

## CLEARFIELD PLANNING COMMISSION MEETING

October 17, 2007

7:00 P.M. - Regular Session

PRESIDING:	Victor Olson	Chairman
PRESENT:	Mark Shepherd	Commissioner
	Matt Hartvigsen	Commissioner
	Darren Carpenter	Commissioner
	Bill Moore	Commissioner
	Josh Taylor	Commissioner
	Tyler Gibson	Alternate Commissioner
(NON-VOTING)	Phillip Hoggan	Alternate Commissioner
	Doyle Sprague	Council Liaison
EXCUSED:	Cornell Griffeth	Commissioner
	Kenneth Jeppesen	Alternate Commissioner
STAFF PRESENT:	Brian Brower	City Attorney
	Kent Bush	Planning/Zoning Administrator
	Christine Horrocks	Building Permits Specialist
	Gregg Benson	Planner
STAFF EXCUSED:	Adam Lenhard	Community Development Director
VISITORS:	Kathryn Murray, Jesse Anderson, Garry Anderson, Bill Anderson, Chris Chelemes	

Pledge of Allegiance was led by Chairman Olson.

### PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION TO SELL VEHICLES AT 304 EAST 1700 SOUTH

Chairman Olson read the Public Hearing Notice and declared the Public Hearing open at 7:01 P.M.

Jesse Anderson has a towing company and would like a Conditional Use Permit to sell cars from this property. Mr. Anderson said there will be only two cars at one time on the lot. They currently have an appliance store at the rear of the property. Chairman Olson was concerned about their ability to obtain the state license and read some of the requirements. He feels the state won't approve them based on some of the regulations. Mr. Anderson said they haven't received the state license yet; however, they have received verbal approval. Mr. Anderson said the appliance business will be in the rear and the cars will be in the front of the property. Mr. Anderson said they can put three cars there. He said they can have three cars for sale; however, he will be driving one that is not on the lot, and there will be two on the lot.

Commissioner Carpenter asked where the repairs would be made. Mr. Anderson said he has a shop

in Ogden and the repairs will be made there. Commissioner Carpenter asked who will own the vehicles. He was told they will be in the dealership name. Gregg Benson said there is a similar dealership on 700 South. The dealership allows them to use dealer plates and not have to register the cars. Chairman Olson asked what type of signage they would be putting up. They said there is an existing sign for the appliance repair and they will apply to add to that sign. Gregg Benson said they have to meet state requirements in the placement of the dealer sign and the City will work with them on the placement of their signs. Commissioner Carpenter asked how many other personal vehicles will be on the property. Mr. Anderson said the personal vehicles are parked in the rear in the garage and to the east. Commissioner Hartvigsen said the State has certain requirements and it doesn't appear that they can meet them all, yet they have given them verbal approval. He feels the Planning Commission should not police the State requirements. Commissioner Shepherd said he couldn't find any other times that there has been a home occupation with car sales. Kent Bush said there aren't concerns with this home occupation because it isn't in a residential area. He said it is zoned commercial and there is only one other house in the area. Mr. Bush reminded the Commissioners the home occupation permit can be reviewed. Commissioner Taylor asked if the area where they were proposing to have the vehicles is a hard surface. He was told it is paved.

**FOR:**

Chris Chelemes said he owns part of the property Mr. Anderson will put the car lot on. It is west of Maverik. He farms the area, but can't make the turn with his equipment. He said it will help keep the weeds down. Gregg Benson said staff's understanding was that this would be completely on the Anderson's property. There is enough room on Anderson's property. If the hard surface is kept on the Anderson's property, a new site plan will not be required. Kent Bush said it is unknown exactly where the property line is. Mr. Anderson will widen the asphalt which helps Mr. Chelemes.

**AGAINST:**

None

**Commissioner Hartvigsen moved to close the Public Hearing at 7:18 P. M. Seconded by Commissioner Shepherd. All Voting AYE.**

Brian Brower said the only thing before the Planning Commission is the Conditional Use Permit for the property that has been presented. Any permit that is granted or denied is particular to that property. If a permit is granted, it runs with the land, it is only for the parcel indicated. Mr. Anderson said that was his understanding that it was only their property. Kent Bush said the pole sign is on Anderson's property and it is close to the property line.

**Commissioner Shepherd moved to approve this request for a Conditional Use Permit for a Home Occupation to sell vehicles at 304 East 1700 South, with the following conditions: That it remain within the property lines, that the cars be placed on a hard top surface and not off that so we can collect oil and so forth and not have that get into the ground water, we review this in six months and that it be restricted to three cars for sale at any time. Seconded by**

**Commissioner Hartvigsen. All Voting AYE.**

APPROVAL OF AMENDED DEVELOPMENT AGREEMENT FOR PARK VILLAGE

Kent Bush reviewed the amendments in Addendum No. 2 to the Development Agreement for Park Village. Page 2, Section One, Paragraph d. is amending the set backs. Mr. Bush explained the building code requires 3' to the property line without doing a fire rated wall. The patios will now be in the rear and not at the side of the home. It has been changed to read there can be 3' on either side of the lot, but not less than 10' total. All units shall be constructed to maintain a minimum separation of 10' between buildings. Commissioner Hoggan asked about the clarification of how they will be sold. Commissioner Shepherd said they will be listed as ramblers with a 2<sup>nd</sup> story.

**Commissioner Hartvigsen moved to send this request for a change to the Park Village Development Agreement as Addendum No. 2 as presented to the City Council with recommendation of approval from the Planning Commission. Seconded by Commissioner Carpenter. All Voting AYE.**

DISCUSSION ITEMS:

NEXT YEAR'S MEETING SCHEDULE

Kent Bush told them there will only be two meetings left this year, November 7<sup>th</sup> & December 5<sup>th</sup>. He gave them a tentative schedule for next year. Mr. Bush also gave the Commissioners a list of Planning Commission items this year and last year. He asked the Commissioners if they would like to continue with two meetings per month or would you like to change to one meeting per month. Commissioner Shepherd was concerned that development would be postponed. The Commissioners felt that twice a month works well.

GENERAL PLAN AMENDMENTS

Kent Bush said at the next meeting, November 7<sup>th</sup>, will be advertised for input for the General Plan amendments. Then there will be another public hearing to make changes to the General Plan. Before the City can annex, anything in our annexation declaration policy needs to be on the General Plan map. So the HAFB area needs to be added to the general plan map. This is for your information only. Chairman Olson asked how long the process would take. Gregg Benson said it will be completed by the end of the year.

PACIFIC PARK DEVELOPMENT AGREEMENT AMENDMENTS

Kent Bush reviewed with the Planning Commission the changes that are being made to the Development Agreement. These changes are being required because of the change in the open space. The agreement refers to some attachments. It also states that if the HOA does not maintain the open space, the City will have the right but not the obligation to perform maintenance and bill the HOA. Mr. Bush encouraged the commissioners to read through the agreement. Commissioner Hartvigsen asked Brian Brower if it is a difficult process to take over for the HOA if they become negligent. Mr. Brower said he doesn't feel it is something we want to be involved with.

#### PLANNING COMMISSIONER'S MINUTE

Chairman Olson – told the Commissioners about a letter he received from Joan Stevens regarding the Gardner Development. She mentioned berming between Park Village and her property and fencing issues. Gregg Benson assured it has been addressed and her concerns have been taken care of.

Commissioner Shepherd – Nothing

Commissioner Hartvigsen – asked if Commissioner Griffeth was still alive. He was told he is and his work has kept him from the meetings.

Commissioner Carpenter – what happened to Midtown Village? He was told the development agreement is still in draft form. Councilmember Sprague said the ground breaking will be on November 13<sup>th</sup>. Brian Brower said they have been reviewing it with staff to make sure all details are included. The changes have been given to staff and if staff is satisfied the agreement will be sent to the developer for their approval before it is brought to the Planning Commission and City Council for approval. Commissioner Carpenter had questions about the conditional use permit that was issued. He asked for clarification on the number of cars that will be allowed. Commissioner Shepherd said he is allowed two on the lot and one that he will be driving.

Commissioner Moore – Nothing

Commissioner Taylor – announced they have new baby girl and that has caused his absences the past few weeks.

Commissioner Gibson – Nothing

Commissioner Hoggan – Nothing

Councilmember Sprague – Nothing

Staff – Kent Bush told the Commissioners of some free training next Wednesday from 6:00 – 7:30 P.M. It will be provided by the ULCT at South Ogden City Hall.

There being no further business to come before the Planning Commission, **Commissioner Shepherd moved to adjourn at 7:55 P.M.**