MEETING NOTICE OF THE CLEARFIELD CITY PLANNING COMMISSION

Notice is hereby given that the Clearfield City Planning Commission will hold a regularly scheduled meeting at 7:00 P.M., Wednesday, October 7, 2015, on the 3rd floor in the City Council Chambers of the Clearfield City Municipal Building, 55 S. State, Clearfield, Utah.

7:00 PM CALL TO ORDER-- PLEDGE OF ALLEGIANCE

1. ROLL CALL

2. APPROVAL OF MINUTES
   A. September 2, 2015

PUBLIC HEARINGS:

4. Public Hearing – CUP 1507-0008, a request by Daniel Thurgood, on behalf Verizon Wireless, for a conditional use permit for the construction of an unmanned communications facility consisting of an antenna mounted to a new monopole with equipment shed located on site. The zoning on the property is C-2 (commercial) and located at 680 N. Main Street (TIN: 12-094-0024). The property is approximately 0.61 acres in size.

5. Public Hearing - CUP 1509-0001, a request by Fabian Reyes for a conditional use permit for the location of a church in an existing building within the Lakeside Square Center. The zoning on the property is (C-2) Commercial and located at 399 S State Street (TIN: 12-003-0283). The property is approximately 10.691 acres.

6. Public Hearing – CUP 1509-0003, a request by Damon Pearson, on behalf of Pearson Specialties LLC for a Home Occupation Permit within a home garage for the purpose of specialty gunsmithing. The property is located at 1964 S. 275 E. (TIN: 12-540-0158).

7. Public Hearing – CUP 1509-0004, a request by Richard Helmcke, on behalf of Hell Monkeys Cycles LLC for a Conditional Use Permit for an auto repair business specific to motorcycles. The zoning on the property is C-2 (commercial) and located at 325 W Antelope Dr. (1700 S) suites #1 & #2 (TIN: 12-243-0011). The property is approximately 1.768 acres.

SCHEDULED ITEMS:

8. Discussion and Possible Action - CUP 1507-0008, a request by Daniel Thurgood, on behalf Verizon Wireless, for a conditional use permit for the construction of an unmanned communications facility consisting of an antenna mounted to a new monopole with equipment.
shed located on site. The zoning on the property is C-2 (commercial) and located at 680 N. Main Street (TIN: 12-094-0024). The property is approximately 0.61 acres in size.

9. Discussion and Possible Action - **SP 1507-0008**, a request by Daniel Thurgood, on behalf of Verizon Wireless, for a site plan approval for the construction of a wireless communications facility consisting of an antenna mounted to a new monopole with equipment shed located on site. The zoning on the property is C-2 (commercial) and located at 680 N. Main Street (TIN: 12-094-0024). The property is approximately 0.61 acres in size.

10. Discussion and Possible Action - **CUP 1509-0001**, a request by Fabian Reyes for a conditional use permit for the location of a church in an existing building within the Lakeside Square Center. The zoning on the property is (C-2) Commercial and located at 399 S State Street (TIN 12-003-0283). The property is approximately 10.691 acres.

11. Discussion and Possible Action – **CUP 1509-0003**, a request by Damon Pearson, on behalf of Pearson Specialties LLC for a Home Occupation Permit within a home garage for the purpose of specialty gunsmithing. The property is located at 1964 S. 273 E. (TIN – 12-540-0158).

12. Discussion and Possible Action – **CUP 1509-0004**, a request by Richard Helmcke, on behalf of Hell Monkeys Cycles LLC for a Conditional Use Permit for an auto repair business specific to motorcycles. The zoning on the property is C-2 (commercial) and located at 325 W Antelope Dr. (1700 S) suites #1 & #2 (TIN: 12-243-0011). The property is approximately 1.768 acres.

**COMMUNICATION ITEMS:**

13. Staff Communications –

14. Planning Commissioners’ Minute

**PLANNING COMMISSION MEETING ADJOURNED**

Dated this 30th Day of September 2015
/s/Spencer W. Brimley, Development Services Manager

The City of Clearfield, in accordance with the ‘Americans with Disabilities Act’, provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting accommodations for City sponsored public meetings, service programs, or events, should call Christine Horrocks at 525-2780, giving her 48 hours’ notice.
TO: Planning Commission

FROM: Spencer Brimley
Development Services Manager
Spencer.brimley@clearfieldcity.org (801) 525-2785

MEETING DATE: October 7, 2015

SUBJECT: Public Hearing, Discussion, and Possible Action on CUP 1507-0008, a request by Daniel Thurgood, on behalf Verizon Wireless, for a Conditional Use Permit for a wireless communications tower consisting of an antenna mounted to a monopole with equipment shed located on site. The zoning on the property is C-2 (commercial) and located at 680 N. Main Street (TIN: 12-094-0024). The property is approximately 0.61 acres in size.

Discussion and Possible Action on SP 1507-0008, a request by Daniel Thurgood, on behalf Verizon Wireless, for a Site Plan approval for the construction of a wireless communications facility consisting of an antenna mounted to a monopole with equipment shed located on site. The zoning on the property is C-2 (commercial) and located at 680 N. Main Street (TIN: 12-094-0024). The property is approximately 0.61 acres in size.

RECOMMENDATION

Move to approve as conditioned CUP 1507-0008, a request by Daniel Thurgood, on behalf Verizon Wireless, for a Conditional Use Permit for a the construction of an unmanned communications facility consisting of an antenna mounted to a new monopole with and equipment shed located on site. The zoning on the property is C-2 (commercial) and located at 680 N. Main Street (TIN: 12-094-0024), based on the findings and discussion in the Staff Report.

Move to approve as conditioned SP 1507-0008, a request by Daniel Thurgood, on behalf Verizon Wireless, for Site plan approval for the construction of an unmanned communications facility consisting of an antenna mounted to a new monopole with and equipment shed located on site. The zoning on the property is C-2 (commercial) and located at 680 N. Main Street (TIN: 12-094-0024), based on the findings and discussion in the Staff Report.
PROJECT SUMMARY

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<thead>
<tr>
<th>Project Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
<td>VZW Wireless Monopole with antenna</td>
</tr>
<tr>
<td>Site Location</td>
<td>680 N. Main Street</td>
</tr>
<tr>
<td>Tax ID Number</td>
<td>12-094-0024</td>
</tr>
<tr>
<td>Applicant</td>
<td>Daniel Thurgood</td>
</tr>
<tr>
<td>Property Owner</td>
<td>Stein Eriksen Family Partnership LLLP</td>
</tr>
<tr>
<td>Proposed Actions</td>
<td>Conditional Use Permit</td>
</tr>
<tr>
<td>Current Zoning</td>
<td>C-2 Commercial</td>
</tr>
<tr>
<td>Master Plan Land Use</td>
<td>Commercial</td>
</tr>
<tr>
<td>Gross Site Area</td>
<td>0.61 Acres, 1,560 SF ground lease plus 80 foot tower height with 6 foot lightning rod (total height 86 feet)</td>
</tr>
</tbody>
</table>

Vicinity and Zoning Map
ANALYSIS

Comprehensive Plan and Zoning
Wireless Communication Towers are regulated through Clearfield City Code 11-13-19 within the “Supplementary Regulations” of Title 11. This code section identifies where wireless communication towers are permitted, conditionally permitted, and what style of tower is acceptable. Monopole Towers with antenna within Commercial zones requires a Conditional Use Permit.

The current request is for a new wireless communication tower with approximately 1,560 SF of ground lease area as well as an 80 foot tower with a 6 foot lighting rod, for a total of 86 feet. Since this is a new facility the request must be heard by the Planning Commission to consider potential impacts and mitigation efforts. This doesn't conflict with Clearfield City Code Title 11 and with the General Plan, and does not pose any threat or impact to achieving the stated goals of that plan.

Conditional Use Permit Review
The purpose of the CUP is to allow a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The request for a Conditional Use Permit (CUP) for a new wireless communications facility for monopole tower is consistent with the City’s Land Use Ordinance as this use is allowed with an approved CUP in the C-2 (commercial) zoning district.

In addition to standard review criteria for CUP applications outlined in Chapter 4 Title 11 of the City Code, section 11-13-19(I) sets five specific review criteria for CUP requests for Wireless Communication Towers.

Compatibility: “Whether the proposed structure is compatible with the height and mass of existing buildings and utility structures. Height of the tower structure should be reasonable, dependent upon the surrounding structures or buildings and compatible to the surrounding neighborhood.”

<table>
<thead>
<tr>
<th>Surrounding Properties and Uses:</th>
<th>Current Zoning District</th>
<th>Comprehensive Plan Land Use Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Vacant Property</td>
<td>C-2 (Commercial)</td>
</tr>
<tr>
<td>East</td>
<td>I-15</td>
<td>N/A</td>
</tr>
<tr>
<td>South</td>
<td>650 North/Taco Bell</td>
<td>C-2 (commercial)</td>
</tr>
<tr>
<td>West</td>
<td>Techna Glass</td>
<td>C-2 (Commercial)</td>
</tr>
</tbody>
</table>
This tower will be the tallest structure in the area. The tower is far enough from the residential that is west of the site, that staff does not see any issues or impositions with the placement of the pole at this location. Ordinance requires “…the distance from the base of the tower to any adjoining residential zone or any residential structure is a minimum of one hundred percent (100%) of the proposed tower height with an additional ten foot (10’) buffer. The total distance of the tower base from the residential zone or structure shall be no less than one hundred percent (100%) of the tower height, plus ten feet (10’).” It is staff’s determination that the height of the pole is well within the allowable height in relation to residentially zone property. Staff feels that the tower height request will not cause any undue hardship or burden.

**Collocation:** “Whether collocation of the antenna on other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles, etc., is possible without significantly impacting antenna transmission or reception.”

The request is for a new wireless communications tower. There is another monopole located across the street behind the Conoco Station on the Southwest corner. The applicant has stated that the existing pole to the west is at capacity and requires a new wireless communications facility to accommodate the demand for these providers in this area. There is not ability for the existing pole to be upgraded or modified. The only way to improve service is to construct an additional site that will allow for additional antennas and is being built with the future in mind.

**Screening:** “The location in relation to existing vegetation, topography and buildings to obtain the best visual screening.”

This site is directly adjacent to I-15 with commercial uses on all other sides. It sits in the gateway area of Clearfield where vehicles enter into Clearfield City. Although there is no way to screen the monopole itself, staff would recommend a screening fence be installed to screen the ground equipment and improve the area.

**Spacing:** “Whether the spacing between monopoles and lattice towers creates detrimental impacts to adjoining properties.”

This request does not impact spacing of monopole towers in the area. The existing pole to the east will be approximately 600 feet away from this proposed pole. The installation of this pole will provide Verizon as well as other carriers a location for their antennas and reduce the future need for more poles in this area.

**Negative Impacts:** “Whether there are any negative impacts associated with the use that must be mitigated through screening, landscaping, height limits or specifying construction materials and colors, etc.”

Staff does not foresee any negative impacts. This request does not affect ground transportation or site accessibility. The tower and ground lease area are located on the site to the south east, outside of any travel patterns. The color of the tower will not be an impact to the area, and staff would not specify a different color for the tower.

*ADDITIONAL REVIEW CRITERIA*
Yard Requirements
The applicant is proposing approximately 1,560 square feet of ground lease space and a wireless communications tower of 86 feet in height. There is no maximum height for wireless communication towers within Clearfield City Code; rather there are yard requirements which limit the location’s proximity to surrounding residential uses. Analysis was provided previously, but staff has included additional information for consideration by the Planning Commission.

City Code 11-13-19E sets standards for yard requirements. The base of the tower to any adjoining residential structure must be at least 100% of the tower height plus 10 feet. Utilizing the measurement tool on the City’s ARC Reader mapping system, the nearest residential structure is approximately 462 feet from the base of the tower. At the proposed height of 86 feet there will not be a conflict with this code requirement.

Public Comment
There have not been any public comments received for this item.

GENERAL STANDARDS
Conditional Use Permit Review
Clearfield Land Use Ordinance Section 11-4-3 establishes the general standards and determination the Planning Commission shall make to approve Conditional Use Permits. The findings and staff’s evaluation are outlined below:

<table>
<thead>
<tr>
<th>General Standard</th>
<th>Staff Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>DETERMINATION: A Conditional Use Permit shall be approved if conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards set forth [in the Land Use Code]. If the reasonably anticipated detrimental impacts or effects of the proposed conditional use cannot be substantially mitigated or eliminated by the proposal or the imposition of conditions to achieve compliance with the standards set forth [in the Land Use Code], the Conditional Use Permit may be denied.</td>
<td></td>
</tr>
</tbody>
</table>
**1) Equivalent to Permitted Use:**
Any detrimental impacts or effects from the proposed use on any of the following shall not exceed those which could reasonably be expected to arise from a use that is permitted in the zone:

- a. The health, safety, and welfare of the City and its present and future inhabitants and businesses;
- b. The prosperity of the City and its present and future inhabitants and businesses;
- c. The peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses;
- d. The tax base;
- e. Economy in governmental expenditures;
- f. The State’s agricultural and other industries;
- g. The urban and nonurban development;
- h. Access to sunlight for solar energy devices; or
- i. Property values.

The requested height and ground lease area for this commercial site is equivalent to a permitted use. Staff does not foresee any health, safety, or welfare issues at this site. There are no other unique impacts from this site that are assumed will occur, once the impacts are property mitigated.

**2) Impact Burden:**
Any cost of mitigating or eliminating detrimental impacts or effects in excess of those which could be reasonably expected to arise from a permitted use shall become a charge against the development so as not to constitute a burden on the municipality, surrounding neighbors, or adjacent land uses.

This request is not expected to create any additional impact burden on the residents of Clearfield City.

**3) Conform to the Objectives of the General Plan:**
The proposed conditional use shall not limit the effectiveness of land use controls, imperil the success of the General Plan for the community, promote blight or injure property values.

The proposed use does not limit the effectiveness of land use controls or the success of the General Plan. The proposed use is not anticipated to promote blight or injure property values. It is a wireless communication tower in the C-2 zoning district. Conditions of approval are proposed to mitigate impacts to the surrounding properties.

**4) 11-13-19/ Additional Conditional Use Requirements:**
1. Compatibility
2. Collocation
3. Screening
4. Spacing
5. Negative Impacts

The request is compatible with the surrounding area, and is consistent with the conditions required by staff and the applicable ordinances. Screening should be provided for all ground lease equipment through fencing, or an improved screening fence. The request does not impact tower spacing. There is a tower that is 600 feet to the west of the proposal. This may close, but the demand in this area has necessitated additional facilities.
for wireless communication. There are no additional negative outcomes foreseen with this use at this location.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT

1) This Conditional Use Permit is for a 1,560 square foot building and ground lease for a Verizon Wireless Monopole facility, located at approximately 680 N. Main Street. Submitted Construction Documents shall be in conformance with the plans submitted for CUP-SP 1507-0008.

2) Applicant will be required to obtain access permit from UDOT prior to final approval of the Conditional Use permit.

3) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

CONDITIONS OF APPROVAL –SITE PLAN

1) The approval of Site Plan 1507-0008 is subject to approval of a Conditional Use Permit 1507-0008 for a wireless communications towers at 680 N. Main Street.

2) Applicant will be required to obtain access permit from UDOT prior to final approval of the site plan.

3) Screening should be provided for the entire perimeter of ground lease equipment, and area on the site. Screening may be in the form of increased landscaping and vegetation, fencing, or other screening fencing material, but not chain link.

ATTACHMENTS

1. Site and tower plans
SAL - CLEARFIELD

SITE INFORMATION

APPLICANT:
Verizon Wireless
3989 South Property Road
West Jordan, UT 84089

SITE ADDRESS:
680 North Main Street
Clearfield, UT 84015

LATITUDE AND LONGITUDE:
41°07’26.17"N, 111°29’13.84"W

ZONING JURISDICTION:
Clearfield City

PROJECT DESCRIPTION:
Verizon proposes to construct an unmanned communications facility consisting of a microwave mounted to a new monopole with equipment located inside a 12’ x 20’ steel bust equipment shelter with an outdoor generator.

TYPE OF CONSTRUCTION:
Steel bust shelter, outdoor generator, microwave, and antenna

HANDICAP REQUIREMENTS:
Facility is unmanned and not for human habitation; handicap access requirements do not apply.

POWER COMPANY:
Rocky Mountain Power, 1-888-321-7070

LOCATION MAP

APPROVALS

Verizon Wireless Representative:
Verizon Wireless COE Engineer
Patson
TAEC Site Manager:
Patson

DRAWING INDEX

DRAWING NUMBER
TITLE
DATE

T100
Title Sheet, Vicinity Map, General Information
08.11.2015

S100
Site Survey
08.11.2015

C100
Environmental Site Plan
08.11.2015

C101
Environmental Site Plan
08.11.2015

C200
Site Elevations
08.11.2015

CONTACT INFORMATION

SITE ACQUISITION:
Technology Associates EC, Inc.
5710 South Green Street
Salt Lake City, UT 84123
Contact: Dan Gilmore
Phone: 801-875-7799

DRIVING DIRECTIONS

FROM THE I-15 SOUTHERN OFF RAMP TIE IN 3/4 MILE SOUTH TO DUTCH JOHN RD IN CLEARFIELD. TURN RIGHT AND DRIVE 1/4 MILE EAST TO THE FIRST INTERSECTION WHICH IS MAIN STREET. TURN RIGHT AND THEN TURN RIGHT AGAIN INTO THE SITE ENTRANCE AT THE CURB.

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL PLANS, AND EXISTING DIMENSIONS, AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

TAEC DRAWING

SAL - CLEARFIELD

Rawland Site

Sheet Title
Title Sheet
Vicinity Map
General Information

Sheet Number
T100

VERIZON WIRELESS
SALT LAKE CITY, UT 84123

Received by: SBRIMLEY
09/01/2015 3:39:58 PM

Underground Service Alert, call "Blue Stakes of Utah" @ 811 or 1-800-662-4111 Three Working Days Before You Dig
**BASIS OF BEARING**

1. **MAIN STREET (US 91)**
2. **650 NORTH STREET**
3. **DAVIS & WEBER CANAL**
4. **INTERSTATE 15**

**PARCEL INFO:**
- STEIN ERIKSEN FAMILY PARTNERSHIP, LLLP
- 14-094-0024

**GRAPHIC SCALE**
- 1" = 20'-0" (IN FEET)

**MAGNETIC NORTH**
- 11.8°

**NORTH**

**VERIZON WIRELESS**

**SITE SURVEY**

**INFORMATION FOR THE CENTER OF THE PROPOSED VZW MONOPOLE**

- **STATE PLANE COORDINATES - NAD 83 (FT)**
  - **NORTHING=3569112.30, EASTING=1495708.87**

- **GEODETIC COORDINATES - NAD 83**
  - **LATITUDE = N 41°07'24.17"**, **LONGITUDE = W 112°01'30.88"**

- **GROUND ELEVATION - NAVD88**
  - 4562' A.M.S.L.

**STATE OF UTAH, NORTH ZONE**
FAA Order 8260.19c requires proponents of certain proposed construction (located beneath instrument procedures) provide the FAA with a site survey and/or letter, from a licensed land surveyor, which certifies the site coordinates and the surface elevation at the site. On October 15, 1992, the FAA started using the North American Datum of 1983 (NAD-83), and therefore all site coordinates should be based on NAD-83. The FAA requires that the survey letter contain an accuracy statement that meets accuracy tolerances required by the FAA. The most requested tolerances are +/- 50 feet in the horizontal and +/- 20 feet in the vertical (2-C). When the site coordinates and/or site elevation can be certified to a greater accuracy than requested by the FAA, please do so.

In order to avoid FAA processing delays, the original site survey or certifying letter should be attached to the 7460 when it is filed at the FAA's regional office. It must be signed and sealed by the licensed land surveyor having performed or supervised the survey.

The FAA accuracy codes and a sample accuracy statement are listed below.

**ACCURACY CODES:**

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<thead>
<tr>
<th>Code</th>
<th>HORIZONTAL</th>
<th>Tolerance</th>
<th>Code</th>
<th>VERTICAL</th>
<th>Tolerance</th>
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<td>+/- 15 ft</td>
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<td></td>
<td>+/- 3 ft</td>
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<td>+/- 1000 ft</td>
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<td>9</td>
<td>Unknown</td>
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<td>Unknown</td>
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</tbody>
</table>

Date: AUGUST 31, 2015

Re: SAL - CLEARFIELD
SW 1/4 OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN

I certify that the latitude of N 41°07'24.17", and the longitude of W 112°01'30.88", are accurate to within 15 feet horizontally and the site elevation of 4562 feet, AMSL (American Mean Sea Level), is accurate to within +/- 3 feet vertically. The horizontal datum (coordinates) are in terms of the North American Datum of 1983 (NAD-83) and are expressed as degrees, minutes and seconds, to the nearest (tenth/hundredth) of a second. The vertical datum (heights) are in terms of the (NAVD88) and are determined to the nearest foot.

Professional Licensed Land Surveyor:  Jerry Fletcher, Utah LS no. 6436064
TO: Planning Commission

FROM: Spencer Brimley
Development Services Manager
Spencer.Brimley@clearfieldcity.org (801) 525-2785

MEETING DATE: October 7, 2015

SUBJECT: Public Hearing, Discussion and Possible Action on CUP 1509-0001, a request by Fabian Reyes for a conditional use permit for the location of a church in an existing building within the Lakeside Square Center. The zoning on the property is (C-2) Commercial and located at 399 S State Street (TIN: 12-003-0283). The property is approximately 10.691 acres.

RECOMMENDATION

Move to approve as conditioned, CUP 1509-0001, a request by Fabian Reyes for a conditional use permit for the location of a church within the Lakeside Square Center. The zoning on the property is (C-2) Commercial and located at 399 S State Street (TIN 12-003-0283) based on the findings and discussion in the Staff Report.

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<td><strong>Gross Site Area</strong></td>
</tr>
<tr>
<td><strong>Church Location</strong></td>
</tr>
</tbody>
</table>
ANALYSIS

Comprehensive Plan and Zoning
The property is located on the east side of State Street, about a half-mile from both Center Street and 700 South. The site is Lakeside Square, a commercial development that lies on over ten acres. The church is proposing to use 7,500 square feet in the southeastern-most part of the center in an existing building. The site is General Planned Commercial and has the corresponding C-2 zoning.

Conditional Use Permit Review
The purpose of the CUP is to allow a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The request for a Conditional Use Permit (CUP) for a church use is consistent with the City's Land Use Ordinance as this use is allowed with an approved CUP in the C-2 zoning district.
The location of the church is a tenant in a larger existing commercial development and is compatible with all surrounding commercial uses. The applicant has indicated that the current congregation will meet a few times a week, where parishioners would come to participate in scripture reading and discussion and worship services.

**Parking, Circulation, and Access**

No further mitigation measures are anticipated to be required. The site is fully developed with ample parking, adequate circulation and appropriate access to and from a major arterial (see attached site plan).

**Public Comment**

No public comment has been received to date.

**GENERAL STANDARDS**

**Conditional Use Permit Review**

Clearfield Land Use Ordinance Section 11-4-3 establishes the general standards and determination the Planning Commission shall make to approve Conditional Use Permits. The findings and staff’s evaluation are outlined below:

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<td>a. The health, safety, and welfare of the City and its present and future inhabitants and businesses;</td>
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<td>b. The prosperity of the City and its present and future inhabitants and businesses;</td>
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<td>c. The peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses;</td>
<td></td>
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<tr>
<td>d. The tax base;</td>
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<td>e. Economy in governmental expenditures;</td>
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<tr>
<td>f. The State’s agricultural and other</td>
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</tbody>
</table>

The requested church use is proposed to be located in an existing commercial development, at the southeastern-most edge of other commercial uses in the center. No detrimental impacts are anticipated, as all the surrounding uses are compatible and the site is fully developed and has capacity for the required parking, circulation and access necessary for a church use.
| industries;  
g. The urban and nonurban development;  
h. Access to sunlight for solar energy devices; or  
i. Property values. |

2) **Impact Burden:** Any cost of mitigating or eliminating detrimental impacts or effects in excess of those which could be reasonably expected to arise from a permitted use shall become a charge against the development so as not to constitute a burden on the municipality, surrounding neighbors, or adjacent land uses.  
The existing site is conducive to handling the traffic, parking, and related uses of a church use.

3) **Conform to the Objectives of the General Plan:** The proposed conditional use shall not limit the effectiveness of land use controls, imperil the success of the General Plan for the community, promote blight or injure property values.  
The proposed use does not limit the effectiveness of land use controls or the success of the General Plan. The proposed use is not anticipated to promote blight or injure property values.

**CONDITIONS OF APPROVAL**

1) This Conditional Use Permit is for the Eben-ezer Church located at 399 S. State St, in Lakeside Square commercial center. The center is organized in a way that allows for each address to denote the suite or specific location for the use.

2) No signs are approved with this application. Separate application will be required for any signage for the use.

3) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

**ATTACHMENTS**

1. Site Plan
TO: Planning Commission
FROM: Spencer Brimley
Development Services Manager
Spencer.brimley@clearfieldcity.org (801) 525-2785
MEETING DATE: October 7, 2015
SUBJECT: Public Hearing, Discussion and Possible Action on CUP 1509-0003, a request by Damon Pearson, on behalf of Pearson Specialties LLC for a Home Occupation License, within a home garage for the purpose of specialty gunsmithing. The property is located at 1964 S. 275 E. (TIN: 12-540-0158).

RECOMMENDATION
Move to approve as conditioned, CUP 1509-0003, a request by Damon Pearson, on behalf of Pearson Specialties LLC for a Home Occupation License within a home garage for the purpose of specialty gunsmithing. The property is located at 1964 S. 275 E. (TIN: 12-540-0158), based on the findings and discussion in the Staff Report.

PROJECT SUMMARY

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<td>Site Location</td>
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<td>Tax ID Number</td>
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<td>Applicant</td>
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<td>Property Owner</td>
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<td>Proposed Actions</td>
</tr>
<tr>
<td>Current Zoning</td>
</tr>
<tr>
<td>Master Plan Land Use</td>
</tr>
</tbody>
</table>
ANALYSIS

Comprehensive Plan and Zoning
The property is a 0.24 acre lot and contains a single dwelling within an established neighborhood in the R-1-8 zone. The General Plan shows residential in this area of the City. The property is similar in size and configuration to surrounding neighbors.

Conditional Use Permit Review
The purpose of the CUP is to allow a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
The request is for a Conditional Use Permit (CUP) for a Home Occupation which would include utilization of the home’s attached garage. Home Occupations are legal in all residential zones of Clearfield City. The use of a garage or accessory structure on the property requires obtaining a Conditional Use Permit.

Clearfield City Code 11-16-1 Home Occupations lists General Regulations for Home Occupations. The request to provide a specialty gunsmith service within the garage can meet Title 11-16-1 regulations. The use of the garage does not exceed the useable area or inventory storage requirements, the dwelling character remains unchanged, and the use does not require any special fixtures or equipment that would not be found in a similar home environment.

Concerns from this use revolve around additional noise on the property. Staff would recommend that the applicant operate within a reasonable time schedule in order to limit noise impacts early in the morning and late into the evening. Clearfield Police and North Davis Fire District (NDFD) have also been made aware of this proposed use and have no concerns with the use as proposed. Staff has included a letter from the NDFD that was sent in response to the requested use. NDFD has no concerns relative to this proposed use.

**Public Comment**
None received.

**GENERAL STANDARDS**

**Conditional Use Permit Review**
Clearfield Land Use Ordinance Section 11-4-3 establishes the general standards and determination the Planning Commission shall make to approve Conditional Use Permits. The findings and staff’s evaluation are outlined below:

<table>
<thead>
<tr>
<th>General Standard</th>
<th>Staff Analysis</th>
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<tbody>
<tr>
<td><strong>DETERMINATION:</strong> A Conditional Use Permit shall be approved if conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards set forth [in the Land Use Code]. If the reasonably anticipated detrimental impacts or effects of the proposed conditional use cannot be substantially mitigated or eliminated by the proposal or the imposition of conditions to achieve compliance with the standards set forth [in the Land Use Code], the Conditional Use Permit may be denied.</td>
<td></td>
</tr>
<tr>
<td><strong>1) Equivalent to Permitted Use:</strong> Any detrimental impacts or effects from the proposed use on any of the following shall not exceed those which could reasonably be expected to arise from a use that is permitted in the zone:</td>
<td>The request is a home occupation for gunsmithing within a home garage located in the R-1-8 zone. This is a use that is compatible with adjacent residential properties, once the impacts are properly mitigated.</td>
</tr>
<tr>
<td>a. The health, safety, and welfare of the City and its present and future inhabitants and businesses;</td>
<td></td>
</tr>
<tr>
<td>b. The prosperity of the City and its present and future inhabitants and businesses</td>
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businesses;
c. The peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses;
d. The tax base;
e. Economy in governmental expenditures;
f. The State’s agricultural and other industries;
g. The urban and nonurban development;
h. Access to sunlight for solar energy devices; or
i. Property values.

Impact Burden: Any cost of mitigating or eliminating detrimental impacts or effects in excess of those which could be reasonably expected to arise from a permitted use shall become a charge against the development so as not to constitute a burden on the municipality, surrounding neighbors, or adjacent land uses.

Staff would recommend that the business operate between 8:00 AM to 8:00 PM in order to avoid excessive noise early in the morning and late into the evening. No customers will come to the residence for purposes related to the requested business license.

Conform to the Objectives of the General Plan: The proposed conditional use shall not limit the effectiveness of land use controls, imperil the success of the General Plan for the community, promote blight or injure property values.

The proposed use does not limit the effectiveness of land use controls or the success of the General Plan. The proposed use is not anticipated to promote blight or injure property values. Conditions of approval are proposed to mitigate impact to the surrounding properties.

CONDITIONS OF APPROVAL

1) This Conditional Use Permit is for a home occupation gunsmithing use including utilization of the home’s attached garage located at 1964 S 275 E.
2) No outdoor storage shall be allowed in conjunction with the proposed use.
3) The business shall operate only between the hours of 8:00AM and 8:00PM.
4) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

ATTACHMENTS
1) Site plan
2) Floor plan
3) List of chemicals to be used
4) NDFD letter of approval
*Pearson Specialties is only in the white area.*
Pearson Specialties- Chemicals stored on site

- Engine Oil 4 qt
- WD 40 12oz
- Degreaser 20oz
- Aerosol spray paint cans 12oz x 8
- Transmission Fluid 2 qt
- Christy’s Red Hot Blue Glue 8oz
- Denatured Alcohol 1 gal
- Window washer fluid 1 gal
- Power steering Fluid 1 qt
- Manganese Phosphate Parkerizing 1 gal
- Parkerizing Post treatment solution 1 gal
- Aerosol insect killer 20oz
- Lawn weed and feed 2 gal
- 409 multi-use cleaner 32oz
- Brownell’s Oxpho-Blue 4oz
- Gun Oil 10oz
- Nevr Dull 5oz
- Wood Glue 4oz
- Rubbing Alcohol 16oz x 3
- Citrus Orange Hand Cleaner 15oz
- Oatley All-purpose cleaner 4 oz
- Beruz O Matic Butane 5.5oz
- HI-Yield Killzall 1 qt
- Sterling Flux 1.7oz
- Weldwood Contact Cement 3oz
- Berznomatic Propane 17.4oz x 3
- R134A Refrigerant 12oz x 2
TO: Spencer Brimley Community Development
FROM: John Taylor / Fire Marshal
RE: Pearson Specialties Home Occupation
DATE: September 14, 2015

I have reviewed the plans submitted for the Pearson Specialties Home Occupation. After my review I find no issues with the proposed occupation. The minimal quantities of chemicals on hand and the services performed present no concern for the district at this time. In the future is more chemicals are added or the quantities increased, we would need to be notified for review at that time.

These plans have been reviewed for Fire District requirements only. Other departments must review these plans and will have their requirements. This review by the Fire District must not be construed as final approval from Clearfield City.

If you have any further questions or concerns, please feel free to contact me at any time.

John C Taylor
Deputy Chief /Fire Marshal
NDFD
TO: Planning Commission

FROM: Spencer Brimley
Development Services Manager
Spencer.Brimley@clearfieldcity.org (801) 525-2785

MEETING DATE: October 7, 2015

SUBJECT: Public Hearing, Discussion and Possible Action on CUP 1509-0004, a request by Richard Helmcke, on behalf of Hell Monkeys Cycles LLC for a Conditional Use Permit for an auto repair business specific to motorcycles. The zoning on the property is C-2 (commercial) and located at 325 W Antelope Dr. (1700 S) suites #1 & #2 (TIN: 12-243-0011). The property is approximately 1.768 acres.

RECOMMENDATION

Move to approve as conditioned, CUP 1509-0004: A request by Richard Helmcke, on behalf of Hell Monkeys Cycles LLC for a Conditional Use Permit for an auto repair business specific to motorcycles. The zoning on the property is C-2 (commercial) and located at 325 W Antelope Dr. (1700 S) suites #1 & #2, based on the findings and discussion in the Staff Report.

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<td>Hell Monkeys Auto Repair (Motorcycle)</td>
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<tr>
<td><strong>Site Location</strong></td>
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<tr>
<td>325 W. 1700 S. suites #1 &amp; #2</td>
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<td><strong>Tax ID Number</strong></td>
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<td>12-243-0011</td>
</tr>
<tr>
<td><strong>Applicant and Property Owner</strong></td>
</tr>
<tr>
<td>Richard Helmcke</td>
</tr>
<tr>
<td><strong>Property Owner</strong></td>
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<tr>
<td>Cameron Winquist</td>
</tr>
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<td><strong>Proposed Actions</strong></td>
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<td>Conditional Use Permit – Auto Repair (motorcycles)</td>
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<tr>
<td>Commercial</td>
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<tr>
<td><strong>Gross Site Area</strong></td>
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<td>1.768 acres</td>
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ANALYSIS

Comprehensive Plan and Zoning
The property is approximately 1.77 acres in size, a commercial site with an existing structure holding multiple suites. The use requested would be placed within suites #1 & #2 of the existing building. The General Plan for this area shows Commercial. There are currently two approved automotive businesses within this structure located in suites directly south of the proposed use, Vera Auto and El Chamo Emissions.

Conditional Use Permit Review
The purpose of the CUP is to allow a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
AUTOMOTIVE REPAIR
Chapter 3 of the Land Use Ordinance defines Automobile Repair as “Any activity that involves the repair of any passenger auto, pickup truck, trailer, semitrailer, recreational vehicle or other vehicle where the repair includes, but is not limited to, bodywork and collision repair; the rebuilding of engines, transmissions, or differentials; electrostatic or air gun spray painting of vehicles; inspections; tune ups; oil changes; glass, tire, or brake work; or similar repairs.”

As stated the property has two automotive repair businesses within suites #6 and #7. Staff has received numerous complaints about the uses that occupy the building on this property. Staff believes that a new automotive repair business at this site could operate within conditions without detrimental impacts, but that the property owner should take additional action relative to proper allocation of parking, screening and other impacts that have gone unaddressed.

Some impacts of automotive repair that could warrant mitigating conditions are environmental. For example, oil and other hazardous material should be stored and disposed of properly. To prevent contamination of the storm drainage system, fluids should not be allowed to leak onto the ground, and automotive parts/scrap should be disposed of in enclosed containers. An oil separator should be installed in any floor drains that enter the sewer system. In some cases within the structure at 325 W. 1700 S. there are no floor drains. For those sites, hazardous liquids shall be stored and contained in a manner consistent with North Davis Fire Department’s review and approval.

From an aesthetic standpoint, there may be a concern with having inoperable vehicles (awaiting repair) stored in locations visible from the Street, both 300 W. and 1700 S. Conditions should be considered that limit the location and/or number of vehicles. The request as submitted does not have an Outdoor Storage component, and the site is not designed in such a way that Outdoor Storage of inoperable vehicles could be easily screened or limited. Staff would recommend that any inoperable vehicles be kept within the suites if they are to be kept overnight. Vehicles awaiting repair should reside within clearly marked parking stalls on site. Additionally, storage of vehicles shall not impact customer parking for this use or other uses within the building. Applicants shall identify and provide no less than 2 parking stalls per 1,000 square feet of gross floor area. Applicant will occupy approximately 2,750 SF of the building and will be required to provide no fewer than 3 stalls. Site plan shows that the use will provide 6 stalls.

Public Comment
Staff has not received any comments on this application.

GENERAL STANDARDS

Conditional Use Permit Review
Clearfield Land Use Ordinance Section 11-4-3 establishes the general standards and determination the Planning Commission shall make to approve Conditional Use Permits. The findings and staff’s evaluation are outlined below:

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proposal or the imposition of conditions to achieve compliance with the standards set forth [in the Land Use Code], the Conditional Use Permit may be denied.

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1) The request is for an automotive repair business within an established commercial building with similar businesses in the adjacent suites. This is a use that is compatible with adjacent properties, once the impacts are properly mitigated.

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<th>Impact Burden: Any cost of mitigating or eliminating detrimental impacts or effects in excess of those which could be reasonably expected to arise from a permitted use shall become a charge against the development so as not to constitute a burden on the municipality, surrounding neighbors, or adjacent land uses.</th>
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<td>Impact burden arises from the fact that automotive businesses can become environmental hazards and can cause visual detriment due to potential problems with inoperable vehicles.</td>
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2) Conform to the Objectives of the General Plan: The proposed conditional use shall not limit the effectiveness of land use controls, imperil the success of the General Plan for the community, promote blight or injure property values. |

3) The proposed use does not limit the effectiveness of land use controls or the success of the General Plan. The proposed use is not anticipated to promote blight or injure property values, when mitigated. Conditions of approval are proposed to mitigate impact to the surrounding properties.
CONDITIONS OF APPROVAL

1) This Conditional Use Permit is for an automotive repair business for Hell Monkey’s Auto Repair located at 325 W. 1700 S., suites #1 & #2.
2) Absolutely no automotive repair services shall be conducted outside of the building’s service bays.
3) The site shall be maintained in a neat and orderly manner and have no abandoned or leaking automotive parts except in a closed container for disposal.
4) An oil separator is necessary for any floor drains; it shall be cleaned and in proper working order verified by the Public Works Department. It may be necessary to install a cap on top of the sewer line.
5) Keeping of hazardous liquids and rags used to clean up spills shall be kept in accordance with North Davis Fire District’s standards.
6) Damaged and inoperable vehicles shall not be stored on-site overnight. Keeping of inoperable vehicles overnight inside suites #1 & #2 is acceptable.
7) There shall be no overflow parking offsite (on the surrounding lots, on the street, or otherwise).
8) Parking for the use shall be striped and identified with signage so as to distinguish it from other uses located in the building. Property owner shall provide applicant and City with information related to the designation of parking for each use located in the building.
9) Applicant is showing six (6) stalls will be provided. Each stall shall meet minimum standards for a parking stall as outlined in Clearfield City code, title 11 chapter 14.
10) For this Conditional Use Permit to be in full force and effect, the Conditions of Approval shall be acknowledged and accepted in writing by both the tenant/business owner and the property owner.
11) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

ATTACHMENTS

1) Site plan
2) Aerial photo of existing site