CLEARFIELD PLANNING COMMISSION MEETING
February 15, 2006
7:00 P.M. - Regular Session

PRESIDING:	Victor Olson	Chairman
PRESENT:	Mark Shepherd	Commissioner
	Robert Osborne	Commissioner
	Matt Hartvigsen	Commissioner
	Doyle Sprague	Council Liaison
EXCUSED:	Cornell Griffeth	Commissioner
	Paul Poorte	Commissioner
	Ligia Muñoz	Commissioner
	Mark Bottema	Alternate Commissioner
STAFF PRESENT:	Larry Waggoner	City Attorney
	Scott Hodge	Director Public Works
	Kay Chandler	City Manager
	Kent Bush	Planning/Zoning Administrator
	Christine Horrocks	Building Permits Specialist
	Gregg Benson	Planning/Zoning GIS Specialist

VISITORS: Darren Carpenter, Mark Lemoine, Dale Altman, Tim Gooch, Kirk Bullard, Lynn Allred, Jeannene Allred, Anthony Shepherd, Sam Chelemes, Chris Chelemes, Robert Greer, Nathan Osborne, Dan Gardner, Mark Shepard, Stephanie Shepard, Harold Armstrong, Con L. Wilcox, Jared Wilcox, Don Wood, Max Garlock, Bev Garlock, Preston Dean, Gary Wright, Kathryn Murray, Bryan Johnson, John Ryan, Marilyn Fryer

Pledge of Allegiance was led by Chairman Olson.

APPROVAL OF MINUTES FROM FEBRUARY 1, 2006 PLANNING COMMISSION MEETING

Commissioner Shepherd moved to approve the minutes of February 1, 2006 as submitted. Seconded by Commissioner Hartvigsen. All Voting AYE.

CONTINUATION OF A PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION FOR A MOTORCYCLE REPAIR BUSINESS IN THE GARAGE AT 647 EAST 400 SOUTH

Chairman Olson said at the last meeting there was some confusion on the type of business that was going into the residence. The property was posted with the correct information and corrected

notices were mailed to the neighbors. At the February 1st meeting there was discussion on the hours of operation, noise, space and Mr. Greer indicated he had spoken to most of his neighbors. Chairman Olson stated that the City had received several comments from neighbors. Some of their concerns are: increased traffic, condition of the property today, and safety problems.

FOR:
None

AGAINST:
Don Wood said his concern is the fact that there is an on going effort to improve the residential areas of the City. To introduce a motorcycle repair business in a residential area is an intrusion. He stated he is in the automotive repair business and knows what goes into repair. If it is repair to motorcycles or automobiles there will be test drives, disposal of old parts, oils, chemicals and solvents. This is not appropriate in a residential area. He noticed clutter to the east side of garage. A commercial enterprise would not add to a neighborhood.

Commissioner Shepherd moved to close the Public Hearing at 7:06 P.M. Seconded by Commissioner Hartvigsen. All Voting AYE.

Commissioner Shepherd said he drove by the property and he agrees with the comments about the condition of property.

Commissioner Shepherd moved to deny this request for a Conditional Use Permit for a Home Occupation for a motorcycle repair business in the garage at 647 East 400 South. Seconded by Chairman Olson. Voting AYE: Chairman Olson and Commissioner Shepherd. Voting NAY: Commissioners Hartvigsen and Osborne. The motion failed.

Commissioner Osborne moved to approve this request for a Conditional Use Permit with the condition that the property be cleaned up to satisfactory levels that the City code allows and with a 90 day review. Seconded by Commissioner Hartvigsen.

Chairman Olson had some concerns with 90 days. He felt it wouldn't give him adequate time with weather and there won't be very much motorcycle business to evaluate how the business is doing, the traffic, and the other issues that have been brought up. Commissioner Hartvigsen said in 90 days you could see how sincere he was about cleaning up the site making it presentable. Chairman Olson said cleaning up the site is only one piece of the puzzle. Commissioner Osborne said we could add an additional 90 days after the first 90 day review. Commissioner Shepherd said he feels it is not a business that should be in a residential neighborhood.

Voting AYE Commissioners Hartvigsen and Osborne. Voting NAY - Chairman Olson and Commissioner Shepherd. The motion failed.

PUBLIC HEARING TO DISCUSS GENERAL PLAN AMENDMENTS

Chairman Olson read the public hearing notice and declared the public hearing open at 7:11 P.M.

Con Wilcox said in the southwest corner of Clearfield City, Antelope Drive (1700 South) and 1000 West, the General Plan shows the area along 1000 West as commercial development. In looking at this, the natural geographical boundary would be the power corridor. That would differentiate between the M-1 and the commercial. If the power corridor was used as the boundary, everything east would be M-1 and everything west would be commercial. The commercial zone would hopefully allow for the intent of large businesses to come to the area. They would like the General Plan to be amended to clarify the power lines as the dividing line. Mr. Wilcox said in the General plan about 1/3 of the total acres of the City is manufacturing, 9% is commercial, and he feels it is valuable to keep this area commercial.

Commissioner Osborne asked why a dividing line with the power line. Mr. Wilcox said their property line is the power corridor. They sold their property east of the power lines to Utah Power.

Mr. Bryan Johnson endorses what Con Wilcox has said. A group of property owners on 1000 West understands, particularly with the growth in Syracuse, that at some point this will probably be commercial up and down both sides of the street. Even though he hoped to be able to retire there, he realizes they will probably be moved out in favor of commercial development. He feels making this commercial will protect their property values and give them an opportunity to do something that will help the City.

Commissioner Shepherd was concerned with the wording "large parcels of property and not individual lots." He feels if someone wants to sell his land he shouldn't have to wait for approval from the neighbors to sell. Larry Waggoner said that the large parcels referred to would be in the manufacturing zones.

Todd Sorenson, Gardner Development, said they are proposing to amend the General Plan along 300 North and 1000 West from commercial to residential. Mr. Sorenson stated over the years there have been attempts to commercially develop the property but without success. In the past 18 months they have had the Weatherston property under contract and they have not received any proposals. Mr. Sorenson stated reasons commercial development is not successful: 1) UDOT will only allow one egress on 300 North, 2) no demand for office space, 3) plenty of retail space is available in the City, and 4) big boxes have moved to more accessible areas. Reasons to amend the General Plan: 1) the property has remained vacant for several years and will continue to do so if this amendment is not granted, 2) the patio homes for the active adult communities meet the needs of a large retiring population, 3) these parcels together provide access along both 300 North and 1000 West, 4) it will add to the tax base without adding to the school population, 5) support for the surrounding businesses. The Brown property on the corner could remain commercial. He read a letter from Benjamin Bishop of Kier Corporation. Mr. Bishop was favorable to this type of project and recommended amending the General Plan to change this parcel to residential. What

they are proposing is consistent with the City's plan to change. Mr. Sorenson said waiting for commercial development to come to this area doesn't benefit the City; amending the General Plan to allow 50 new patio homes to bring in families to pay taxes and support the local businesses does benefit the City.

Commissioner Osborne asked how big the Brown parcel is. He was told it was 1.7 acres, which is large enough for a commercial development.

Commissioner Shepherd likes the idea with the patio homes. Chairman Olson is concerned with the traffic on 1000 West. Commissioner Osborne said he is on board with this type of development. It is an opportunity to allow empty nesters to stay in the City. Commissioner Shepherd said this would give some support to Winegar's and the shopping center across the street. He said whatever you put in there will cause a traffic problem. There could be more of a traffic problem with a commercial development .

Gregg Benson reminded the Planning Commission and developers this parcel is zoned A-1 and if the General Plan is amended the property would still need to be re-zoned. He also stated with the density they are requesting, they will need to have a R-3 zone.

Kent Bush said we need to take this a step further if we are considering changing the General Plan in this area. The General Plan currently states that any re-zone for residential must be re-zoned R-1 Open, which allows a maximum of 4.5 units per acre. Also, the General Plans states there will be no other property zoned R-3. If they want the density they are talking about, the General Plan will need to be amended to so it can be zoned R-3. Chairman Olson asked Mr. Sorenson if that would be economically feasible. Mr. Sorenson stated this proposal has been before the City for 6 months and this is the first they have heard they couldn't have a R-3 zone and to respond now would be difficult. Kent Bush said they mentioned that in the very first meeting. Larry Waggoner said it can be stated in the General Plan that this property could be zoned R-3.

Kirk Bullard with Coldwell Banker has represented Mr. Gooch on the purchase of the Weatherston property. He said they knew the General Plan called for this property to be commercial, however they failed in trying to find some interested commercial developers. The "For Sale" sign on the Weatherston property listed his office number, all calls he took, with one exception, were requesting residential. Mr. Bullard said most of his business is residential; patio homes are in demand and they are quickly sold. He is constantly showing that type of home, there are not enough on the market to show the customers he has.

Kay Chandler said he wears two or three hats in the City; one is the Economic Development Director. He feels we have ended up with a consequence that we didn't want. He has paid a lot of attention to this property. All the people that have wanted it for commercial are mostly hearsay. The Weatherston property is being held hostage, because we say all we want is commercial, and no commercial development wants to come in and invest the money. As part of the General Plan we need to consider this area as residential. He said he is the hero when there is any commercial development. Mr. Chandler knows Gardner Development would want the

highest and best use for the property. He said if it is kept commercial, something could be put there that we wouldn't want. He continued, we need to take a long look at changing that corner.

Chairman Olson asked Mr. Gardner about splitting his property. He said he is working with the LDS Church to sell a portion of his property.

Commissioner Shepherd moved to close the Public Hearing at 7:45 P.M. Seconded by Commissioner Osborne. All Voting AYE.

Commissioner Shepherd moved to send to the City Council a recommendation for changes to the General Plan to show the Weatherston property as residential with an SP overlay, as well as the property on 1000 West to the UP&L corridor to commercial, and add the verbiage to the General Plan stating the intent of the General Plan in manufacturing areas is to develop large parcels of property, not individual lots. Also in areas next to residential use, to re-zone for uses that are not detrimental or harmful to residential areas. Seconded by Commissioner Hartvigsen. All Voting AYE.

PUBLIC HEARING TO RE-ZONE PROPERTY AT 1700 SOUTH / 1000 EAST FROM A-1 TO R-1 OPEN

Chairman Olson read the Public Hearing Notice and declared the Public Hearing open at 7:47 P.M.

Gary Wright, Ivory Homes, said he is asking the Planning Commission to consider the re-zone of 24 acres on 1000 East and 1700 South for a single family community. They purchased the property from the Chelemes Brothers. Ivory Homes would build all the homes which will be brick or rock and stucco and will have two car garages, and the minimum required square footage. These requirements will be included in the development agreement. Ivory Homes will provide the landscape sod for each home. Mr. Wright said he has worked with Tracy Heun in the Community Services with the trail system. There will be a one acre park that will serve as a trail head and also the retention basin. The home owners association will maintain the park. In this development they will provide the sod for the front yard and some bushes. The new home owner will be given a certificate for sod that must be used within six months. Commissioner Osborne was concerned about a development next to the railroad tracks. Mr. Wright said Ivory Homes has found if he is given a large enough parcel and allowed to master plan it, he can create a community that is sellable. He agreed that the railroad tracks is an issue, however, the tracks to the west are not active and will be a future trail. The tracks on the east side do create noise, luckily they are 15 to 25 feet below the existing grade. They will put a three foot berm with a solid fence to help block some of that noise. Commissioner Osborne asked how many homes would be in the subdivision. Mr. Wright said there will be 86. The lot size will be 7,500 to 9,000 sq. ft. and there will be 3.4 lots per acre.

FOR:
None

AGAINST:
None

Commissioner Hartvigsen moved to close the Public Hearing at 7:57 P.M. Seconded by Commissioner Shepherd. All Voting AYE.

Commissioner Hartvigsen moved to send this request for re-zone of property at 1700 South / 1000 East from A-1 to R-1 Open to the City Council with recommendation of approval from the Planning Commission. Seconded by Commissioner Shepherd. Voting AYE: Chairman Olson, Commissioners Shepherd and Hartvigsen. Voting NAY: Commissioner Osborne. Passes by majority.

PUBLIC HEARING TO RE-ZONE 896, 908 & 920 SOUTH 550 EAST FROM R-2 AND R-3 TO R-2 (SP) & R-3 (SP)

Chairman Olson read the Public Hearing Notice and declared the Public Hearing open at 8:00 P.M.

Mr. John Ryan was representing Marvin Murri who is out of town. Mr. Ryan said their intent is to build a project similar to Hamblin Park and Brookshire. Chairman Olson asked if they would be owner occupied. Mr. Ryan said yes, they intend to sell the condos. The exact layout of the development is not available, however there will be about 24 units. Commissioner Shepherd asked if the street would connect to Hamblin Park. He was told yes. Chairman Olson asked if the existing garage and home stays. Mr. Ryan said they hope to keep the garage with the home if possible. It will depend on the engineering for the street.

Commissioner Shepherd said Hamblin Park to him is not an attractive area. The purpose of the City is to improve and he doesn't have a problem with the re-zone. He said the home owners association will need to keep the area respectable.

FOR:
None

AGAINST:
Harold Armstrong, had some concerns. He feels if they are going to build something like this, why not tear down the old houses in front and make it a complete condominium project. Kent Bush explained to him that the first 150' is a R-2 zone and they wouldn't be able to build more than a duplex in that area. Mr. Armstrong said 908 is condemned and should be torn down. Mr. Ryan said their intent is to fix it up. Mr. Armstrong said there have been problems with the sewer. Chairman Olson told him he had valid concerns. Larry Waggoner explained that this evening was just a re-zone to add the SP overlay on the R-2 and R-3 zones. When we draw up the contract with the developer your comments will be considered and the City can make other requirements of the developer. Mr. Armstrong is also concerned with the traffic problem that is

created by the 26 and 28 units and they are now adding 24 more. Gregg Benson told Mr. Armstrong to talk to him after the meeting and he will explain the road situation. Kent Bush explained that the SP overlay gives the City control with what happens in the development.

Lynn Allred owns the lot across from this development. He said this area is an elderly area and the City needs to demand improvements along there. The homes in front will detract from the development. He would like to see Clearfield City do better in improving the City.

Commissioner Osborne asked Mr. Ryan to take into consideration the concerns of the neighbors.

The neighbors were concerned about being notified of changes in their neighborhood. Kent Bush explained the process and told the neighbors when and where the agendas are posted for City Council and Planning Commission meetings.

Commissioner Shepherd moved to close the Public Hearing at 8:20 P.M. Seconded by Commissioner Osborne. All Voting AYE.

Commissioner Osborne moved to send this request for re-zone of 896, 908 and 920 South 550 East from R-2 and R-3 to R-2 (SP) and R-3 (SP) to the City Council with recommendation of approval from the Planning Commission. Seconded by Commissioner Hartvigsen. All Voting AYE.

SITE PLAN APPROVAL FOR HONEST-1 AUTO REPAIR AT 975 EAST 700 SOUTH

No one was in attendance to present this request.

Commissioner Osborne moved to table this item until there is a representative. Seconded by Commissioner Shepherd. All Voting AYE.

SITE PLAN APPROVAL FOR KFC AT 609 NORTH MAIN STREET

Preston Dean with Tuttle and Associates said they will be demolishing the old building and building a new one. The new building will have a buffet and will be 20' longer. Commissioner Shepherd was concerned with the pole sign. Gregg Benson said the sign face will change and be updated. The sign can remain as it is and be legal. The owner wants to keep the pole sign. The sign will reflect a new prototype sign of KFC. Chairman Olson was concerned with the amount of parking. He was told there will be more parking than they have now. Kent Bush said the fence to the north is not required because it is commercial property; however, they will put a fence on the 2' high retaining wall between the buildings for safety reasons.

Commissioner Shepherd moved to approve this request for site plan approval with signage for KFC at 609 North Main Street. Seconded by Commissioner Osborne. All Voting AYE.

PLANNING COMMISSIONER'S MINUTE

Chairman Olson - Nothing

Commissioner Shepherd - Nothing

Commissioner Osborne - will be absent on March 1st.

Commissioner Hartvigsen - nothing

Councilmember Sprague - appreciates what the Planning Commission is doing and hopes to keep learning from them.

Staff - Kent Bush - said the City Council is in the process of interviewing citizens for the Planning Commission to replace Ligia Muñoz who has moved and Charles Johnson who resigned. They are proposing to have 3 alternates. New commissioners will be appointed in the near future.

There being no further business to come before the Planning Commission, **Commissioner Shepherd moved to adjourn at 8:30 P.M. Seconded by Commissioner Hartvigsen. All Voting AYE.**