CLEARFIELD PLANNING COMMISSION MEETING
November 2, 2005
7:00 P.M. - Regular Session

PRESIDING:	Victor Olson	Chairman
PRESENT:	Paul Poorte	Commissioner
	Mark Shepherd	Commissioner
	Robert Osborne	Commissioner
	Matt Hartvigsen	Commissioner
	Mark Bottema	Alternate Commissioner
	Marilyn Fryer	Council Liaison
EXCUSED:	Cornell Griffeth	Commissioner
	Scott Hodge	Director Public Works
UNEXCUSED:	Ligia Muñoz	Commissioner
	Charles Johnson	Alternate Commissioner
STAFF PRESENT:	Larry Waggoner	City Attorney
	Kay Chandler	Economic Development Director
	Kent Bush	Planning/Zoning Administrator
	Christine Horrocks	Building Permits Specialist
	Gregg Benson	Planning/Zoning GIS Specialist
VISITORS:	Paul Busse, Kyoung Kim, Lyman Adams, Edward Gordon, Kenneth Warr, Harold Osborn, Wendy Osborn, Marilyn Hamblin, Robert Bailey, Doug Lovell, Vergil Zaugg, Reed E. Thurgood, Susan Thurgood, Dan Gardner, Tim Gooch, Todd Sorenson, Cassidy Mellor, Kirk Wise, Kyle Hamblin, William Edens, Judith Edens, Guy Haskell	

Pledge of Allegiance was led by Commissioner Olson

APPROVAL OF MINUTES FROM OCTOBER 5, 2005 PLANNING COMMISSION MEETING

Commissioner Poorte moved to approve the minutes of October 5, 2005 as written. Seconded by Commissioner Hartvigsen. ALL VOTING AYE.

PUBLIC HEARING: RE-ZONE PROPERTY AT 370 SOUTH 500 EAST FROM R-3 TO C-2

Chairman Olson read the public hearing notice and declared the public hearing open at 7:02 P.M.

Paul Busse said last July they acquired the property with an office building that was built in 1977. It was brought to his attention that a portion of the parking lot on this property was zoned R-3. It has been used as parking since the building was built. They would like the property to be re-zoned so the parcel is consistently zoned. Therefore, his request is to re-zone this property to C-2.

FOR:
None

AGAINST:
Kirk Wise, thought the property was owned by Youth Health Associates, whom he was representing. Gregg Benson explained the boundaries of the parcel to be re-zoned and the surrounding properties owned by Clearfield City, Mr. Busse and the Youth Health Associates. Mr. Wise didn't raise an objection when he realized it was not his property being re-zoned.

Commissioner Shepherd moved to close the public hearing at 7:05 P.M. Seconded by Commissioner Hartvigsen. All Voting AYE.

Commissioner Osborne moved to send this request for re-zone of property at 370 South 500 East from R-3 to C-2 to the City Council with recommendation of approval from the Planning Commission. Seconded by Commissioner Shepherd. All Voting AYE.

PUBLIC HEARING: RE-ZONE PROPERTY AT APPROXIMATELY 825 WEST 300 NORTH FROM A-1 TO R-1 OPEN

Chairman Olson read the public hearing notice and declared the public hearing open at 7:07 P.M.

Kyle Hamblin, said he was representing M & D Development. Doug Hamblin sent his apologies for not being in attendance, but he had a family commitment. Kyle Hamblin stated this re-zone is for property to be subdivided as Autumn Ridge Subdivision Phase 4. He said Doug Hamblin mentioned that there may be questions on the placement of trees in the park strip in the other phases that have not been planted. He stated they will be installed as per the development agreement.

Commissioner Shepherd asked how it would affect the properties on 300 North. Doug Hamblin was concerned that question would come up. Until there is a plat map, they will be unable to determine. This request is just for the re-zone.

Commissioner Osborne said he had the developers agreement. He said Mr. Hamblin needs to look at it. It specifically says that the two trees in the park strip will be there six months after the completion of the dwelling. There are a lot of houses that are past the six month requirement, he needs to comply with the stipulations of the agreement.

FOR:
None

AGAINST:
Mr. William Edens, Clearfield, said there has been a lot of speculation on the outlet for the new subdivision. There has been talk of bringing the road from the subdivision onto 300 North right beside his property. Those who live there call it suicide. The amount of traffic and lack of being able to see causes him some concern, if the plans include a road coming out onto 300 North. He asked if 300 North was a state road and wondered if the state would have some say in what dumps into the street. He was told that state approval will be required. Mr. Edens said he is not opposed to the project, just opposed to the road coming out onto 300 North.

Chairman Olson said there will be a traffic analysis complete prior to approval of the subdivision. Kent Bush said this road will connect to the existing subdivision. There will be a requirement to have a street connecting to 300 North for emergency vehicles. The vacant property next to Mr. Edens house would provide an access or they would need to demolish a house. It would be up to the developer. Chairman Olson asked Kyle Hamblin he if had any idea what their plan is for the road. He said Doug Hamblin will see how it lays out after the engineers design it. Kyle Hamblin said he is not comfortable saying one way or the other. Gregg Benson said because 300 North is a state road approval from UDOT will be required before any road can go in.

Mr. Edens asked when will this be determined, do we have a time table? Commissioner Shepherd told him they still had to apply with UDOT. Kyle Hamblin said UDOT took nine months to give approval for a project in West Point. Mr. Edens also asked about the privacy fence that was to be installed along the rear of his property. He said it isn't complete, there needs to be some backup on having them follow through on their work . Kent Bush said it is Phase 3 and it was just recorded and permits are just being issued, the fence will go in as the houses are built. Commissioner Poorte asked if the developer could be required to complete the other phases prior to approval of another phase. Chairman Olson said the developer needs to take initiative and get the problems resolved.

Marilyn Hamblin, Clearfield, tried to buy the property, but they wouldn't sell it for a reasonable price. She is tired of picking up trash along 300 North. She feels that they will put a stop light in front of her house so she can't get out of her house. She knows that UDOT doesn't want a road there. She made derogatory statements against Mr. Doug Hamblin. Larry Waggoner, City Attorney, cautioned Mrs. Hamblin about talking about someone's character.

Judith Edens, said her comments would be general. She feels the developer should be made to complete what he has already before anything is resolved. She said it needed to be made part of the record whether there was a quorum present.

Commissioner Poorte moved to close the public hearing at 7:23 P.M. Seconded by Commissioner Shepherd. All Voting AYE.

Commissioner Osborne asked where the general plan calls for the road on 300 North. Gregg Benson told him the general plan had a road joining 300 North at this location.

Commissioner Hartvigsen moved to send this request for re-zone of property at approximately 825 West 300 North from A-1 to R-1 Open to the City Council with recommendation of approval from the Planning Commission. Seconded by Commissioner Poorte. Voting AYE: Commissioners Hartvigsen, Poorte, and Bottema. Voting NAY: Commissioners Shepherd and Osborne. Passes by majority.

PUBLIC HEARING: REQUEST TO AMEND LOT 4 OF AUTUMN RIDGE

Chairman Olson read the public hearing notice and declared the public hearing open at 7:26 P.M.

Kent Bush stated that when Autumn Ridge Phase 1 was approved, the west line of lot 4 was adjacent to property on 1000 West. The lot line went through a garage on that property. M & D Developers purchased the property and instead of tearing down the garage they would like to modify the lot line a few feet.

FOR:
None

AGAINST:
None

Commissioner Shepherd moved to close the public hearing at 7:27 P.M. Seconded by Commissioner Hartvigsen. All Voting AYE.

Commissioner Shepherd moved to approve this request to amend Autumn Ridge Lot 4. Seconded by Commissioner Poorte. All Voting AYE.

PUBLIC HEARING: REQUEST TO VACATE THE CONDO PLAT OF LAKEVIEW CONDOMINIUMS

Chairman Olson read the public hearing notice and declared the public hearing open at 7:29 P.M.

Lyman Adams said this is an apartment community that they purchased. They have put about $800,000 worth of improvements into the property. To their surprise they found that the apartments were individually parceled. The Davis County Assessor said if they wanted the property to be valued as apartments, not as condominiums, they would be required to request a vacation of the condo plat and be recorded as apartments. This property has never has been owned by individual tenants.

FOR:
None

AGAINST:
None

Commissioner Poorte moved to close the public hearing at 7:33 P.M. Seconded by Commissioner Osborne. All Voting AYE.

Commissioner Poorte moved to approve the vacation of Lakeview Condominium Project Plat. Seconded by Commissioner Osborne. All Voting AYE.

REQUEST TO SUBDIVIDE STEED POND

Chairman Olson mentioned that he had received a number of comment sheets on this item, however, this is not a public hearing. He said he would allow some comment after the item had been presented. Mr. Lynn Jenkins was not present at the meeting. He has been sent letters requesting additional information, however, he has not responded to those letters and has not submitted the information requested.

Commissioner Shepherd moved to send this request for subdivision of Steed Pond property to the City Council with recommendation of denial from the Planning Commission based on his lack of attendance and lack of submission of the proper forms and requested documents. Seconded by Commissioner Poorte. All Voting AYE.

SITE PLAN APPROVAL FOR A COMPRESSOR BUILDING, WEST SIDE OF BUILDING H-4, FREEPORT CENTER

Robert Bailey, contractor, said Lifetime Metals is running out of room inside and would like to relocate the large compressors outside. The cooling tower shown on the site plan is existing and has nothing to do with the compressors. There is other equipment where the compressors are currently located that cause the compressors to run hot. They need to be isolated into another area.

Commissioner Poorte moved to approve this request for site plan approval for a compressor building on the west side of Building H-4 in Freeport Center. Seconded by Commissioner Shepherd. All Voting AYE.

FINAL APPROVAL FOR CARALYN PARK AMENDED

Guy Haskell said they had been before the Planning Commission a few weeks ago and was approved. Kent Bush said he has received the mylar and the city engineer has requested a few corrections. The changes are minor and the city engineer will not sign the mylar until it is approved.

Commissioner Hartvigsen moved approve this request for final approval for Caralyn Park Amended, contingent upon the corrections that need to be made based on the engineers review and city staff. Seconded by Commissioner Bottema. All Voting AYE.

REVIEW CONDITIONAL USE PERMIT FOR AN ADULT VOCATIONAL CENTER AT 185 EAST 350 SOUTH

Kent Bush said they have cleaned up the property and remodeled the building, but they have not moved in yet. It has been six months since the approval and the Planning Commission requested a six month review. He suggested the commissioners recommend review in six months from occupancy.

Commissioner Poorte moved to approve the continuation of the conditional use permit for an Adult Vocational Center at 185 East 350 South and request that it be reviewed six months after occupancy. Seconded by Commissioner Shepherd. All Voting AYE.

PLANNING COMMISSIONER'S MINUTE

Chairman Olson - He will be absent next meeting. Don't forget to vote!

Commissioner Poorte - He read a newspaper article to the commissioners that was written by a council member from Perry, Utah. He then stated that with the conflicts that are going on in our city, we need to be aware that there are vocal minorities. We need to weigh things and be educators and share with the people what we are privy to.

Commissioner Shepherd - Thanked the citizens for being here. Attendance at recent meetings has been good. We are grateful for public support for or against.

Commissioner Osborne - Asked to be excused November 16th, and December 7th. He said that he attended the Utah Land Use meeting this afternoon. He asked the State Ombudsman if the Planning Commission can control architectural standards and designs. He was told, absolutely, yes.

Commissioner Hartvigsen - nothing

Commissioner Bottema - Needs to be excused November 16th

Commissioner Johnson - was absent and has officially resigned from the Planning Commission.

Councilmember Fryer - Reminded them of a meeting on December 1st, open to the public, to talk about the rail stop.

Staff - Kent Bush said a request had been received to amend the general plan or at least look at reopening it for possibility of amending it for the Weatherston property. The General Plan falls under the jurisdiction of the Planning Commission. He asked the Planning Commission when they wanted to have the public hearings to open the general plan. There was discussion about the time frame and the amount of work involved when the general plan is opened. It has been less than a year since it was last reviewed and updated. Last time the General Plan was amended the Weatherston property was listed and the City Council didn't want to put it as CR or Commercial/Residential. Kent Bush said the only thing that can go on the property the way the General Plan is now, would be commercial. Chairman Olson said the General Plan is suppose to be a visionary document for the City. Gregg Benson asked Larry Waggoner at what point are we arbitrary and capricious. Anyone can come in, pay their money and request to have the General Plan opened. Kent Bush said, speaking of arbitrary and capricious, this exact property was proposed a year ago by another developer to be part commercial and part residential. If the City Council changes their mind now, they may be considered arbitrary and capricious. There was a question about the criteria for reviewing the general plan. There is nothing that states exactly when it should be reviewed, however, it has been reviewed in 1995, 2000, 2005. Larry Waggoner said if someone has applied to open the General Plan, then there has to be a hearing. This will need to be put on an agenda to discuss when the public meetings will be held.

There being no further business to come before the Planning Commission, **Commissioner Shepherd moved to adjourn at 8:04 P.M. Seconded by Commissioner Poorte. All Voting AYE.**