

**Planning Commission Minutes
Work Session
July 26, 2005**

The following are the minutes of the work session meeting of the Planning Commission of the City of Springville, Utah. The meeting was held on July 26, 2005 in the Council Chambers of the Springville City Civic Center, and began at 6:40 p.m. Adequate notice of this meeting, as required by law, was posted in the Civic Center and delivered to members of the Council and media.

COMMISSIONERS PRESENT: Chair Christine Tolman presided. In addition, Cm. Farrell Jensen, Cm. Mike Davis, Cm. Michael Barker, Cm. Von Alleman were present.

OTHERS PRESENT: Community Development Director Fred Aegerter, Planner Carl Morgan, Planner Laura Boyd, and Planning Commission Secretary Byron Evans.

Commissioner Alleman made the motion for Mike Davis to act as Chair Pro Tem. Michael Barker seconded the motion. All voted aye. Chair Davis called the meeting to order at 7:10 p.m. Chair Tolman then arrived and presided over the meeting.

1. Discussion began for Cingular Wireless, who are seeking a conditional use permit to construct roof-top wireless transmission facilities at 38 West 200 South in the Town Center (TC) zone. Planner Morgan gave the background issues surrounding the proposed transmission facilities. Planner Morgan presented a computer map of proposed antenna locations in Springville City.

Chair Tolman asked if the proposed scenarios were based on the assumption of an antenna on top of the building. Planner Morgan said the scenarios were based on a roof-top antenna. Cm. Davis stated that coverage needed to be shown for Memorial Park. Planner Morgan then proceeded to show a computer slide show of stealthing examples for the antenna.

Don Shively, representing Cingular Wireless was welcomed to the discussion. Mr. Shively stated that the other, proposed wireless transmission locations are maxed out; and, therefore, there was no room to locate in those places. Cm. Davis asked if Cingular could locate at the City Cemetery at the west end. Mr. Shively said that Cingular had considered that location and could not locate there. Cm. Davis asked if there was a suitable location at the north end of the City Cemetery, and Planner Boyd stated that Springville citizens had not wanted a transmission pole there.

Mr. Shively stated that Cingular is aware of the concern about the look of a transmission antenna, and they are willing to stealth the transmission antenna. Cingular has considered doing a structural analysis of the Price building as an antenna location, but they won't do that until the City gives approval for the proposal. If the Planning Commission would approve the proposal with the condition that it be stealthed, then Cingular would present a structural analysis. Mr. Shively stated that this presents a catch-22 situation.

Cm. Jensen asked if staff had a mock up of a stealth scenario. Mr. Shively indicated that the computer photo slide shown of a fiberglass stealth model would be similar in appearance. Cm. Jensen commented that stealthing the antenna would definitely look like something has been stuck on top of the building. Cm. Jensen asked if the Price building was the preferred location for Cingular. Mr. Shively stated that the Cingular engineers give him a search ring which is a radius covering half a city block. Originally, Cingular engineers' preference was to locate a 150 foot monopole at City Hall. Cingular could not locate at City Hall because that would not be accepted by the Planning Commission; so, the next suitable location was the tallest structure in downtown which was the Price building. Mr. Shively explained that the only other alternative would be to build a 100 foot monopole. Cm. Jensen asked how high the transmission antenna would be at the Price building. Mr. Shively explained that the Price building would be 55 feet high for their antennae. Customer complaints requesting better service drive Cingular to go out and build new communication sites.

Chair Tolman asked about public safety infrastructure. Chair Tolman asked if Cingular provides emergency 911 coverage. Mr. Shively stated that emergency coverage is set up in other states and that it will be set up in Utah. Mr. Shively stated that wireless service providers have to be able to provide emergency 911 service for emergency personnel to use. Chair Tolman asked if an agency is coordinating the coverage between the wireless service providers. Mr. Shively said there was no coordination between carriers, and that there is just a national policy set by the F.C.C. Each service provider will have to meet the same requirements.

Dir. Aegerter asked Mr. Shively where Cingular has located in downtowns, like Provo and Spanish Fork cities. Mr. Shively said that they have located at Highway 6, going up Center Street in Price. He does not have a downtown site. Mr. Shively said he is working on sites in city outskirts. Cingular will be locating downtown in Provo by the NuSkin building. Two towers are also going in at Orem, next to Mt. View high school, North State Street leading into Provo Canyon, and another tower next to Macey's. Cm. Alleman had Mr. Shively clarify that the tower being located atop Mt. View high school will be 75 feet high.

Dir. Aegerter asked if there were any other poles located in Springville City. The Commission stated that there is a pole at 700 South, next to the tracks. Dir. Aegerter asked if there was an issue with other carriers co locating. Mr. Shively said that in the case of the Price building, a second company can build upon the original provider's structure and so on, but there is a limit to how much the building can support. The next step would be to locate south of the Price building. The issue is not about how many feet high the tower is, but where locations are for demand.

Chair Tolman asked how many more transmission facilities would have to be built if Cingular dominated the market in downtown Springville. Mr. Shively stated that they would need to be located every 1 ½ miles. In high-traffic areas, such as Southern California, transmission facilities may need to be located every several blocks. Eight hundred sites are being put in Southern California, and thirty sites are being put in Utah, as a matter of comparison.

Cm. Barker stated that he is concerned with the look of the transmission facility in the Plan Sketch. Mr. Shively stated that Cingular has found that the design presented in the Plan Sketch has been found to be the most stable in wind-load conditions. Planner Morgan recalled a picture of flag poles being used as transmission poles. Mr. Shively said that the flag pole would

not work on the Price building because he has no place to secure an anchor. Cm. Alleman pointed out that a flag pole design had been put in front of the elementary school in Provo, east of the B.Y.U. Campus. Cm. Davis stated that a monopole would be better because more carriers could be located on one pole.

Dir. Aegerter asked what the effect would be of a monopole located in the back of the Price building. Chair Tolman pointed out that the ideal location would be at the City Center, and she wondered what the potential would be for a monopole located across the street at the Public Safety building. Cm. Alleman pointed out that a second structure for the transmission would be necessary in addition to the monopole. Chair Tolman wondered if an underground structure would be possible. Mr. Shively noted that each additional carrier would need 18 by 30 feet for cooling facilities for the transmission equipment. Planner Morgan recalled a previous project proposal for a large monopole to be located behind the Public Safety building. Chair Tolman pointed out that additional carriers would be a problem if a monopole were located at the Public Safety building. Mr. Shively's experience, he said, has been that co-locating is just not feasible. Mr. Shively stated that the cooling shed for the transmission equipment could be altered in its dimensions to fit the location.

Chair Tolman stated that cooling the transmission equipment is expensive. Mr. Shively stated that Cingular's cooling units require 220 amps of electricity. The electrical bill runs about \$250.

Cm. Alleman continued the discussion regarding the height of the monopole. Cm. Davis asked if there was room over at the Cemetery. Mr. Shively discussed the conversation he had with Mike Bartholomew. The issue was that the Cemetery did not have room to give up for a compound for Cingular. Another issue is that the Cemetery location is ½ mile away from the prime location. Cm. Davis asked what the Commission wants for the downtown area. Chair Tolman stated that in the historic district, this transmission facility is not the ideal location, but she is aware of the demand for wireless service providers. Cm. Jensen wondered if the site could be set up for multiple users. Chair Tolman asked what input would be given by the City's Utility department. The issue is that paying customers need reliable service; so the service has to be accessible. Therefore, more providers will come in to town. Mr. Shively stated that although there is a conflict between service providers and historic downtowns, there are service providers located throughout the nation in these kind of areas. Chair Tolman expressed her wish that Mr. Shively understand that the Planning Commission is in favor of service provider facilities, but there is the issue the Planning Commission must face regarding responsibility for the historic areas. Mr. Shively cautioned that building a facility for a carrier is very difficult. One, central location would not be possible. Transmission locations are determined by customer demand. Chair Tolman stated that there needs to be guiding principles for the look of the transmission facilities once they are built.

Mr. Shively stated that Springville is the only jurisdiction where transmission facilities have been classified as a utility. Chair Tolman asked if the Commission or staff had any comments. Dir. Aegerter stated that he wanted more examples of downtown locations from other towns. He stated that cell towers should be clustered together. Citizens have complained that they don't want any more cell towers in town.

Cm. Alleman questioned whether there were other locations available north of the Price building. Chair Tolman continued the discussion regarding the issues discussed so far. Mr.

Shively stated that the Price building is struggling financially, and suggested that revenue from the Cingular transmission facility would help. Chair Tolman stated that bringing income to downtown merchants can't detract from the dynamics of historic downtown.

Cm. Alleman stated that he would rather not see the transmission facility on the Price building. He would rather see a monopole behind the Price building. The stealthing examples stand out and cause a person to look more than they would at the building.

Cm. Jensen stated that regardless of the historic district, he feels the Commission needs to consider the need for wireless transmission facilities. Chair Tolman stated that she would be concerned about the appearance of the back of the building for entrances. Discussion continued regarding the issue of historic appearance. Cm. Alleman asked if the City has planned places to provide for wireless transmissions. Dir. Aegerter said that the City has not planned for those places. Chair Tolman noted that in some ways, frames are less of an impact than a pole.

Dir. Aegerter asked Mr. Shively if Cingular covers all of Utah. Mr. Shively stated that Cingular does, and that a pole was put up by Nextel company in a downtown courthouse location in Southern Utah. Dir. Aegerter said that he was trying to get an idea for a downtown scenario.

Chair Tolman stated that her preference is that Cingular do stealthing scenarios, because the Commission needs to involve people who are good at integrating new structures into historic buildings. Cm. Davis asked if a trade off was being made in order to get maximum coverage. Chair Tolman stated that two options existed: either not allow any transmission poles in the historic district or allow a transmission site under certain conditions. The consensus among the Commissioners was to consider the City Council's approval of conditional uses. Dir. Aegerter stated that State Law said that conditions apply under certain conditions where it is appropriate. Cm. Alleman pointed out the difference between a downtown zone and a historic district.

Chair Tolman was excused at 7:55 p.m. Cm. Davis took over as presiding Commission member. Planner Boyd stated that until specifications are in the ordinance, transmission facilities cannot be located in a residential zone. Cm. Barker stated that the transmission facility needs to be screened in a creative way. Mr. Shively stated that he has shown every necessity and that he is looking for direction from the Planning Commission. He asked how the City would like him to stealth the transmission facility. Cm. Davis asked which zones permit transmission facilities. Planner Morgan stated that conditional uses are allowed in manufacturing zones.

Cm. Jensen was concerned that structures would be set up every ¼ mile in the downtown area. He asked how far into the downtown area the transmission facilities should be allowed. Discussion continued regarding a suitable location.

Mr. Shively stated that he can suggest locations to his engineers but that he cannot determine the sites that their computer maps recommend for transmission facilities. Cm. Davis asked the Commission if they were in favor of a tower off of Main Street or one that is stealthed. Mr. Shively asked if the towers would be the same height as the other poles in town, being 100 feet high. Dir. Aegerter stated that poles would be an inevitability, but the issue would be whether or not the tower would be effective at 400 South or 40 North. Cm. Jensen asked if the Commission could restrict towers in the historic district. Staff explained that an ordinance would have to be passed, and that the ordinance would have to agree with State Law. Dir. Aegerter stated that the historic district is treated differently because of the buildings associated with the

location. The issue is what appropriate methods are available for stealthing. Dir. Aegerter asked Mr. Shively if he had any examples of stealthing. Planner Morgan stated he would like Cingular to show some examples of previous proposals to help the Commission narrow down their decision. Mr. Shively said that he has only one option because there are no architectural features on the Price building to allow him to integrate the transmission antenna. Dir. Aegerter asked Mr. Shively what the State would say if the Commission were to approve the transmission antenna. Mr. Shively stated that the State would be likely to approve a freestanding structure atop the building.

Chair Tolman returned at 8:15 p.m. and presided. Chair Tolman suggested the Commission decide if they want to protect the downtown area. First, she stated, would be to have Dir. Aegerter go back to the City Attorney and see if current regulations would restrict using the building. Second, she stated, would be to clarify if a transmission facility would be permissible downtown. Third, she stated, would be to determine how to stealth a transmission facility if it were permitted.

Dir. Aegerter stated that engineering the transmission towers would have to be a creative process. Dir. Aegerter was concerned about how locations are determined by Cingular's engineers. Mr. Shively stated that he was not sure about what determines locations because of Cingular's cost concerns. Dir. Aegerter wondered why the City could not regulate location, size and height. Mr. Shively stated that there would be ramifications for each location that is chosen. Dir. Aegerter stated that the issue is with the importance of locating in an historic district. Dir. Aegerter cited the opposition by Central Bank to the freestanding towers being located atop the Price building, in an area where property costs are going up.

Chair Tolman stated that tonight was not the time to make a decision. She proposed that the questions as to permission to locate atop the Price building and as to permission to locate a transmission facility downtown be answered first. Cm. Alleman stated his agreement with Dir. Aegerter regarding the need to find out how other downtowns in Utah plan to deal with wireless transmission facilities. Mr. Shively asked if he would have a decision ready by the next Planning Commission meeting. Dir. Aegerter asked Mr. Shively if Cingular's preference was to locate on the Price building or outside of the historic area. Mr. Shively stated that he would first need to know if he can continue pursuing the Price Building location as an option or some other area. The consensus among the Commission members was against having a transmission tower atop the Price Building. Dir. Aegerter stated that the ordinance would have to be amended, and that the City would be pushing towards co-locating wireless service providers. Chair Tolman stated that there is going to be a lot of money going into the downtown area between 100 South and 300 South to hide the infrastructure.

Mr. Shively asked if he would be required to plan on stealthing but not count on approval from the Commission. Dir. Aegerter asked Mr. Shively if he had any stealthing examples. Mr. Shively stated that he had no way to integrate with the design of the Price Building. Planner Morgan suggested that Mr. Shively bring back some engineering scenarios.

Cm. Alleman stated the question was about amending the ordinance; so the discussion has already opened regarding the design guidelines for historic district. Therefore, the Planning Staff will be discussing the issue with the State Historic Commission.

The Commission reviewed Title 11 of the Development Code. Dir. Aegerter gave the

background regarding the C.C.&R.s for separate parks mentioned in the Development Code. The challenge now, is that several non-conforming conditional uses are not being screened. The effect of the restrictive covenants not being followed was shown in a photo slide show. Dir. Aegerter explained that the issue was how to allow storage outside the professional office buildings. He stated that screened storage would be an issue because of zoning enforcement. Jim Harris had contacted the City and he was allowed storage because of the C. C.&R.

Planner Boyd stated that the issue with storage in a construction yard is that it is not allowed under the current ordinance. Chair Tolman stated that the issue would require political will to accomplish the City's desires to enforce enclosed storage from this point on. The City Council first needs to give approval before the Planning Staff can act on enforcing the ordinance. Dir. Aegerter stated that the Planning Staff would draft language requiring enclosed storage and take it back to the Commission. Chair Tolman suggested that screening be required for existing outdoor storage and then not to allow any more from this point on.

Dir. Aegerter explained that C.C.&R.s didn't allow for outdoor storage. The current outdoor storage is illegal. The business owners would have to remove their outdoor storage. Cm. Davis said that he didn't like requiring the business owners to all remove their outdoor storage. Chair Tolman stated that in effect, the area has been rezoned by what has been allowed to occur there. This situation is the reason why the City should tell the businesses to screen their storage and then not allow any more.

Dir. Aegerter explained that businesses could cover their existing storage and fence it in, which they would consider being enclosed storage, but that is not what the City ordinance intended.

Setbacks were another issue in the Development Code. The City has had a request for a patio enclosure made out of glass blocks. Dir. Aegerter stated that the issue was if a screened patio would conform to regulations, and whether it would become a habitable space. Dir. Aegerter asked the Commission if they would consider the said request an intrusion into the rear yard setback. Most cities have a rear yard setback requirement that doesn't allow a solid surface screen. There are a number of freestanding garages that have been put up, and these cannot intrude on the rear yard setbacks, Dir. Aegerter mentioned. Cm. Davis asked what the Building Plans Inspector felt about the glass blocks. Planner Boyd stated that the Building Inspector considered it to be a solid surface, and therefore a wall. Chair Tolman stated that the issue became public health and safety, and that the City Code is not intended to accommodate bigger and more beautiful backyard structures but rather to keep those places safe.

Dir. Aegerter introduced the next issue in the Development Code, involving Leisure Villas which is having issues with parking. Leisure Villas is providing access to parking from the front as well as the back. Chair Tolman stated that the issue was that Leisure Villas was a Planned Unit Development and the City doesn't have a P.U.D. Ordinance. Leisure Villas is non-conforming. Chair Tolman stated that there is a need for P.U.D. types of projects, but that the P.U.D. didn't work for Springville City. The former P.U.D. City Ordinance was too liberal and didn't specify how bonus points would be awarded. Dir. Aegerter stated that the challenge with the bonuses was that the City would give in too much to the requests being made. Discussion continued regarding housing scenarios within P.U.D. developments. Dir. Aegerter stated that parking behind old P.U.D.s in Springville is too tight.

4. The draft of the General Plan was handed to each Commission Member. Dir. Aegerter emphasized the most important points for review by the Commission. Chapter four dealt with recreation policies. Dir. Aegerter summarized information contained in the draft ordinance regarding issues identified by the Ad Hoc committee. The recreation policies in the draft ordinance need to be reviewed by the Commission to see which apply to Springville City.

Chair Tolman reviewed the items to be covered in the draft General Plan packet. These items included the following: General Plan language for parks and trails; one page of Public Safety plans; Park and Trails Master Plan; and Impact Fees Study. Dir. Aegerter stated that he would have the City Parks Department give feedback on the draft General Plan for the Planning Commission to consider.

COMMISSION ADJOURNMENT: Von Alleman made the motion to adjourn. Michael Barker seconded the motion. All voted aye.