



**NOTICE OF MEETING AND AGENDA  
PLANNING COMMISSION  
MARCH 23, 2021 AT 7:00 P.M.**  
City Council Chambers  
110 South Main Street  
Springville, Utah 84663

The Commissioners will meet for a briefing of the regular session agenda items at **7:00 p.m.** This will be a public meeting; however, no testimony will be heard, and no action will be taken on the agenda items. The regular session will follow immediately after the briefing meeting.

The agenda will be as follows:

**Call to Order**

- Approval of the Agenda
- Approval of Minutes: March 9, 2021

**Consent Agenda**

*The Consent Agenda includes items that are administrative actions where no additional discussion is needed. When approved, the recommendations in the staff reports become the action of the Commission. A call for objection or comment will be made on the consent agenda items. If there is any opposition or comment, the item will be taken off the consent agenda and put on the regular administrative session meeting agenda for discussion. If there are no objections or comments, the item(s) will pass without further consideration*

1. Trevor Sharp seeking commercial site plan approval for Spring Pointe OW, an office/warehouse project located at 2188 and 2224 W 500 N in the HC-Highway Commercial Zone.

**Legislative Session – Public Hearing**

2. John York seeking to amend Section 11-4-405 of Springville City Code pertaining to setbacks for detached accessory structure rear yard setbacks. *(Continued from March 9, 2021)*

**Administrative Session**

3. A presentation and discussion of the Lakeside Landing Special District Plan and Code.

**Adjournment**

THIS AGENDA SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE

This meeting was noticed in compliance with Utah Code 52-4-202 on March 19, 2021. Agendas and minutes are accessible through the Springville City website at [www.springville.org/agendas-minutes](http://www.springville.org/agendas-minutes). Planning Commission meeting agendas are available through the Utah Public Meeting Notice website at [www.utah.gov/pmn/index.html](http://www.utah.gov/pmn/index.html). Email subscriptions to Utah Public Meeting Notices are available through their website.

In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Community Development department at (801) 491-7861 at least three business days prior to the meeting.

8  
9 **IN ATTENDANCE**

10  
11 **Commissioners Present:** Chair Brad Mertz, Genevieve Baker, Frank Young,  
12 Karen Ellingson, Michael Farrer and Rod Parker

13  
14 **Commissioners Excused:** Kay Heaps

15  
16 **City Staff:** Josh Yost, Community Development Director  
17 John Penrod, City Attorney  
18 Laura Thompson, City Planner  
19 Heather Bakker, Executive Assistant

20  
21 **City Council:** Matt Packard

22  
23  
24 **CALL TO ORDER**

25  
26 Chair Mertz called the meeting to order at 7:00 p.m.

27  
28  
29 **DISCUSSION OF AGENDA**

30  
31 Chair Mertz asked if there were any corrections to the agenda. There were no  
32 corrections to the agenda.

33  
34  
35 **DISCUSSION OF MINUTES**

36 *January 26, 2021 and February 9, 2021*

37  
38 Chair Mertz asked if there were any corrections to the minutes. The corrections were  
39 emailed in.

40  
41  
42 **CONSENT AGENDA**

- 43  
44 **1. Mike Miller seeking site plan approval for Life Elevated Trailers located at 457**  
45 **W 410 S in the L-IM Light Industrial Manufacturing Zone.**  
46 **2. David Simpson seeking preliminary and recommendation for final approval for**  
47 **the Simpson Industrial Subdivision located in the area of 450 N 1750 W in the**  
48 **L-IM Light Industrial Manufacturing Zone.**

- 49       3. *Mike Camberlango seeking preliminary approval for the Saddle Brook Estates*  
50       *Subdivision located in the area of 1162 W Center in the R1-10 Residential*  
51       *Single-Family and Westfields Overlay Zones.*  
52       4. *Tim Kraftson seeking site plan approval for Caliber Collision located at 237 S*  
53       *2200 W in the HC Highway Commercial Zone.*  
54       5. *Z-Act, LLC seeking plat amendment approval for Leorah Springs-Phase 2,*  
55       *located in the area of 750 W 800 S in the R1-10 Residential Single-Family*  
56       *and Westfields Overlay Zones.*  
57

58 Chair Mertz asked about Item #5 and the combination of 6 lots into one. He asked how  
59 big that new lot will become. Ms. Thompson said it will be approximately an acre. Chair  
60 Mertz said it looked bigger on the maps, but that is not out of character for that area.  
61

## 62 LEGISLATIVE SESSION

63

- 64       1. *John York seeking to amend Section 11-4-405 of Springville City Code*  
65       *pertaining to setbacks for detached accessory structure rear yard setbacks.*  
66       2. *AT&T seeking to amend Section 11-6-410(d)(i) of Springville City Code*  
67       *pertaining to maximum height of a wireless telecommunication monopole.*  
68

69 Commissioner Young said he has one question on #7 stating that we are going higher  
70 with the pole than they want us to go and if there is a reason for that. The pole is 80 and  
71 they want to add 30. Ms. Thompson said that the current pole is 114 feet, but to add the  
72 antenna on there, they need an additional 20 feet. Commissioner Young asked if they  
73 are going to do it on the same pole or adding a new pole. Ms. Thompson said yes, it will  
74 be on the same pole. To colocate, and get the other antenna there, they need the  
75 additional 20 feet. Commissioner Young said that it is 130 or so feet and it falls to the  
76 East, it will hit the tracks. He asked if that is OK. Ms. Thompson said hopefully that  
77 doesn't fall. Commissioner Young hasn't heard of too many of them falling.  
78

## 79 ADMINISTRATIVE SESSION

80

81 *No Items*  
82

83 With nothing further to discuss, Commissioner Farrer moved to adjourn the meeting.  
84 Commissioner Ellingson seconded the motion. The vote to adjourn the meeting was  
85 unanimous.  
86

87 Chair Mertz adjourned the briefing meeting at 7:05 p.m.  
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105  
106 **IN ATTENDANCE**

107  
108 **Commissioners Present:** Chair Brad Mertz, Genevieve Baker, Frank Young,  
109 Karen Ellingson, Michael Farrer and Rod Parker

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111 **Commissioners Excused:** Kay Heaps

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113 **City Staff:** Josh Yost, Community Development Director  
114 John Penrod, City Attorney  
115 Laura Thompson, City Planner  
116 Heather Bakker, Executive Assistant

117  
118 **City Council:** Matt Packard  
119

120  
121 **CALL TO ORDER**

122  
123 Chair Mertz called the meeting to order at 7:05 p.m.  
124

125  
126 **APPROVAL OF THE AGENDA**

127  
128 Commissioner Young moved to approve the agenda as written. Commissioner Parker  
129 seconded the motion. The vote to approve the agenda was unanimous.  
130

131  
132 **APPROVAL OF THE MINUTES**

133 *January 26, 2021 and February 9, 2021*  
134

135 Commissioner Farrer moved to approve the January 26, 2021 and February 9, 2021  
136 meeting minutes with the emailed corrections. Commissioner Young seconded the  
137 motion. The vote to approve the meeting minutes was unanimous.  
138

139  
140 **CONSENT AGENDA**

- 141  
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153       *located in the area of 750 W 800 S in the R1-10 Residential Single-Family*  
154       *and Westfields Overlay Zones.*  
155

156 Commissioner Baker moved to approve the Consent Agenda. Commissioner Farrer  
157 seconded the motion. The vote to approve the Consent Agenda was unanimous.  
158

159  
160 **LEGISLATIVE SESSION:**  
161

- 162       1. *John York seeking to amend Section 11-4-405 of Springville City Code*  
163       *pertaining to setbacks for detached accessory structure rear yard setbacks.*  
164

165 Josh Yost, Community Development director presented. This is in relation to  
166 attached patio structures, specifically roofed, but unwallled structures. Currently, a  
167 patio cover can be constructed as an accessory structure and those setbacks are six  
168 feet from a house and three feet from the rear and interior side property lines. A patio  
169 cover may also be constructed as a structure attached to the primary structure. And  
170 can extend up to two feet into the side yard and can extend into the rear setback only  
171 15 feet from the rear lot line.  
172

173 Mr. York has applied to amend the code such that attached patio structures would  
174 have the same setback as an accessory structure, being 3 feet from the rear and  
175 interior side property line. As staff has reviewed this in accordance with the General  
176 Plan, the General Plan is silent of these accessory structures and lot coverage. In  
177 regards to our code guidance that tells us to analyze if conditions have changed or  
178 are changing to make the amendment necessary, we have not found any conditions  
179 to make it necessary. The applicant's assertion that the current setbacks can all be  
180 the same doesn't capture that an attached patio cover can be attached to a home  
181 and then has the ability to encroach as previously described into a rear setback that  
182 has an accessory or detached structure is considered the same as other accessory  
183 structures and located six feet from the house, as with other accessory structures,  
184 such as arbors or gazebos.  
185

186 As we have looked at this, we also feel that there is the potential for the installation of  
187 such patio structures, especially on an adjacency between homes where there is an  
188 elevation difference. The current code allows for someone to build a detached  
189 accessory structure three feet from the property line. It could create a push so people  
190 could build them attached to the home, essentially extending a weather-protected  
191 outdoor living area almost to the rear of the yard.  
192

193 Generally, Staff hasn't been able to identify a compelling reason to reduce the rear  
194 setback for a rear patio cover from 15 feet to 3 feet. As a result, the recommendation  
195 is to forward a recommendation of denial to the City Council.  
196

197 Commissioner Baker asked if there is a limitation on the size or percentage of the lot  
198 on accessory structures. Mr. Yost said there is. There are lot coverage limits for all  
199 structures on your lot, including accessory structures. Commissioner Baker asked if  
200 those would apply if attached to a building. Mr. Yost said it still would as all  
201 structures on the lot add up to that lot coverage limit.

202  
203 Chair Mertz said that we compare to what other City's are doing and asked what  
204 other City's are doing in regards to these. Mr. Yost didn't poll other city codes. But  
205 from his former employment in Provo, he knows that they require anything attached  
206 to the home has to meet the setbacks of the house with some minor ability for the  
207 patio to encroach about five feet into the rear setback. Commonly, accessory  
208 structures need to be located at least six feet from the main structure. That comes  
209 from building code.

210  
211 Chair Mertz asked if the applicant would like to speak. The applicant, John York, was  
212 not in attendance. John Penrod, City Attorney, said that Mr. York had an attorney  
213 that helped him draft what he supplied with this application. He asked if they had  
214 been notified. Mr. Yost said the standard procedure is to notify the applicant. Chair  
215 Mertz asked if notice is given by phone or email or both. Ms. Thompson said that it is  
216 normally sent in an email. Heather Bakker, Executive Assistant, said that an email  
217 was sent to Mr. York. He did not respond to the email to say he would be here  
218 tonight. Chair Mertz pointed out that he spent \$740 on the application. Chair Mertz  
219 said his inclination is to give the benefit of the doubt and postpone to the next  
220 meeting.

221  
222 Commissioner Baker moved to continue this item until the next Planning  
223 Commission meeting. Commissioner Farrer seconded. The vote to continue the item  
224 until the next Planning Commission meeting was unanimous.

225  
226  
227 **2. *AT&T seeking to amend Section 11-6-410(d)(i) of Springville City Code***  
228 ***pertaining to maximum height of a wireless telecommunication monopole.***  
229

230 Laura Thompson, City Planner, presented. She said this request comes from AT&T to  
231 collocate on an existing monopole that we currently have in the LIM zone in the Spring  
232 Creek Industrial Park. They are asking for a 20-foot extension. The current pole is 114  
233 feet and our current code maxes out at 100. She didn't know if that pole was in prior to  
234 our current code but this amendment would allow monopoles in the LIM and HIM zones  
235 to go to 138 feet as a permitted use. There would still be a conditional use in all other  
236 zones, meaning that they would have a public hearing and we would have to look at the  
237 impacts on the adjacent properties. Other City's are maxed out at 60-80, the most being  
238 100 feet. She couldn't find any that were 138 feet, so that is something to take into  
239 consideration. She knows that with industry standards changing and this has been on  
240 our books and we haven't revisited it, so it is a time to see if we need to adjust the  
241 ordinance.

242  
243 In the research, staff found that accommodating the expansion of networks and  
244 transmissions is easiest to creating a well-connected, functioning City and encouraging  
245 providers to collocate on the existing poles, rather than building additional monopoles  
246 elsewhere. For that reason, we recommend approval of this amendment.

247 Commissioner Ellingson asked why we are going over the 138 feet over the conditional  
248 use allowed over 110. Ms. Thompson showed a picture and said the existing pole is at  
249 114 feet, and the applicant can better answer why the need the additional height for  
250 service purposes, as it is not her expertise. She said that we want to encourage  
251 colocation, so does it make sense to build up or build additional poles. This pole is at its  
252 maximum height as is.

253  
254 Commissioner Young said that when he looked on Google Maps it looked like the pole  
255 at the power plant. He asked if that is this pole or is it another one. Ms. Thompson said  
256 no, this is the pole where the container storage is and the high power tension lines that  
257 are higher than this pole.

258  
259 Chair Mertz invited the applicant to speak. Brian Sullivan works with Kelsey Bousquet.  
260 Mr. Sullivan thanked the Commissioners for hearing this case. David Allen who is an  
261 attorney with American Tower is also on the line. This application is to increase the  
262 existing cell tower site from 114 to 138 feet. This does reduce the need for another cell  
263 tower in the area by collating on this site. Industry practice is to collocate. As there are  
264 already two carriers on the existing pole, the increased height is needed to add the third  
265 carrier, AT&T. They are proposing to add an extension on the tower and add AT&T's  
266 equipment on the top. Also adding AT&T's equipment on the top. There won't be a fence  
267 expansion, it will all go inside the cell site compound.

268  
269 Chair Mertz pointed out that the report says the antennae shall not exceed 10 feet in  
270 height. He asked if that antennae is going to be above the support structure of 138 feet.  
271 Mr. Sullivan said the existing tower is 114 feet and there are existing antennas installed  
272 at that 114-foot level. Some antennae extend above and below. They are proposing to  
273 add a 19 and a half foot extension on the tower and add AT&T's equipment on the  
274 extended portion.

275  
276 Chair Mertz asked again if there is an antenna on the top of the tower that will extend  
277 above 138 feet. Commissioner Baker additionally asked if we would end up with 148  
278 feet. Mr. Sullivan said no, the top of the antennae's will be at about 134 feet the  
279 remainder will be below that. Antennae are typically in the neighborhood of 6-8 feet in  
280 height (length).

281  
282 Commissioner Farrer asked if you were to put this antenna on a pole in the area and not  
283 add it to the existing pole, would the new pole need to be 138 feet in height. He wants to  
284 know why we are going up and not staying at the same level. Mr. Sullivan said that there  
285 are carriers at the 114-foot level. And the carrier below that one is installed at 100-105  
286 feet, so if we were to install AT&T below that, it would be in the 90-95 feet range and  
287 that is getting very low. Commissioner Farrer said that isn't what he is asking. He  
288 reiterated if he put up another pole, how high would it need to be. Mr. Sullivan said that  
289 they would have an RF engineer study exactly the height that would be needed. The  
290 proposal here is for using this pole at this location. If it is moved to another location, you  
291 have to run the analysis based on that different location. Commissioner Farrer said so  
292 they really don't know how high the pole needs to be. Mr. Sullivan is saying that the new  
293 location would need to analyze that location to determine how high to build the tower.  
294 You can't base it on this tower, because it would be located somewhere else with  
295 different topography and different structures in the area. We would need to analyze that  
296 other location. Commissioner Farrer asked if it has been analyzed at how high it needs

297 to be at this location. Mr. Sullivan said yes, and it needs to be 138 feet. Commissioner  
298 Farrer asked why it needs to be higher than the other. Mr. Sullivan said it needs to be  
299 higher so there is space to install them and work on them. You can't cram them down  
300 onto another carrier's equipment. Commissioner Farrer asked if they put the pole 10 feet  
301 away from the current pole, how high would it need to be. Mr. Sullivan said that it needs  
302 to have an RF analysis done to determine that exactly. Chair Mertz said that based on  
303 what Mr. Sullivan is saying, it would be about 104 feet for a separate pole.

304  
305 Commissioner Ellingson wondered what happens when you go below the existing  
306 carrier on the pole. Mr. Sullivan said that if they go below the lowest carrier, you begin to  
307 lose coverage. The lower we go, the more need there is for more towers.

308  
309 Commissioner Farrer asked if AT&T is trying to get better coverage by being so high  
310 and he is not sure that we should be in the business of giving better access to AT&T  
311 than to the other providers. Mr. Sullivan said that they have the opportunity under  
312 section 64-409A to increase the height of this tower up to 20 feet above the highest  
313 carrier. They are using that federal law to expand coverage for what it is intended to do,  
314 and provided better opportunities for colocation and provide coverage.

315  
316 Commissioner Young pointed out that it is better for the community than it is for AT&T.

317  
318 Chair Mertz opened the public hearing at 7:35 p.m. There were no comments.  
319 Commissioner Young moved to close the public hearing. Commissioner Baker  
320 seconded. The vote to close the public hearing was unanimous. The public hearing was  
321 closed at 7:35 p.m.

322  
323 Commissioner Parker said it's better to have one pole and better coverage.  
324 Commissioner Baker added that it is changing it to 20 more feet in those two zones. She  
325 asked for clarification that if we change this, we are not changing the distance between  
326 monopoles, which is a half-mile from each other. Ms. Thompson said that she believes  
327 so.

328  
329 Commissioner Baker asked to understand the discussion of the height. She asked if the  
330 support structure can be 138 feet and then the antenna when it says it shall not exceed  
331 10 feet in height, is that 10 feet above the support structure or is it 10 feet total in height.  
332 Ms. Thompson said that is the height of the antenna itself. The total structure would not  
333 exceed 138 feet. Commissioner Baker said she thought things attached could extend  
334 above that. Mr. Sullivan explained the definition of antenna. It isn't like the one on your  
335 car. It's more of a panel. The antenna goes around the pole. Commissioner Baker  
336 understood.

337  
338 Chair Mertz reminded that anything over 80 feet needs a conditional use permit, so we  
339 are not opening it up to everything. Ms. Thompson said it would be permitted outright in  
340 the LIM and HIM zones, and the others would need a conditional use permit.

341  
342 Commissioner Baker asked what the height restriction is for permanent structures in the  
343 LIM and HIM zones. Ms. Thompson said in the LIM it is 75 feet, and she is not sure in  
344 the HIM.

345



346 Commissioner Farrer is concerned about the carriers already on the pole. He feels it is  
347 like building next to someone without getting permission. Commissioner Young said  
348 they would all be happy. It is like a power pole and the highest voltage is at the top and  
349 then it has the cable TV and fiber that are on the bottom of the pole. The Federal  
350 Government and compliance organizations all agree with where people are located on  
351 the poles.

352  
353 Commissioner Parker asked that the other City's maximum height, Payson and Lehi are  
354 at 100, why is it necessary that we go to 138. He then derived that if we are just keeping  
355 it in this specific zone, that that answers his own question.

356  
357 Chair Mertz reiterated that it is being allowed in the LIM and HIM zones. Mr. Yost said  
358 something important to remember is that although it is listed as a conditional use in the  
359 other zones, that conditional uses really are permitted unless there is an adverse effect  
360 of the use that we can't mitigate through imposing reasonable conditions, so really  
361 having that as conditional use in the other zones doesn't give us much more discretion  
362 in declining an application to raise the pole height in another zone.

363  
364 Commissioner Young moved to recommend approval to the City Council to amend  
365 Section 11-6-410(d)(i) of Springville City Code pertaining to maximum height of wireless  
366 telecommunication monopole. Commissioner Parker seconded the motion. The vote to  
367 approve the Legislative Session item was unanimous.

368  
369

## 370 ADMINISTRATIVE SESSION

371

### 372 *No Items*

373

374 Commissioner Baker asked if we could look at those conditional uses and see if the  
375 height limitations would be better in different zones and change that and change the  
376 code to take out the conditional use and make it what we really want it to be. Mr. Yost  
377 said that the Planning Commission can make that recommendation for me to bring that  
378 proposal to you. As you just make a recommendation to Council for that, he is not sure  
379 how to proceed, if there was a desire to make a change to the code to make the  
380 recommendation. Commissioner Baker said that not for these zones, but in other zones  
381 where it is listed as a conditional use. Mr. Yost said as far as he knows, you could make  
382 a recommendation to have a maximum by right height in those other zones, and forward  
383 that to the Council. Ms. Thompson asked if she is asking for us to revisit this at a later  
384 time in looking at the conditional uses. Commissioner Baker said it is just that, to take a  
385 look at the conditional uses related to this item and see if we need to revisit it. Not  
386 something specific with this change.

387

388 Commissioner Young said that when 5G comes to our towns, we will have lots of poles  
389 up and down our streets for that and he asked Mr. Yost if anyone had approached him  
390 about that. Mr. Yost said that the State and Federal regulation has preempted our ability  
391 to limit those. We haven't had a provider approach us in regards to adding a small cell  
392 site to accommodate 5G yet, but it may have been he is not aware. At that same time,  
393 State law changed and since that time Federal law has changed and it is muddy. In the  
394 last 2-3 years, no one has approached us.

395

396 Commissioner Baker asked that with 5G they have to be on new poles. Commissioner  
397 Young said that they are on new equipment. The Tribune has some stories on what it is  
398 doing to Salt Lake City. Mr. Penrod said they require a lot of small cell towers.  
399 Commissioner Young that that is the issue. Mr. Penrod said they are not as tall, about  
400 25-30 feet tall. Chair Mertz said that they can be put on traffic light poles. Commissioner  
401 Baker asked if our ordinance wouldn't cover that. Mr. Penrod said the small cell towers  
402 have different rules altogether. If you want, we can bring those rules back in a session  
403 and cover them.

404  
405 Matt Packard, City Council Representative, asked if it fell to the East, would it cross that  
406 big power line that goes to Stouffers. Chair Mertz said if Councilman Packard wants us  
407 to look at it, we can.

408  
409 Chair Mertz asked Director Yost to bring that back at a later time. Mr. Yost said yes, and  
410 to clarify which element regarding the impacts of the possible collapse of that particular  
411 monopole or the height of monopoles, or the distribution of small cell sites, a more  
412 general topic. Councilman Packard said he shifted it and it was back on the relationship  
413 to height, if it fell, would it cross and impede that power line that feeds Stouffers.

414  
415 Mr. Penrod said that is something that we can look at between now and when the  
416 Council looks at that recommendation from the Planning Commission. We are now in  
417 the procedural place where a recommendation has been made and we had a public  
418 hearing and the applicants are no longer in this meeting. So for this one moving forward,  
419 we need to move forward with the recommendation made to the Council.

420  
421 With nothing further to discuss, Commissioner Baker moved to adjourn the meeting.  
422 Commissioner Young seconded the motion.

423  
424 Chair Mertz adjourned the meeting at 7:55 p.m.