

**Adopted Minutes
Development Review Committee
June 22, 2005**

The meeting was called to order at 10:10 a.m. by Richard Heap.

Staff Members Present: Richard Heap, Engineering/Public Works Director; Emil Pierson, Planning Director; S. Junior Baker, City Attorney; David Oyler, City Manager; Richard Nielson, Assistant Public Works Director; Ryan Bagley, Electric Department; Marvin Banks, Public Works Superintendent; Shawn Beecher, GIS Specialist; Connie Swain, Deputy Recorder.

Citizens Present: Troy Hales, *Reese Circle*, Wendy Hales, Don Shiveley, *Cingular Wireless*, Clark J. Mitchell, Matt Mitchell and Ray Morley.

Minutes

Mr. Baker made a **motion** to approve the minutes of the June 8, 2005 Development Review Committee meeting with changes as noted. Mr. Nielson **seconded** and the motion **passed** unanimously.

Reese Circle Amended Preliminary Plat

Mr. Pierson said this is a request by Troy Hales to amend his preliminary plat previously consisting of a cul-de-sac with six lots. He would like to eliminate the cul-de-sac and develop only three lots as shown on the amended plat.

Mr. Nielson said instead of a four-way intersection there will be a t-intersection.

Mr. Pierson was asked about the weeds on the property. The weeds are the property owner's responsibility.

Mr. Nielson said UDOT signed off on the original plat and he could not see why they would not approve the amended plat.

Mr. Pierson said the wall will no longer be required. He recommended that each home have a side entry garage with a t-driveway since they access a collector road.

Mr. Nielson concurred.

Mr. Pierson made a **motion** to approve the Reese Circle Amended Preliminary Plat subject to the following conditions:

1. Build side entry garages on all three homes with t-driveways,
2. Receive approval from UDOT,
3. Meet all of the Construction and Development Standards.

Mr. Baker **seconded** and the motion **passed** unanimously.

Morley Subdivision Waiver

Mr. Morley said he has a neighbor in the Meadows Subdivision where the horse corral is located. The neighbor has an approved lot that he would allow Mr. Morley to use the development rights for if the city would give the neighbor consent to hookup to city utilities within six months to a year.

Mr. Baker said the City Council will not consider lifting the utility restriction until November. The city cannot guarantee any additional development rights until the restriction is lifted.

Mr. Oyler asked if the neighbor is going to put a house on the lot within six months to a year.

Mr. Morley said they are interested in possibly selling the lot in the near future. Mr. Morley asked that this item be tabled.

Mr. Pierson made a **motion** to table the Morley Subdivision Waiver. Mr. Baker **seconded** and the motion **passed** unanimously.

Cingular Wireless Conditional Use Permit Request

Mr. Pierson said this is a request by Cingular Wireless to build a cell tower on Jim Nelson's property at 1350 East Center.

Mr. Shiveley proposed the installation of a communication system facility to provide cell phone coverage for Center Street and the Highway 6 corridor. The proposed location was determined to be the least obtrusive to the neighbors. They are working with Jim Nelson since he desires to develop the property in the future.

Mr. Pierson pointed out the zoning in the area. Jim Nelson owns the last lot on the street in the adjacent subdivision. He will use the area to widen the access to the back portion of the property.

Mr. Baker asked if the tower should be moved to the back southeast corner of the property.

Mr. Pierson said if Jim Nelson develops the property the area to the southeast would not work.

Mr. Oyler asked if they have contacted the neighbors.

Mr. Shiveley said they have not contacted the neighbors concerning the cell tower location.

Mr. Pierson said he preferred the most south area of the property.

Mr. Shiveley said getting power to the far corner of the property is difficult.

Mr. Pierson pointed out the location of the closest electric service line.

Mr. Nelson asked for the distance from the 46 KV line.

Mr. Bagley said 20 feet.

Mr. Shiveley said the tower will be 60 feet in height. They are only proposing a single user tower unless the city requires a co-user tower. If this is the case, they could make adjustments to the design and would need to know now. The tower would be 80 feet with two users or 100 feet for multiple users.

Mr. Oyler asked if we want many towers in one area when other providers request service in the same area or do we want multiple user towers.

Mr. Shiveley said also the flight path from the airport may be an issue with a taller tower.

Mr. Oyler asked if a 100-foot tower would interfere with the flight zones.

Mr. Baker said he thinks we should go with an 80-foot tower and allow two users.

Mr. Nelson reviewed the contours of the property in relationship to the flight zone. The tower could be as high as 120 feet at this location.

Mr. Shiveley said they can design the tower at 60 feet in height and allow for extensions. This would leave the responsibility with the next user request to receive approval. He said he would want to get approval from the Federal Aviation Association (FAA) and then proceed with the allowable tower.

Mr. Baker agrees that we should go with 80 feet. The power poles already in the area are 70 feet in height. This would fit in best with the neighborhood.

Mr. Banks suggested an 80-foot tower with the possibility of extensions if needed later.

Mr. Baker concurred.

Mr. Heap asked concerning setbacks. This is a commercial area.

Mr. Pierson said the setbacks are 5 feet from property lines. If we are looking at it as the main structure then the setback is 25 feet from the Highway. Mr. Pierson suggested access from the front of the existing commercial center.

Mr. Pierson said this will be before the Planning Commission and not the City Council. It comes before the City Council only upon appeal. There is a temporary turn around located at the end of the adjacent residential property. The last lot to the east will partially be used to complete the access to the back of the property being considered for the cell tower. Mr. Pierson said when this property was originally proposed he recommended to the City Council that it remain residential. The City Council made the change and zoned the area as commercial.

Mr. Shiveley said Jim Nelson went to the expense of installing a masonry wall around the property with the intent to develop the area as commercial.

Mr. Baker made a **motion** to recommend approval of the Cingular Wireless Conditional Use Permit at 1350 East Center with the following conditions and findings:

CONDITIONS

1. To be located next to Highway 6 on the southeast corner of the property,
2. To be a minimum of 80 feet with a possibility of 100 feet depending on FFA approval,
3. Hold a community meeting with the residents prior to the Planning Commission meeting,
4. Meet all of the construction and development standards and all safety codes,
5. Maintain all of the grounds,
6. Install a fence around the tower to eliminate access to the tower.

FINDINGS

1. The property is zoned residential and general planned as commercial,
2. Whether the property is residential or commercial the southeast corner of the property is the least obtrusive location for the tower,
3. The height of 80 or 100 feet is similar to the height of the existing power poles and is the least obtrusive to the neighborhood.

Mr. Pierson **seconded** and the motion **passed** unanimously.

Mr. Bagley asked for the power service needs.

Other Business - Clark Mitchell Conceptual Plan

Mr. Pierson said the City Council discussed the utility restriction and decided not to lift the restriction and tabled the discussion until November. He advised Mr. Mitchell to fill out an agenda request if he would like to discuss the issue with the City Council.

Mr. Mitchell said he has tied up the purchase of Vincent's property following a recent bid request by Vincent's. He intends to develop a subdivision on the property. Before he proceeds with the project, he needs to know the city's plans concerning the 1400 South connection to Poplar Lane. If the city has definite plans to build a road along the hillside to Poplar Lane then he will not proceed with the project since the area will be less marketable and not financially feasible. It would ruin the uniqueness of the property.

Mr. Heap said 1400 East will need to continue to connect to the riverbottoms area. The road will need to be redesigned at some point in the future. The design is not definite. Mr. Heap said if the developer presented another design it would be considered.

Mr. Nielson said the grade of the road determined the design.

Mr. Mitchell asked if the road needs to connect to Poplar Lane.

Mr. Heap said other options would be considered.

Mr. Mitchell suggested a design for 1400 East with the road running down the hill and to the west off of the Hamilton property and not connecting to Poplar Lane.

Mr. Oyler asked why the road is not shown on the master plan.

Mr. Nielson said the possible road design has been discussed for many years but the best design has not been determined. There should be an access from 1400 East to the Riverbottoms.

Mr. Oyler said the challenge is the developer is waiting and we need to determine the design.

Mr. Nielson said he met with Mr. Mitchell and viewed the area. Mr. Nielson said he felt it would be better to have the Development Review Committee help make a decision. If Mr. Mitchell releases his bid on the property, the next bidder would like to purchase the entire Vincent's property to construct one home.

Mr. Pierson said at that point we would have no access for a road.

Mr. Heap said the city is open to suggested designs for an alternate road design at that location.

Mr. Mitchell said he would suggest 1400 East come off the hill and continue to the west.

Mr. Pierson said the committee needs to determine whom in the future is going to construct the road. If the developer is expected to construct the road, the project is not financially feasible.

Mr. Nielson said if Mr. Hamilton has to pay it will not happen.

Mr. Heap said the city will need to participate.

Mr. Oyler said the city will most likely end up paying for it with no participation from others.

Mr. Nielson said the city would need to purchase an easement for the road.

Mr. Mitchell said the current plans for the property consist of 30 lots with eight being hillside view lots. The property consists of 20 acres but much of it is not buildable.

Mr. Heap suggested dedicating the hillside as open space to retain the view. The road would not obscure the view.

Mr. Oyler asked concerning the slope of the hill and past water issues in the area.

Mr. Heap said the developer and property owners cannot dig into the hill.

Mr. Mitchell said they plan to locate the homes as far back on the hill as possible.

Mr. Oyler asked who owns the existing road.

Mr. Nielson said the city road is on Blair Hamilton's property. If Mr. Hamilton were allowed to build a home on the lower portion of the hill, he may be more prone to allow the road. The sewer lines are already in the road. Mr. Nielson said Mr. Mitchell's road design suggestion is preferable.

Mr. Oyler asked for the traffic flow in the area.

Mr. Nielson said the majority of traffic travels west on Riverbottoms Road to Main Street.

Mr. Oyler asked if there are any requirements as far as the Riverbottoms Road.

Mr. Mitchell said the lots would front the road but not access into Riverbottoms Road.

Mr. Pierson asked if improvements should be required for the frontage of Riverbottoms Road.

Mr. Nielson said the area would be similar to another development near the Riverbottoms and improvements along Riverbottoms Road were not required.

Mr. Mitchell asked what the city has in mind for the Pioneer Cemetery.

Mr. Heap said a nice park area with benches.

Mr. Nielson said there will probably be four to five parking spots.

Mr. Mitchell asked for the perimeter of the cemetery to avoid hitting any old grave sites.

Mr. Heap advised Mr. Mitchell to be careful if digging around the perimeter. Mr. Mitchell was told that he should talk with his mother concerning the cemetery plans.

Mr. Mitchell said he checked with his mother first on the plans for the cemetery and then came to the city.

Mr. Nielson was directed to contact Mr. Hamilton to discuss the road issue.

Mr. Oyler said the Development Review Committee is just the advisory board for the Planning Commission and the City Council. Final approval of the project would be determined by them.

Mr. Mitchell said he just wanted to discuss the issue with city staff before proceeding any further.

Adjournment

Mr. Baker made a **motion** to adjourn. Mr. Nielson **seconded**, the motion **passed** unanimously and the meeting adjourned at 11:05 a.m.