

CLEARFIELD PLANNING COMMISSION MEETING

October 5, 2005

7:00 P.M. - Regular Session

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| PRESIDING: | Victor Olson | Chairman |
| PRESENT: | Cornell Griffeth | Commissioner |
| | Paul Poorte | Commissioner |
| | Mark Shepherd | Commissioner |
| | Matt Hartvigsen | Commissioner |
| EXCUSED: | Robert Osborne | Commissioner |
| | Ligia Muñoz | Commissioner |
| | Mark Bottema | Alternate Commissioner |
| | Marilyn Fryer | Council Liaison |
| | Kay Chandler | Economic Development Director |
| UNEXCUSED: | Charles Johnson | Alternate Commissioner |
| STAFF PRESENT: | Larry Waggoner | City Attorney |
| | Scott Hodge | Director Public Works |
| | Kent Bush | Planning/Zoning Administrator |
| | Christine Horrocks | Building Permits Specialist |
| | Gregg Benson | Planning/Zoning GIS Specialist |
| VISITORS: | Jared Johnson, Lois Cummings, Justin Ryan, Sally McClurey, Anna Branch, Chris Branch, Mike McPeek, Nelda McPeek, William White, Michele White, Trisha Dahlin, Richard B. Waite, Randy Lake, Judy Lake, Steven E. Marino, Susan Beem Berry, James Dony, Myron Richardson, Jim Barlow, Brenda Warnshwis | |

Pledge of Allegiance was led by Chairman Olson.

APPROVAL OF MINUTES FROM SEPTEMBER 21, 2005 PLANNING COMMISSION MEETING

Commissioner Poorte moved to approve the minutes of September 21, 2005, as written. Seconded by Commissioner Griffeth. All Voting AYE.

PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A BILLBOARD AT 1386 SOUTH LEGEND HILLS DRIVE

Chairman Olson stated this Public Hearing is a continuation of the public hearing opened September 7, 2005.

Jared Johnson, YESCO, reviewed the history of the billboard signs in this area, and there was a question at the last meeting on the North location with its proximity to the Goldstone sign. Larry Waggoner, City Attorney, said the Goldstone sign is an on-premise sign and isn't considered a billboard. Mr. Johnson said they don't intend to build the north sign unless they can build to a certain height. Mr. Johnson said he met with the property owner and city staff to hang some representative banners. The commissioners were shown pictures taken of the signs at 25' and 45'. There is an issue with the set back from the interstate. Larry Waggoner said the sign can be on the freeway or the frontage road. Because the frontage road setback hadn't been addressed, Mr. Waggoner thought it would be acceptable to be within 100' of the frontage road. Mr. Johnson feels at this time he has two legal locations. He has made a commitment to not block the Goldstone sign. YESCO will apply for a variance with the Board of Adjustment for the sign height.

FOR:

None

AGAINST:

None

Commissioner Shepherd moved to close the Public Hearing at 7:15 P.M. Seconded by Commissioner Poorte. All Voting AYE.

Commissioner Hartvigsen had some concerns about the placement of the sign. Gregg Benson read the sign ordinance regarding the placement of billboard signs. Larry Waggoner said the ordinance states the frontage road or 100' from the freeway lane. The ordinance doesn't state a distance in relation to the frontage road. The Federal Government has a sign corridor of 300' perpendicular to the interstate right-of-way. Commissioner Hartvigsen asked about the proximity of the sign with the power lines. Mr. Johnson said state code is 10' from these power lines. Mr. Waggoner said the sign ordinance will be amended or clarified.

Commissioner Shepherd moved to approve this request for a Conditional Use Permit for a Billboard sign at 1386 South Legend Hills Drive. Seconded by Commissioner Poorte. All Voting AYE.

PUBLIC HEARING CONDITIONAL USE PERMIT FOR A BILLBOARD AT 1266 SOUTH LEGEND HILLS DRIVE

Chairman Olson stated this Public Hearing is a continuation of the public hearing opened September 7, 2005. This is the sign at the north end of the property next to the Goldstone sign. Discussion on this sign was included with the previous item.

FOR:

None

AGAINST:

None

Commissioner Poorte moved to close the Public Hearing at 7:29 P.M. Seconded by Commissioner Griffeth. All Voting AYE.

Commissioner Poorte moved to approve this request for a Conditional Use Permit for a Billboard sign at 1266 South Legend Hills Drive with the following conditions: that it does not block the neighbor to the north, i.e., Goldstone Apartment's sign. Seconded by Commissioner Griffeth. All Voting AYE.

PUBLIC HEARING CONDITIONAL USE PERMIT FOR A CHURCH AT 295 EAST 200 SOUTH

Chairman Olson read the Public Hearing Notice and declared the Public Hearing open at 7:30 P.M.

Fernando Calaguas, Pastor of the church, said there will be 40 to 50 people in the congregation. Chairman Olson asked if they would be having school during the week. Mr. Calaguas said they do not have school during the week. The building will only be used on Sunday.

FOR:

None

AGAINST:

None

Commissioner Shepherd moved to close the public hearing at 7:31 P.M. Seconded by Commissioner Hartvigsen. All Voting Aye.

Commissioner Hartvigsen moved to approve this request for a Conditional Use Permit for a Church at 295 East 200 South. Seconded by Commissioner Shepherd. All Voting AYE.

PUBLIC HEARING CONDITIONAL USE PERMIT FOR A CHURCH AT 1579 SOUTH STATE STREET

Chairman Olson read the Public Hearing Notice and declared the Public Hearing open at 7:33 P.M.

Myron Richardson of Brixen & Christopher Architects was representing the Episcopal Diocese. Mr. Richardson told the commissioners this building will be used mostly on Sunday. However, there are occasionally some other church functions that are held other days of the week. They do not have daycare. The St. Peter's Episcopal Church currently meets at a facility on 1450 South and they will sell that facility. They have approximately 100 members in their congregation. Several members of St. Peter's Episcopal Church were in attendance.

FOR:
None

AGAINST:
None

Commissioner Poorte moved to close the Public Hearing at 7:35 P.M. Seconded by Commissioner Griffeth. All Voting AYE.

Commissioner Poorte moved to approve this request for a Conditional Use Permit for a Church at 1579 South State Street. Seconded by Commissioner Hartvigsen. All Voting AYE.

PUBLIC HEARING CONDITIONAL USE PERMIT FOR A HOME OCCUPATION AT
149 EAST 700 SOUTH

Chairman Olson read the Public Hearing Notice and declared the Public Hearing open at 7:36 P.M.

Judy Lake said this is a shed where employees clock in and out each work day. Ms. Lake said they are using an existing 4' X 8' shed on her property.

FOR:
None

AGAINST:
None

Commissioner Shepherd moved to close the Public Hearing at 7:38 P.M. Seconded by Commissioner Poorte. All Voting AYE.

Commissioner Poorte moved to approve this request for a Conditional Use Permit for a time clock shed at 149 East 700 South. Seconded by Commissioner Shepherd. All Voting AYE.

PUBLIC HEARING RE-ZONE REQUEST FROM C-1 TO R-2 AT 80 WEST 300 NORTH

Chairman Olson read the Public Hearing Notice and declared the Public Hearing open at 7:39 P.M.

Richard Waite, representing Dwayne Matheson, said they would like to have this property re-zoned to build houses that will be suited for senior housing. They would like to build a twin home that would have one level, a garage, and be ADA adaptable. Mr. Waite said they think there is a market for this type of home. There was a question on the difference between a twin home and a duplex. Kent Bush said the property line is the difference between a twin home and a duplex. If they want to sell and have different owners, there has to be separate lots, a subdivision and the construction of the common wall has different code requirements. Mr. Waite feels it is not a good location for commercial and would like to see this type of home put there. He said it would be a delightful addition to the city and to the neighborhood.

Kent Bush said in a R-2 zone a corner lot must have a minimum of 100' frontage. He did not know if the width of the lot was adequate to meet the zoning requirements. Mr. Bush stated there are no other duplexes in the entire neighborhood. The surrounding homes are R-1-8. There are some with basement apartments but they are nonconforming uses. It would be giving them a spot zone. It would be setting a precedent with other vacant lots throughout the city. Mr. Waite said they could design the twin home so it could blend in with the surrounding homes. Commissioner Shepherd said it is still two lots, two homes and it isn't what is in the area. Mr. Waite said he didn't see the issue. Larry Waggoner said it would be spot zoning. Gregg Benson mentioned there are other zoning issues that would need to be addressed. Mr. Waggoner said those issues are immaterial; it would be a spot zone. Mr. Waite said the property is now zoned C-1(SP). The recommendation would be for R-1-8(SP). Mr. Waite was told the SP overlay would require a contract between the developer and the city. It allows the setbacks to be adjusted.

FOR:

None

AGAINST:

Lois Cummings, 341 North 75 West, directly to the north of the property. Mrs. Cummings doesn't think the re-zone is a good idea. It is a bad intersection and a very busy street. There are no other buildings like it in the area. She was concerned that if it couldn't be rented to seniors, there would be small children to play in the street. She asked how two separate driveways could be placed on this property. If it is approved, she would like to request a 6' fence put between their property and the subject property. Chairman Olson explained that the original proposal will not be approved, if it is re-zoned it will be a single family dwelling. The way it is zoned at the present time, a commercial business could build there. He asked Mrs. Cummings what she would prefer on the property. She said her preference is a single family home.

Brenda Warnshwis, Mrs. Cummings daughter, asked if the SP contract would restrict who would be there. She was told it would be for the setbacks of the lot not with the use of the house. She was also concerned with the busy intersection. Chairman Olson said the public safety concerns for that intersection have been reviewed.

Mr. Waite requested the item be tabled until he can talk with the owners because he doesn't have the authority to make the decision at this time.

Commissioner Shepherd moved to table this request. Seconded by Commissioner Poorte. All Voting AYE.

PUBLIC HEARING REQUEST FOR SUBDIVISION AMENDMENT FOR CARALYN PARK ESTATES PHASE A

Chairman Olson read the Public Hearing Notice and declared the Public Hearing open at 7:59 P.M.

Guy Haskell said the stakes marking the property lines for lots 101, 102 & 103 had been knocked out. This was not discovered until after one home was built. The lot lines are being shifted to meet the setback requirements. The lots were sold with the lot lines shifted. This request is to make it legal.

FOR:
None

AGAINST:
None

Commissioner Hartvigsen moved to close the public hearing at 8:03 P.M. Seconded by Commissioner Shepherd. All Voting AYE.

Commissioner Poorte moved to approve this request for amendment to Caralyn Park Estates Phase A Subdivision. Seconded by Commissioner Griffeth. All Voting AYE.

PUBLIC HEARING RE-ZONE REQUEST FROM R-3 TO R-2 AT 64 WEST 300 NORTH

This request was withdrawn by the applicant and the site wasn't posted.

SITE PLAN APPROVAL FOR A CHURCH AT 1579 SOUTH STATE STREET

The proposed plans were reviewed by the Commissioners. It was noted that they are developing a landscaped area and adding a monument sign. Commissioner Shepherd said this will make a significant change to the existing area.

Commissioner Shepherd moved to approve this request for site plan approval for a church at 1579 South State Street. Seconded by Commissioner Poorte. All Voting AYE.

SITE PLAN APPROVAL FOR A COMMERCIAL BUSINESS AT 1145 EAST 1450 SOUTH

Pablo Dominguez said the business would be a party supply store. Currently they operate as a home based business in Layton. They sell ornaments for homes, parties and businesses, including sign painting and windows. He bought his house for the business. The business will be retail only. Kent Bush said the plan shows a future addition, however, they will need to come back in for approval of any addition to the building.

Commissioner Hartvigsen moved to approve this request for site plan approval for a commercial business at 1145 East 1450 South. Seconded by Commissioner Griffeth. All Voting AYE.

PLANNING COMMISSIONER'S MINUTE

Chairman Olson - Said this past week he received a few phone calls from neighbors of the Goupios Dental Office. Commissioner Shepherd said he had visited with many of them. Chairman Olson asked him what concerns they had. Commissioner Shepherd said their concerns are that it happened. He said "understand" and "agree" are two totally different things. The way it was presented to the Planning Commission it fit within the ordinance and we had no other choice than to approve it. Chairman Olson said the concern he received was that it wasn't being built right. However, the site was measured and is being constructed as designed. Commissioner Poorte said part of the role as commissioners and the City Council needs to be aware that part of their role is not only service, but also teachers. People need to be aware the information we are given we have to share with them. Commissioner Shepherd said since Mr. Goupios bought the three lots they have been a weed patch. Right, wrong or indifferent, it will be a much better looking place when it is finished. But the way it happened was wrong. It shouldn't have been given to the Planning Commission for approval, but legally there was no other choice.

Commissioner Griffeth - nothing

Commissioner Poorte - nothing

Commissioner Shepherd - Wanted to publically thank the citizens for bringing issues to their attention. All items are not public hearing items and so they are not notified. Everything that we do is advertized. Appreciates the citizens concerns.

Commissioner Hartvigsen - nothing

Staff - Kent Bush said he and Gregg Benson went to a seminar on land use. There is a state Land Use Omsbudman, Craig Call. He has written a book on land use regulation. Mr. Call will be giving more three hour classes on his book. The dates and times of future classes were given to the commissioners. They are coming to Clearfield, but it is the night of Planning Commission, however, there will also be a class during the day. If you would like to attend, the class is free, the book is \$15.00. He told the commissioners they could borrow a copy of the book from the city to attend the class if they wanted to.

The next meeting, October 19th, there is only one item and Kent Bush said he may try to move it to another week. There would also be two re-zones, but the mayor and city manager will not be at the City Council meeting on the October 25th and they requested no public hearings.

There being no further business to come before the Planning Commission, **Commissioner Poorte moved to adjourn at 8:20 P.M. Seconded by Commissioner Shepherd. All Voting AYE.**