

CLEARFIELD PLANNING COMMISSION MEETING

January 2, 2008

7:00 P.M. - Regular Session

PRESIDING:	Victor Olson	Chairman
PRESENT:	Matt Hartvigsen Darren Carpenter Kenneth Jeppesen Tyler Gibson Phillip Hoggan Doyle Sprague	Commissioner Commissioner Alternate Commissioner Alternate Commissioner Alternate Commissioner Council Liaison
EXCUSED:	Bill Moore Josh Taylor	Commissioner Commissioner
UNEXCUSED:	Cornell Griffeth	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:	Tyler Jensen, David Carlson, Lloyd Roberts, Thomas J. Hodges, Shelly Gallegos, Brenda Hodges	

Pledge of Allegiance was led by Commissioner Olson.

APPROVAL OF MINUTES FROM NOVEMBER 7, 2007 PLANNING COMMISSION MEETING

Commissioner Jeppesen moved to approve the minutes of the November 7, 2007 meeting as stated, seconded by Commissioner Gibson. All Voting AYE. Commissioner Hoggan was not present for the vote.

APPROVAL OF MINUTES FROM DECEMBER 5, 2007 PLANNING COMMISSION MEETING

Commissioner Hartvigsen moved to approve the minutes of December 5, 2007 meeting as written, seconded by Commissioner Gibson. All Voting AYE. Commissioner Hoggan was not present for the vote.

PUBLIC HEARING TO REZONE PROPERTY AT 85 NORTH VILLA FROM R-1-8 TO C-2

Chairman Olson declared the Public Hearing open at 7:02 P.M.

Mr. Lloyd Roberts said he and his brother Rhett own the property at 85 North Villa and Set Price Auto Sales at 555 North Main. He said they will use this property for the growth of Set Price Auto Sales. They recently placed a larger trailer on the other property for an office. It is their intention to continue to use the house for residential, but their future plans are to use it as office space. They will use the back area of the property to park vehicles. The parking in the rear of the house can only be accessed through the car lot. Commissioner Hartvigsen asked about the new trailer that was on the property. Mr. Roberts said it replaced a trailer they had been using. Chairman Olson commented that the new trailer was larger than the one it replaced. Mr. Roberts said it is still a single wide trailer, but it is 20' longer. Chairman Olson asked Mr. Roberts if there was a time frame for using the house as an office. Mr. Roberts said they are looking at possibly six months; it will depend on the growth of the business. He said he and his two brothers own three companies that do business on the property, Set Price Auto Sales, Blue Tree Lending, and Blue Tree Real Estate. The lending company has a lot of paper work. Chairman Olson asked about signage. Mr. Roberts said there would not be any additional signage. Commissioner Carpenter asked about the fencing. Kent Bush said as long as the property has a residential use, the fence is adequate. When they decide to use the house as commercial, they will need a site plan and a fence between the commercial property and residential neighbor will be required at that time. The current fence is between the residential zone and the commercial zone.

AGAINST:

Tyler Jensen said he objects to the extra traffic. There have been test drives on the horseshoe of Villa Drive. The speed is not maintained by the drivers of the test drives. Chairman Olson asked how many test drives they have per day. Mr. Jensen said he didn't know, but he is sure they have more than those that come down Villa Drive for their test drive. One day there may be none and on a weekend there may be 6 or 8. Mr. Jensen said he feels the speed is excessive. He also said the snow has not been removed from the sidewalks around Set Price Auto. Commissioner Carpenter asked if they had approached the business owners. Mr. Jensen said they have talked to them about vehicles causing vision problems at the intersection; however, they did nothing to resolve the problem. He said when semis are unloading vehicles they park on Main Street and block the intersection. Chairman Olson asked Mr. Roberts if they go with the customers when they take a test drive. He said sometimes they ride with them, most of the time the family rides with them. Mr. Roberts said they recommend the route to customers. They have had issues with customers parking on Villa Drive and he feels expanding the lot area will give more parking spaces for the customers. Mr. Jensen feels the reason the customers park on street is because there are no vacant parking spaces for customer parking on the car lot.

Thomas J. Hodges said he is opposed mainly because of the kids. They have had multiple incidents with the neighbor across the street having medical problems. They park on the street in front of houses and it doesn't allow adequate area for the emergency vehicles. With the car lot

parking cars on the street, it doesn't allow enough parking for their visitors. It is not just the customers speeding up and down the road. They had one occurrence with an employee. Some neighbors told the employee to slow down. They have seen people squeal the tires. They load and unload cars there.

David Carlson said he has lived on North Villa for eleven years. He asked what is required between residential housing and the car lot. Kent Bush told him that a fence is required between the zones. Mr. Carlson said he obtained a list of signatures from residents on North Villa against the rezone because of the extra traffic a business brings to a residential area. Their employee cars are parked on the corner and they aren't removed when asked to. He wanted to know how far they would keep moving the commercial zone in to the residential area. They do have a lot more kids than when he first moved there. He also called the police when Set Price Auto was building their new shop because of a number of unregistered vehicles they had parked on the street. Mr. Carlson said many of the neighbors had called the police on this issue. Set Price Auto maintains no customer parking and their employees park on the street. They need more parking to park their cars on their property.

Chairman Olson asked Kent Bush how many parking spaces the ordinance requires for customers and employees. Mr. Bush said it is 1½ spaces for 1,000 square feet. So they should have 2 spaces if they have 1000 square feet. Chairman Olson asked about approval from the Police Department on this rezone. Kent Bush said the Police Department doesn't review the rezone. Mr. Carlson said the neighbors complain that they call the police and then they have the same problem the next day with customer and employee cars parked on Main Street and North Villa. Kent Bush said a lot of the car lots in the City have limited parking for customers. The other car lots on Main Street don't park on Main Street.

Shelly Gallegos lives two houses down from the house they are trying to rezone. When she moved there in August of 2006 there wasn't an issue with the car lot. They have three small children and didn't want to live on a busy street because they didn't want all the congestion and the traffic. She said the chances with the narrow roads there are high chances that someone will lose control and hit the children playing on the sidewalk. She doesn't want to wait for a tragedy before someone says we are going to something about this, the residents need to be protected somewhere. She has never had a problem when she drives on South Villa. They always have cars in front of her house. It is impossible to pull in and out of the driveway because of where they park. She feels they have too many cars for their business; they need a larger lot or fewer cars on the lot.

Chairman Olson asked Mr. Roberts if he wanted to address the issues discussed. He commented that he appreciates the concerns of neighbors. He said they have tried to implement getting the test drives not to go on Villa Drive. The zoning will not change a lot of the traffic issues. Mr. Roberts said they did have the police come about six or seven times on complaints. He was told by the police if there is a dealer plate on the car, they can park on the street. Those complaints came during the time they were building their service center. The employee that was referred to as being confrontational is no longer with Set Price Auto. He feels the rezone will help with

decreased parking on the street with customers. The back yard area of 85 North Villa will be paved which will allow more parking. The cars that currently park at 85 North Villa are the residents of the home. Mr. Roberts said they have not been cited for parking violations. They want to be upfront and fair. He feels they have done a good job improving the lot which in turn improves Clearfield City. Chairman Olson said with the larger trailer on the lot won't the congestion on the lot be increased. Mr. Roberts said the new trailer will take almost 3 stalls. The area that will open in the spring will give an additional 20 parking stalls. Chairman Olson said the comments tonight have to do with being a good neighbor. Mr. Roberts said they want to be a good neighbor, and requested if there are any other concerns, please let him know.

Commissioner Hartvigsen commented about the renters in the home and asked if he would have a dual use on that property with residential in the home with the commercial parking in the rear or will you wait to expand until you are not renting the home. Mr. Roberts said they won't have any access to the home at this time, but they will have access to the rear area for parking. Kent Bush said they can have dual usage, if the property is zoned commercial. Commissioner Hartvigsen commented about the grade difference between the service center and the back area. He also asked about the need for a hard surface. Kent Bush said he would be required to have a hard surface, but they would be unable to do it until spring. Mr. Roberts said they have put road base down in preparation for the hard surface in the spring. Kent Bush said this will allow additional parking for their employees.

Chairman Olson said we have identified the problems: parking, safety for the kids, and traffic problems. He asked if there is anything else someone would like to add.

Brenda Hodges said she worries if they are going to use the driveway of 85 North Villa as a pull out for their lot. Kent Bush said if there is a fence there, it will be removed if it is rezoned. Mrs. Hodges said the drivers need to pay attention to other vehicles on the road. She said when she first called the police, there were no dealers plates on the cars. They were only placed on the cars after they called to complain. Kent Bush said the Police Chief receives copies of the Planning Commission agenda and if he had concerns with any of the items, he would let staff know.

Mr. Roberts said there is a grade difference between the driveway of 85 North Villa and the back area which has a white privacy vinyl fence. It is not cost effective for them to remove the grade or the fence. They will not use that area as an entrance/exit for Set Price Auto Sales.

FOR:
None

Attorney Brower said this isn't a conditional use permit. The Planning Commission can approve or deny the rezone, but you need to have the reason behind your decision. Commissioner Hartvigsen asked about parking requirements. He explained to Attorney Brower the previous discussion with the neighbors concerning parking on the street, due to not enough parking for employees and customers. Commissioner Hartvigsen asked if area used to park their inventory of cars is considered "floor space". He said they have recently replaced the trailer/office and

wondered if there has been an oversight and maybe Set Price Auto Sales should provide a new site plan. Kent Bush said outdoor area has never been used to count for the parking ordinance. He added that we didn't know that they were putting a larger trailer on the lot. Commissioner Hoggan asked if a dealership has a showroom with windows if that area is counted. Kent Bush said the entire building is counted as floor space. Brian Brower said we can't interpret the ordinance different than it has been in the past. Commissioner Hartvigsen asked if we were within the law to table the item and require a site plan. Mr. Brower said he couldn't answer that question at this time, but the item could be tabled until we have the answer.

Commissioner Carpenter said it seems like it is more neighbor complaints. He told the citizens the General Plan map was just amended and the commercial area was enlarged. He told Mr. Roberts that he has an image problem and he should address that issue immediately. Commissioner Carpenter said there are avenues within the city to address the violations and concerns of the neighbors.

Attorney Brower said he doesn't want to give the Planning Commission direction on how to handle this item. However, he continued, you don't need to feel compelled to approve the rezone even if it is in conformance with the recently amended General Plan if you have concerns. Commissioner Carpenter said the issues with the neighbors will exist whether the property is rezoned or not.

Mr. Roberts said they didn't move cars from the lot when they put the new trailer on the lot. They only parked on North Villa with the construction of the service center.

Tyler Jensen said as residents have come unprepared to the meeting. There are a lot of other issues the residents have. The residents will disagree with the amount of violations Set Price Auto Sales has committed. Mr. Jensen asked to have the rezone tabled to allow residents to show violations of codes. He feels the rezoning won't help the situation. He feels more parking is needed for customers and employees. Chairman Olson told Mr. Jensen this rezone would go before the City Council at a future date. He explained that the Planning Commission would recommend to the City Council and they would approve or deny the rezone.

Commissioner Hartvigsen moved to close the Public Hearing at 8:09 P.M., seconded by Commissioner Carpenter. All Voting AYE.

Commissioner Hartvigsen moved to table the item until it has been determined if a site plan is needed, seconded by Commissioner Jeppesen. VOTING AYE: Commissioners Hartvigsen, Jeppesen, and Hoggan. VOTING NAY: Commissioners Carpenter and Gibson. Motion passes by majority.

Kent Bush said the neighbors will be notified when the item is back to the Planning Commission or the City Council. He said it should be able to be on the agenda two weeks from this evening.

PLANNING COMMISSIONER'S MINUTE

Chairman Olson – said he is seeking volunteers to be on a steering committee discussing changes to the General Plan. He asked for two volunteers and an alternate. Commissioner Hartvigsen he would like to participate, however he would have time during business hours, but he doesn't have time away from his family in the evening. Commissioner Jeppesen said he is a CPA and January through April is a busy time for him. He could do business hours also. Commissioner Carpenter said he can't the opposite Wednesday of Planning Commission. If a schedule was established he could determine his availability. Chairman Olson said he can during the evening, but not during the day. Commissioner Hartvigsen feels this is very important. Mayor Wood suggested the Commissioners sign for their willingness to participate and when they are available. Chairman Olson said the only other item he had was a good bye to Commissioner Shepherd.

Commissioner Hartvigsen – feels bad about using the zoning issue as leverage for Set Price Auto Sales.

Commissioner Carpenter – Nothing

Commissioner Jeppesen – Nothing

Commissioner Gibson – Nothing

Commissioner Hoggan – He is still considering the steering committee

Councilmember Sprague – You started the year out right.

Staff – The Annual Planning and Goal Setting Meeting will be held before the next Planning Commission meeting at 6:00 p.m.

There being no further business to come before the Planning Commission, **Commissioner Carpenter moved to adjourn at 8:22 p.m.**