Ivins City Staff Report
City Council Meeting 04/17/14

Agenda Item: Public Hearing on Planning Commission's recommendation on a proposed General Plan Amendment to change the Land Use Plan from Commercial Community to Commercial with Light Manufacturing located at approximately 400 West Highway 91. Monarch Investment Company, owner, and Pete Simmons, applicant

Submitted by: Kevin Rudd, Building & Zoning Administrator

Recommended City Council Action: Staff does not make recommendations on Land Use Amendments

BACKGROUND: This property is the site of the existing mono-pole cell tower located at approximately 400 West Highway 91. The current land use designation and zoning does not allow for its expansion. If approved, they intend to amend the existing Conditional Use Permit to expand the walled area from 35'x35' to 50'x 60' and add some additional equipment (see attached plans). This expansion would then allow them to update antennas. The existing zoning regulations does not allow this mono-pole to be increased in height nor could an additional mono-pole be added to this site.

The original CUP for this cell tower requires that additional antennas be co-located on this pole and that if there is space for additional antennas, this pole must be used before another mono-pole could be placed elsewhere in Ivins.

The Planning Commission and City Council need to determine if allowing the expansion of this site would be less impactful than having another cell tower site located elsewhere in the City. If the answer is yes, then this should be given serious consideration.

Planning Commission Recommendation: Following the Public Hearing and subsequent discussion, the Planning Commission voted unanimously to recommend approval. The consensus of Planning Commission was that expansion of the existing cell tower is preferable to having another cell tower located in Ivins City.

FINDINGS AND ANALYSIS:

- Application is complete
- TRC does not make recommendations on Land Use Amendments

SUPPORT MATERIALS:

- Application
- Vicinity Map
- Proposed Site Elevation Plan
- Planning Commission Minutes 4/1/14

Respectfully Submitted: Kevin Rudd

Kevin Rudd, Building & Zoning Administrator

Content Review: Dale Timmerman for!

Dale Coulam, City Manager

IVINS CITY
PLANNING COMMISSION
MINUTES
April 1, 2014
435-628-0606

1) **WELCOME AND CALL TO ORDER**

CHAIRMAN AND COMMISSIONERS: The meeting was called to order at 5:30 p.m. All present included Chair Adel Murphy, Commissioner Lance Anderson, Commissioner Jeffrey Loris, and Commissioner Bryan Pack.

STAFF: City Attorney Dale Coulam, Building and Zoning Administrator Kevin Rudd, and Deputy City Recorder Martha Wilson

AUDIENCE: Pete Simmons and Claudette Larsen

A. Acknowledgement of Quorum

Chair Murphy acknowledged there was a quorum and excused Commissioner Scott.

B. Flag Salute

Chair Murphy led the Flag Salute.

C. Invocation

Commissioner Loris led the invocation.

D. Disclosures

Commissioner Anderson disclosed that he was the applicant for Item 5 (A). There were no other disclosures or conflict of interest with this meeting's agenda.

2) **REPORTS AND PRESENTATIONS (None)**

3) **BUSINESS LICENSES (None)**

4) **PUBLIC HEARING AND ACTION ITEMS**

A. Public Hearing on a Proposed General Plan Amendment to change the Land Use Plan from Commercial Community to Commercial with Light Manufacturing located at approximately 400 West Highway 91. Monarch Investment Company, owner, Pete Simmons, applicant

Kevin Rudd displayed the site plan and reported that the business locations nearby are Ryder's and Fitness Ridge. The existing enclosure is approximately 35' x 35' with a 100' antenna and it has an equipment building within the enclosure. There was a 49.5' right-of-way that was 400 West but when the sewer lift station was installed and Fitness Ridge Way was realigned 400 West was abandoned, and the property owners obtained their portion of 400 West. This property is zoned C-1. The only zones where cell towers are legal conforming uses are within the Commercial with Light Manufacturing (CLM) zone. The applicant is proposing to expand the yard area to add a new building, expand the wall to 50' x 60', add equipment and more antennas. This expansion would be an amendment to their Conditional Use Permit (CUP). If the Land Use and Zone Change are approved, they will come back with an amendment to the CUP for these modifications. The existing mono-pole is a legal non-conforming pole. In 2005 the Zoning Ordinance restricted mono-poles to the maximum building height of thirty-five feet (35') in this area. However, they are not requesting a change in height. They are requesting expanding the yard and adding additional equipment.

The existing CUP had a stipulation that if someone comes into the City and wants to put up another pole but there is room on this pole then they need to locate on this pole. Staff feels this mandates this site to be considered for this Land Use Plan Amendment and Zone Change.

Commissioner Anderson inquired as to what area the zone change is for.
Kevin Rudd explained that the zone would be for the property which is approximately 50' x 60'. Because there is only one zone to choose from, the applicant was willing to take the risk. They were willing to process both applications concurrently.
Chair Murphy opened the Public Hearing.
Pete Simmons represented Verizon Wireless. Approximately a year ago he was looking for different locations. They came up with three (3) alternative locations and this was one of the lots. They have been working with Monarch Investments and Insite Towers. The original tower was owned by South Central Communications and since that time Insite Towers has acquired the facility. South Central was located at the 100' Center Line where Verizon is now. The idea is for Verizon to take over the 100' Center Line as per the drawings. They also need to provide space for the equipment. Verizon always puts in a 12' x 26' equipment shelter which houses the equipment and backup generator. Verizon is part of the Homeland Security network which requires them to put that in new facilities. Based on a 12' x 26" we tried to work with Insite Towers on different locations. The actual property is 75' x 50' that Monarch Investments owns including the portion of 400 West. It is currently zoned C-1 with a non-conforming use. We are requesting to move forward with the General Plan Amendment to update it to the CLM zone to bring it into a conforming use which would allow us to expand the existing facility. In order for us to accommodate Verizon's 12' x 26' they do have to expand the initial 35' x 35' fenced compound. Insite Towers have leased with Monarch Investment the 50' x 50' space but when South Central developed the space they only developed a 35' x 35' and put in a 12' x 20' equipment shelter. There was a concrete pad put in by South Central but we cannot make that space work. We want to zone the entire piece of property rather than just a portion. There are three (3) active carriers on the tower and Verizon will be the fourth. Initially, there were four and Verizon is just taking their spot. They just want it zoned where it meets the City code.
Chair Murphy closed the Public Hearing.

B. <u>Consider recommendation on a Proposed General Plan Amendment to change the Land Use Plan from Commercial Community to Commercial with Light Manufacturing located at approximately 400 West Highway 91. Monarch Investment Company, owner, Pete Simmons, applicant</u>

Commissioner Anderson asked if the fencing was right on the property line. Also, usually there is a setback for some landscaping.
Kevin Rudd commented the drawing shows the wall close to the property line. Landscaping would be under a Conditional Use item.
Dale Coulam stated it is a Conditional Use item but it is common to put walls on boundary lines. The only distinction is that this is commercial versus residential.
Kevin Rudd pointed out the access easement which is a 25'-30' easement that was obtained from Fitness Ridge and was recorded. Fitness Ridge was planning to have some commercial buildings in that area.
Commissioner Anderson and Commission Loris discussed where Kayenta usually puts walls and landscape buffers.
Commissioner Anderson commented that he has seen where some cities require landscape buffers around substations.
They agreed that the landscape buffers did not relate to the Land Use Plan Amendment but could be considered as a Conditional Use item.
The consensus was that the Commissioners were in favor of the Land Use Amendment.
MOTION: Commissioner Jeffrey Loris moved to recommend a Proposed General Plan Amendment to change the Land Use Plan from Commercial Community to Commercial with Light Manufacturing located at approximately 400 West Highway 91. Monarch Investment

Company, owner, Pete Simmons, applicant
SECOND: Commissioner Bryan Pack
VOTE: The motion carried.

Chair Adel Murphy	AYE
Commissioner Lance Anderson	AYE
Commissioner Jeffrey Loris	AYE
Commissioner Bryan Pack	AYE
Commissioner Mike Scott	ABSENT

C. Public Hearing on Proposed Zone Change from C-1 (Community Commercial) to CLM (Commercial with Light Manufacturing) located at approximately 400 West Highway 91. Monarch Investment Company, owner, and Pete Simmons, applicant

Chair Murphy opened the Public Hearing and with no response closed the Public Hearing.

D. Consider recommendation on Proposed Zone Change from C-1 (Community Commercial) to CLM (Commercial with Light Manufacturing) located at approximately 400 West Highway 91. Monarch Investment Company, owner, and Pete Simmons, applicant

The consensus was that the Zone Change should be recommended since they recommended the General Plan Amendment.

MOTION: Commissioner Bryan Pack moved to recommend a Proposed Zone Change from C-1 (Community Commercial) to CLM (Commercial with Light Manufacturing) located at approximately 400 West Highway 91. Monarch Investment Company, owner, and Pete Simmons, applicant
SECOND: Commissioner Jeffrey Loris
VOTE: The motion carried.

Chair Adel Murphy	AYE
Commissioner Lance Anderson	AYE
Commissioner Jeffrey Loris	AYE
Commissioner Bryan Pack	AYE
Commissioner Mike Scott	ABSENT

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Consider approval of a Design Review Application for a shop and storage building in the Crescent Moon Village located on Crescent Moon Trail in Kayenta. R. T. Marten, owner, and Lance Anderson, applicant

Kevin Rudd reported that the Conditional Use Permit (CUP) is ten (10) years old and the site plan has been modified several times. The current site plan displayed was approved in 2009. Building A was approved during that time for a shop/storage building. Several storage units have been completed and Building I and K have been completed. They have brought the plans for Building A forward for the Design Review approval. One change is they are increasing the distance between John Reed's wood shop Building K and Building A from ten feet (10') to twenty feet (20'). If John Reed acquires this property, twenty feet (20') is the minimum separation distance for non-rated fire construction. It does not change the layout of the approved location of Building A.

Commissioner Loris inquired about the ten foot (10') offset on the road and if that is okay.

Kevin Rudd advised that it doesn't affect the building code. The distance is consistent with this plan.