PRESIDING: Brady Jugler Chair

PRESENT: Kathryn Murray Commissioner
Robert Browning Commissioner
Michael Britton Commissioner
Chris Uccardi Commissioner
Mallory Call Alternate Commissioner

STAFF PRESENT: Brie Brass Assistant City Attorney
Spencer Brimley Community Development Director
James Shoopman Planner
Christine Horrocks Building Permits Specialist

VISITORS: Morteza Emami, William Hamilton, Thomas Blanks, Trent Porter, Brady Porter, Ryan Flint, Shawn Bagley, Tim Roper, Sarah Jane A. Mallari

The Pledge of Allegiance was led by Chair Jugler.

APPROVAL OF MINUTES FROM JANUARY 3, 2018 PLANNING COMMISSION MEETING

Commissioner Murray moved to approve the minutes of the January 3, 2018 Planning Commission meeting as written. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Call, Murray, Browning, and Britton. Voting NO: None.

DISCUSSION ON SP 1712-0001, A REQUEST BY GARY CASSEL ON BEHALF OF CLEAR BLUE SERVICES, FOR SITE PLAN APPROVAL TO ERECT A 75 FOOT MONOPOLE COMMUNICATIONS TOWER WITHIN A 50 FOOT BY 50 FOOT ENCLOSURE IN THE SOUTHEAST CORNER OF THE PARCEL LOCATED AT APPROXIMATELY 1000 WEST 300 NORTH (TIN: 14-070-0022)

James Shoopman, City Planner, stated the request was for site plan approval for a 75 foot monopole communications tower within a 50 foot by 50 foot enclosure in the southeast corner of Steed Park. The parcel was zoned PF (Public Facilities) and was an allowed use within the zone. The applicant had an agreement with Clearfield City to lease the site. The distance requirement was met for residential zones or structures. The conditions of approval were reviewed. Mr. Shoopman showed the commissioners photos the applicant had provided of similar structures.

Commissioner Browning asked what type of screening would be installed. Mr. Shoopman said there would be an eight foot high wall surrounding the tower. Staff recommended that trees be placed around the perimeter for screening.
APPROVAL OF SP 1712-0001, A REQUEST BY GARY CASSEL ON BEHALF OF CLEAR BLUE SERVICES, FOR SITE PLAN APPROVAL TO ERECT A 75 FOOT MONOPOLE COMMUNICATIONS TOWER WITHIN A 50 FOOT BY 50 FOOT ENCLOSURE IN THE SOUTHEAST CORNER OF THE PARCEL LOCATED AT APPROXIMATELY 1000 WEST 300 NORTH (TIN: 14-070-0022)

Commissioner Murray moved to approve SP 1712-0001, a request by Gary Cassel on behalf of Clearblue Services, for Site Plan approval to erect a 75 foot monopole communications tower within a 50 foot by 50 foot enclosure, located in the southeast corner of Steed Park, based on the findings, discussion, and conditions as outlined in the Staff Report with the following conditions:

1. Submittal of landscape plans for effective screening of the proposed enclosure.
2. Construction plans submitted for building permits shall conform with plans submitted for Site Plan approval.
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.

Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Call, Murray, Browning, and Britton. Voting NO: None.

Chair Jugler read the Planning Commission Chair statement.

PUBLIC HEARING AND DISCUSSION ON CUP 1712-0002 AND DISCUSSION ON SP 1712-0002, A REQUEST BY GARY CASSEL ON BEHALF OF CLEAR BLUE SERVICES, FOR A CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL TO ERECT A 75 FOOT MONOPOLE COMMUNICATIONS TOWER WITHIN A 50 FOOT BY 50 FOOT ENCLOSURE IN THE SOUTHEAST CORNER OF THE PARCEL LOCATED AT 1499 SOUTH STATE STREET (TIN: 09-022-0069)

James Shoopman stated the request was to erect a 75 foot monopole communications tower which was a conditional use in the C-2 (Commercial) zone. The lease site for the equipment would be approximately 2,500 square feet with a monopole tower of not more than 75 feet tall. Height restrictions for wireless communication towers were set by proximity to surrounding residential uses which stated the distance of the tower base to any adjoining residential zone or structure must be at least 100 percent of the tower height plus 10 feet. Mr. Shoopman said the proposed height of 75 feet met the regulations and did not conflict with the code requirement. The base of the tower with the equipment would be screened with an eight foot high wall.

Mr. Shoopman said a CUP shall be approved if conditions were proposed or could be imposed to mitigate the detrimental effects of the proposed use. The staff analysis was:

1. The requested height and ground lease area for this commercial site was equivalent to a permitted use. Staff did not foresee any health, safety, or welfare issues at this site. There were no other unique impacts from this site that are assumed will occur, once the impacts are properly mitigated.
2. This request was not expected to create any additional impact burden on the residents of Clearfield City.
3. The proposed use did not limit the effectiveness of land use controls or the success of the General Plan. The proposed use was not anticipated to promote blight or injure property values. It was a wireless communication tower in the C-2 zoning district. Conditions of approval were proposed to mitigate impact to the surrounding properties.
4. The request was compatible with the surrounding area, and was consistent with the conditions required by staff and the applicable ordinances. An eight foot concrete block wall was proposed to screen and enclose the site. Staff recommended that landscaping be provided to lessen the visual impacts of the enclosure. The request did not impact tower spacing. The demand in this area necessitated additional facilities for wireless communication. There were no additional negative outcomes foreseen with the use at the requested location.

Mr. Shoopman said staff had not received any public comments for the request. Staff encouraged approval of the request for a CUP for a ground lease area for a new wireless communication tower.

The public hearing was opened at 7:27 p.m.

PUBLIC COMMENT:

Sarah Mallari, Clearfield, said she lived on 1450 South and was adjacent to the proposed cell tower. She was concerned that the property value would go down with the presence of the cell tower. She said people don’t buy property next to a cell tower because it was thought to be linked to cancer. She was opposed to the cell tower being built on the neighboring property.

Morteza Emami, Clearfield, lived close to the property and was opposed to the cell tower. He found through research that cancer rates increased in Germany and Israel for the people living next to a cell tower. Other than the health issues it was his opinion that the cell tower would devalue his property.

Thomas Blanks, Clear Blue Wireless, said the wireless industry had worked arduously for protection and safety with wireless towers and concerns with health issues had been mitigated.

Commissioner Call asked how close the proposed cell tower was to the nearest cell tower. Mr. Blanks said he didn’t have the exact distance, but because of the height of the tower he guessed it was approximately one and one-half to two miles away. Commissioner Call asked if the proximity created a greater health risk. Mr. Blanks said the towers were spaced out like a honeycomb and the distance between the towers was determined by the service required.

Commissioner Britton asked what the effective range for improvement of data coverage was with the addition of a new tower. Mr. Blanks said the towers were built to fill the gap between existing towers.
Commissioner Murray moved to close the public hearing at 7:36 p.m. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Call, Murray, Browning, and Britton. Voting NO: None.

Commissioner Murray asked for clarification on the map identifying the location of the tower. Mr. Shoopman explained the layout of the parcel and indicated the dotted lines were an access easement.

Commissioner Call was concerned with property value and the health issues because of the tower’s proximity to the residential properties. Commissioner Britton asked if the proposed site plan placed the cell tower within the 85 feet of the residential properties. Mr. Shoopman said the tower conformed to City Code.

APPROVAL OF CUP 1712-0002: A REQUEST BY GARY CASSEL ON BEHALF OF CLEAR BLUE SERVICES, FOR A CONDITIONAL USE PERMIT TO ERECT A 75 FOOT MONOPOLE COMMUNICATIONS TOWER WITHIN A 50 FOOT BY 50 FOOT ENCLOSURE ON THE PARCEL ADDRESSED AS 1499 SOUTH STATE STREET (TIN: 09-022-0069)

Commissioner Britton moved to approve CUP 1712-0002, a request by Gary Cassel on behalf of Clearblue Services, for a Conditional Use Permit to erect a 75 foot monopole communications tower within a 50 foot by 50 foot enclosure, in the southeast corner of the parcel located at 1499 South State Street (TIN: 09-022-0069), based on the findings, discussion, and the following conditions:
1) Submittal of landscape plans for effective screening of the proposed enclosure
2) Construction plans submitted for building permits shall conform with plans submitted for CUP and Site Plan approval.
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.
Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Call, Murray, Browning, and Britton. Voting NO: None.

APPROVAL OF SP 1712-0002: A REQUEST BY GARY CASSEL ON BEHALF OF CLEARBLUE SERVICES, FOR SITE PLAN APPROVAL TO ERECT A 75 FOOT MONOPOLE COMMUNICATIONS TOWER WITHIN A 50 FOOT BY 50 FOOT ENCLOSURE ON THE PARCEL ADDRESSED AS 1499 SOUTH STATE STREET (TIN: 09-022-0069)

Commissioner Britton moved to approve SP 1712-0002, a request by Gary Cassel on behalf of Clearblue Services, for Site Plan approval to erect a 75 foot monopole communications tower within a 50 foot by 50 foot enclosure, within the southeast corner of the parcel located at 1499 South State Street (TIN: 09-022-0069), based on the findings, discussion, and the following conditions:
1) Submittal of landscape plans for effective screening of the proposed enclosure
2) Construction plans submitted for building permits shall conform with plans submitted for CUP and Site Plan approval.
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.

Seconded by Commissioner Call. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Call, Murray, Browning, and Britton. Voting NO: None.


The public hearing was opened at 7:45 p.m.

Spencer Brimley, Community Development Director, said G4 Complete Entertainment Utah requested Conditional Use Permit (CUP) approval for the building formerly occupied by Tai Pan. The approval was only for the use because the building site was developed. The proposed use included a full service restaurant and bar which required approval from the Department of Alcoholic Beverage Control (DABC). The use was consistent with zoning and the General Plan. Mr. Brimley said parking was not an issue and staff recommended approval without conditions.

Trent Porter, President of G4 Complete Entertainment, was present. Commissioner Murray asked Mr. Porter about the restaurant and snack bar. He said because the space was so big a restaurant would be on one side with a snack area on the other side. Commissioner Murray asked what kind of alcohol would be served. Mr. Porter said it would be similar to Rush Funplex with beer as the primary alcoholic beverage. Commissioner Murray cautioned Mr. Porter to be careful with the Zion curtain and alcohol separation.

There were no public comments.

Commissioner Murray moved to close the public hearing at 7:52 p.m. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Call, Murray, Browning, and Britton. Voting NO: None.


Commissioner Britton moved to approve CUP 1712-0003, a request by Paul Snow on behalf of G4 Complete Entertainment Utah, LLC, for a Conditional Use Permit for an amusement and recreation facility at 1400 East 700 South. Seconded by Commissioner Call. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Call, Murray, Browning, and Britton. Voting NO: None.

The public hearing was opened at 7:54 p.m.

Spencer Brimley said Alpine Church of Utah asked permission to occupy a portion of the Let Them Be Kids building for services on Sunday. Alpine Church would occupy approximately 2,450 square feet until they had a new facility. There was adequate parking with the shared parking agreement with both properties owned by Let Them Be Kids. Parking would not be allowed on the street. The request was a Conditional Use Permit (CUP) because it was in a C-2 zone. Staff recommended approval as the applicant had met all requirements outlined in the CUP.

There were no public comments.

Commissioner Uccardi moved to close the public hearing at 8:00 p.m. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Call, Murray, Browning, and Britton. Voting NO: None.

APPROVAL OF CUP 1801-0001, A REQUEST BY SHAWN BAGLEY ON BEHALF OF ALPINE CHURCH, FOR A CONDITIONAL USE PERMIT FOR A CHURCH TO BE OPERATED IN A PORTION OF THE LET THEM BE KIDS FACILITY AT 848 WEST 1600 SOUTH (TIN: 12-854-0025). PARCEL SIZE: 1.215 ACRES. ZONING: C-2 (COMMERCIAL).

Commissioner Britton moved to approve CUP 1801-0001, a request by Shawn Bagley on behalf of Alpine Church, for a Conditional Use Permit for a church to be operated in a portion of the Let Them Be Kids facility at 848 West 1600 South. Seconded by Commissioner Uccardi. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Call, Murray, Browning, and Britton. Voting NO: None.

DISCUSSION ON PLANNING COMMISSION RULES AND REGULATIONS

Spencer Brimley thanked the commissioners for their participation in the work session with City Council on February 6, 2018. Direction was received from City Council to include a youth member as part of the Planning Commission. Changes to the Planning Commission Rules and Regulations were discussed at the January Planning Commission meeting. Mr. Brimley reviewed the changes to the Planning Commission Rules and Regulations based on the discussion at the work session.

One concern discussed at the work session was training. Article 1.A.3.a was added which stated that all Planning Commissioners shall be expected to complete the necessary training to fulfill...
their appointment.

Brie Brass, Assistant City Attorney, stated the grammatical changes that had been recommended by Commissioner Murray would be made.

Commissioner Murray asked if there would be four alternates as stated in Article D.1.a. Mr. Brimley said it would be changed to three alternates.

It was Commissioner Murray’s opinion that training should be determined by the Planning Commission Chair rather than the Mayor. She was fine if the mayor and city council were involved but the chair would have a greater ability to state what training was needed. Mr. Brimley said the mayor and city council would possibly ask staff to create basic training materials. If the Commission desired additional language be added it would be appropriate. Chair Jugler asked that the Planning Commission be included in the determination of training as stated in Article 1.A.3.a.

Commissioner Uccardi asked if a comment could be added in the opening statement read by the chair about the youth ambassador so the public understood that the youth didn’t have a vote.

Commissioner Murray said the discussion was to simplify the process. Chair Jugler suggested leaving the wording as it was and if necessary changing it in the future. Commissioner Uccardi said youth ambassadors wouldn’t have the pressure to vote but rather to understand the discussion and be part of the group and any youth that was interested could attend meetings.

Commissioner Call was concerned that the age in Article 1.C.3.c was 19 at the time of appointment. Commissioner Uccardi said the age limit should align with the ages for the youth council. After discussion the commissioners determined to have the youth ambassador be between the ages of fifteen to eighteen at the time of appointment.

Mr. Brimley asked the commissioners if the Planning Commission Rules and Regulations could be approved or if more discussion needed before approval of the changes. Ms. Brass reviewed the changes which included the following:
- Article 1.A.3.a add language that included the Planning Commission in the determination of the type of training.
- Article 1.C.3.c change nineteen to eighteen.
- Article 1.D.1.a change four to three
- Plus a few grammatical changes.

Commissioner Britton moved to approve the changes to the Clearfield City Planning Commission Rules and Regulations as amended. Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Call, Murray, Browning, and Britton. Voting NO: None.
STAFF COMMUNICATIONS

James Shoopman said at the March meeting there would be a rezone and conditional use permit for a car lot.

PLANNING COMMISSIONERS’ MINUTE

Commissioner Uccardi – Nothing

Commissioner Call – Asked to be excused for the meetings in March and May.

Commissioner Murray – Nothing

Commissioner Browning – Said there was a website that gave the location of cell towers. There were 45 towers within four miles of the 1499 South State Street.

Commissioner Britton – Nothing

Chair Jugler – Appreciated the participation in the discussion and staff for its work.

There being no further business to come before the Planning Commission, Commissioner Murray moved to adjourn at 8:56 P.M. Seconded by Commissioner Uccardi.