

## CLEARFIELD PLANNING COMMISSION MEETING

April 2, 2008

7:00 P.M. - Regular Session

PRESIDING:	Matt Hartvigsen	Vice-Chairman
PRESENT:	Darren Carpenter Bill Moore Kenneth Jeppesen Tyler Gibson Doyle Sprague	Commissioner Commissioner Commissioner Commissioner Council Liaison
EXCUSED:	Victor Olson Josh Taylor Phillip Hoggan	Chairman Commissioner Alternate Commissioner
STAFF PRESENT:	Brian Brower Kent Bush Gregg Benson Christine Horrocks	City Attorney Planning/Zoning Administrator Planner Building Permits Specialist
STAFF EXCUSED:	Adam Lenhard	Community Development Director
VISITORS:	Jesse Anderson, Kathryn Murray, LeGrand H. Johnston, Spencer Johnston, Uriah Kennedy	

Pledge of Allegiance was led by Commissioner Hartvigsen.

### APPROVAL OF MINUTES FROM MARCH 19, 2008 PLANNING COMMISSION MEETING

Commissioner Carpenter requested the following comments be added just before the public comment for the Conditional Use Permit at 1190 East 1450 South, "Mr. Hassell drew a strong distinction between their facility and a group home. He was adamant that their facility was not a group home. Mr. Hassell said the property would be secure with alarms on the doors and windows." Commissioner Jeppesen requested following those statement be added, "By secure it did not mean the doors and windows could not be opened. It meant that an alarm would sound, but that there would be some period of time before someone in the building could get to that area. Mr. Hassell said that the youth have not been assessed whether they would qualify for any other home and they are being detained until the court determined where they would go."

**Commissioner Carpenter moved to approve the minutes of March 19, 2008 as amended, seconded by Commissioner Jeppesen. All Voting AYE.**

APPROVAL OF MINUTES FROM MARCH 5, 2008 PLANNING COMMISSION WORKSHOP

**Commissioner Carpenter moved to approve the minutes of the March 5, 2008 Workshop as stated, seconded by Commissioner Gibson. All Voting AYE.**

CONSIDER AMENDMENTS TO THE GENERAL PLAN AND GENERAL PLAN MAPS

Commissioner Hartvigsen declared the Public Hearing open at 7:07 p.m.

Kent Bush said the proposed General Plan text additions were included with the agenda. They have to do with the DETC and the mixed use designation that we are clarifying for the C-R areas. Commissioner Carpenter asked if it was the exact text. He questioned the wording about the advisory board and under the mixed use section. He felt it was too broad. Brian Brower, City Attorney, said the wording will be okay because it is a component of the general plan and not for the specific zone.

Kent Bush asked if there were any questions on the map. He explained the two areas of change on the map, the DETC area and property on 2000 East that discussed a month ago when the developer was in attendance to show his proposed plan for the mixed-use designation. Gregg Benson said the letter of intent from the developer on 2000 East has been submitted. Commissioner Hartvigsen said one of the big distinctions is that we have defined mixed use and we have clarified the intent of the DTEC property. Mr. Uriah Kennedy was present and handed out a sketch plan for the mixed-use area. Kent Bush said these are the only changes that staff is recommending at this time. The entire General Plan text is being reviewed and the revisions will be presented to the Planning Commission in a few months.

**PUBLIC COMMENT:**

LaGrand H. Johnston said he has lived at 1315 South 1250 East for 21 years. He said his residence is the entrance of 1300 South and there are plans for the cul-de-sac to extend to 1350 East and then continue to connect to 1450 South. All the residents on the cul-de-sac object to the extension of the road. He had petitions signed by all the residents that live in this area. Mr. Johnston said they had not been notified of the changes to the General Plan. Kent Bush explained that notices of changes to the General Plan are not mailed to residents. Neighbors are contacted when adjacent property is being rezoned. Commissioner Hartvigsen told Mr. Johnston that the area he was referring to is not being changed. Brian Brower asked if he was referring to a decision that was made at a previous meeting. Kent Bush said the street Mr. Johnston is referring to has been on the general plan for 15 years to be a through street. He explained that when the dental office on 1350 East and 1450 South was built, Mr. Barlow didn't want to put in the entire street and pay for it because most of the property had not been developed yet. At the north end of the street in Val Halla, a group home for boys was built at the end of the cul-de-sac. They were given access to the street but again Mr. Barlow didn't want to pay to have the entire street

street installed. The owners of the group home said they would pay for their half of the property frontage street when it was installed. Kent Bush said recently a developer came in with a sketch plan and asked if the street had to be there. Mr. Bush said the City has utility lines in the area where the street is and it is City policy to have the utilities in the street and not in an easement. We have an approved plat showing it as a street. Mr. Johnson said a lot of the residents bought property because it was a quiet street. Commissioner Carpenter said there have not been any recent decisions about this property and there is not a plan to move forward with a change at this time. Mr. Johnston asked if the neighbors will be notified when there is a public meeting about this. Kent Bush said notification will be sent if there is a public hearing. Mr. Johnston said all the residents signed the petitions, a copy of the petitions were given to staff. The street will not go in until the property is developed. Mr. Johnston feels the traffic will increase when this road is put in. Commissioner Carpenter said he doesn't see the use of Val Halla as a short cut

**Commissioner Jeppesen moved to close the Public Hearing at 7:33 p.m., seconded by Commissioner Gibson. All Voting AYE.**

**Commissioner Carpenter moved to send this request for amendments to the General Plan and Maps to the City Council with recommendation of approval from the Planning Commission of the recommended changes presented by staff, seconded by Commissioner Moore. All Voting AYE.**

REZONE VARIOUS PROPERTIES ZONED C-2 TO R-1-8, R-2 OR R-3

Commissioner Hartvigsen declared the Public Hearing open at 7:35 p.m.

These rezones are being made so the zoning is concurrent with the use. Kent Bush said some property owners have called to have the zoning changed so their property taxes would change. Gregg Benson said he was contacted by the chiropractor on 200 South. He said the chiropractor would be grandfathered with his business, but it also would be a home occupation.

PUBLIC COMMENT:

None

**Commissioner Jeppesen moved to close the Public Hearing at 7:37 p.m., seconded by Commissioner Moore. All Voting AYE.**

**Commissioner Jeppesen moved to send this request for rezone of various commercial properties to residential to the City Council with recommendation of approval from the Planning, seconded by Commissioner Moore. All Voting AYE.**

CONSIDER CONDITIONAL USE PERMIT FOR A REHABILITATION FACILITY AT 1190 EAST 1450 SOUTH

Kent Bush said the applicant had requested that this item be held until the next meeting.

**Commissioner Carpenter moved to table this item for the next Planning Commission meeting, which will be April 16th, seconded by Commissioner Gibson. All Voting AYE.**

FINAL SUBDIVISION APPROVAL FOR LEGEND HILLS LOT 301 AMENDED

Kent Bush explained this was lot 301 from Phase 3 of Legend Hills and there are three buildings. Mr. Belleau is requesting the changes putting lot lines between the buildings. Mr. Bush said there will not be a problem with setbacks.

**Commissioner Moore moved to send this request for Final Subdivision Approval for Legend Hills Lot 301 Amended to the City Council with recommendation of approval from the Planning Commission, seconded by Commissioner Carpenter. All Voting AYE.**

REVIEW OF CONDITIONAL USE PERMIT FOR GARFF AUTO AT 520 EAST 700 SOUTH

Commissioner Hartvigsen asked Kent Bush if there were any comments or complaints on this business. The concern with the conditional use permit was the proximity to residential. When he spoke to workers at Garff Auto, he said they have not received any complaints and the City has not received any complaints. Commissioner Carpenter said he felt they do a great job for the City.

**Commissioner Jeppesen moved to approve this request for continuation of the Conditional Use Permit for Garff Auto at 520 East 700 South, seconded by Commissioner Moore. All Voting AYE.**

REVIEW OF CONDITIONAL USE PERMIT FOR A HOME OCCUPATION TO SELL VEHICLES AT 304 EAST 1700 SOUTH

Jesse Anderson was present representing the auto dealership. The conditions requested have been met and there have been no complaints received. Gregg Benson said he spoke to Brian Brower, City Attorney, about the number of vehicles that were allowed. The number allowed on the original approval will not be changed.

**Commissioner Carpenter moved to approve this request for continuation of the Conditional Use Permit for a home occupation to sell vehicles at 304 East 1700 South and reiterate per**

**the Conditional Use Permit that approved previously, seconded by Commissioner Jeppesen. All Voting AYE.**

PLANNING COMMISSIONER'S MINUTE

Commissioner Hartvigsen – Commissioner Olson will be out for an undetermined length of time due to injuries in a motorcycle accident. Thanked the City Council and Mayor for their invitation to the meeting last night. Feels the relationship is getting stronger and they are working together.

Commissioner Moore – Nothing

Commissioner Carpenter – asked about the triangle piece of property on 1500 East behind Tai Pan that isn't maintained. He was told Tai Pan owns the property and Code enforcement will be contacted.

Commissioner Gibson – Nothing

Commissioner Jeppesen – said we need to make sure the agenda is specific enough. He was concerned about the amount of discussion time that was spent on the public comment on a topic that was not on the agenda. Brian Brower said from the agenda perspective, I see your point. When there is a Public Hearing on changes to the General Plan it is by statute. His advice would be to ere on the side of caution and if someone wants to come in and state their opinion as to amendments on the General Plan when you are holding a Public Hearing regarding the amendments, even if those issues don't coincide with staff recommendations that they should be allowed to voice their opinions because it is a Public Hearing. Kent Bush explained the process with the Public Hearing in regards to changes to the General Plan. He said notices were mailed to affected entities and is posted in four places in the City and is published in the newspaper. The gentleman wanted to be notified; however, a notice cannot be mailed to every resident in the City, which is why it is posted. Commissioner Hartvigsen said anytime the General Plan is opened it is a sticky topic. The changes that were made tonight needed to be done. Gregg Benson said this is one forum in which the Public can speak. The gentlemen this evening made a good argument and if the Planning Commission agreed with him, you could vote for the change.

Councilmember Sprague – appreciates the Planning Commission and thanked them for coming to the joint meeting last night.

Staff – Nothing

There being no further business to come before the Planning Commission, **Commissioner Carpenter moved to adjourn at 7:56 P.M.**