conditions and the addition to condition #2 that the barbed wire must be vertical or turned inward with vertical installation being the preferred installation.

1. The business must comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. The new cell tower location will install a 6-foot black vinyl coated chain link fence around the perimeter of the cell tower with 3 strands of barbed wire (for security purposes).
3. The new cell tower will be a galvanized material to lessen the visual impact.

4. The applicant is required to obtain a building permit for the new cell tower.
5. Any new carriers are required to obtain a building permit for co-locating on the new cell tower and must meet all City requirements.
6. The site is required to be kept clean and to be maintained at all times.
7. Any new lighting at the location must be contained on site at all times.
8. The new cell tower must allow for co-location and supply engineering calculations by a state certified engineer that will allow for as many as three separate users on a single pole. A letter must also be supplied stating that the owners of the tower will allow for co-location and that the structure has been constructed to allow for this. (Layton City has received a letter from Clearwire stating that they will comply with this requirement.)
9. The applicant must supply the City with a letter stating that if technology renders the tower obsolete and the tower is vacated, that the applicant will remove the tower, all apparatus associated with it, the top three feet (3') of the footing, and restore the site to its original condition within ninety (90) days of the vacation of the tower. (Layton City has received a letter from Clearwire stating that they will comply with this requirement.)

Mr. Wright said the required letters have been received to allow co-location and provide for the removal of a tower which is abandoned or becomes obsolete.

Commissioner Elinkowski asked the reasoning for the positioning of the barbed wire.

Mr. Wright responded that fencing is a deterrent and adding barbed is allowed, but a vertical position is best for safety.

Commissioner Fitzpatrick mentioned that the cell tower site was not near residential property. Mr. Wright responded that an elementary school abutted the property on which the tower would be built.

There were no other questions or comments from the Commission, the applicant, or the audience. The applicant, Jared White, indicated he had received a copy of the conditions.

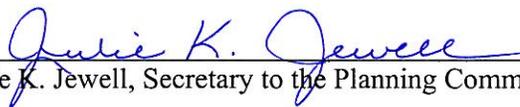
Chairman Esplin called for a motion on the item. Commissioner Hazen moved to approve the conditional use for the new cell tower subject to the applicant meeting the conditions which are hereby adopted as requirement with the addition to Condition #2 requiring barbed wire to be installed vertically or turned toward the inside of the fenced area.

Commissioner Pales seconded the motion, and the voting was unanimous.

Chairman Esplin called for a motion to close Public Review and adjourn the meeting.

Commissioner Gilbert moved to close Public Review and adjourn the meeting. Commissioner Pales seconded the motion, and the voting was unanimous.

The meeting adjourned at 7:20 p.m.

By _____
Julie K. Jewell, Secretary to the Planning Commission