

CLEARFIELD PLANNING COMMISSION MEETING

July 16, 2008

7:00 P.M. - Regular Session

PRESIDING:	Darren Carpenter	Commissioner
PRESENT:	Bill Moore	Commissioner
	Josh Taylor	Commissioner
	Mark Bottema	Alternate Commissioner
	Nathan Dunn	Alternate Commissioner
	Tim Roper	Alternate Commissioner
EXCUSED:	Victor Olson	Chairman
	Matt Hartvigsen	Commissioner
	Kenneth Jeppesen	Commissioner
	Tyler Gibson	Commissioner
	Doyle Sprague	Council Liaison
STAFF PRESENT:	Brian Brower	City Attorney
	Kent Bush	Planning/Zoning Administrator
	Christine Horrocks	Building Permits Specialist
STAFF EXCUSED:	Adam Lenhard	Community Development Director
	Gregg Benson	Planner
VISITORS:	Scott Nelson, Jay Thalman, Daniel Leigh	

Commissioner Taylor nominated Commissioner Carpenter to the temporary Chairman of the Planning Commission, seconded by Commissioner Moore. There were no other nominations. **All Voting AYE.**

Pledge of Allegiance was led by Commissioner Carpenter

Commissioner Carpenter introduced three new Planning Commission members, Mark Bottema, Tim Roper, and Nathan Dunn.

APPROVAL OF MINUTES FROM JUNE 18, 2008 PLANNING COMMISSION MEETING

Commissioner Carpenter said the minutes for June 18th meeting will not be approved this evening.

PUBLIC HEARING

CONDITIONAL USE PERMIT FOR A GROUP DAY CARE SERVICE FOR SPECIAL NEEDS ADULTS AT 373 SOUTH STATE

Commissioner Carpenter read the Public Hearing Notice and declared the Public Hearing open at 7:05 p.m.

Daniel Leigh with Northeastern Services said they have been around for 25 years statewide and have over 2,000 clients throughout the state. This building will provide service for 10 to 12 adults and they have a summer program and after school program in the evening for people with disabilities. Commissioner Moore asked what type of disabilities they would have. Mr. Leigh said some have mental disorders, brain injuries, some are wheelchair bound. They provide them with activities to improve their lives and provide a work service. Northeastern Services have a transport system and the UTA handi-trans system transports some clients. Mr. Leigh said they need to be licensed through the State. Commissioner Carpenter asked the ages of their clients. The program during the day is for adults. The summer program and after school program is for special needs children ages 7 to 18. Commissioner Taylor asked if their clients are local. Mr. Leigh said they have been in Ogden; however, they needed a building with better conditions for their clientele. Commissioner Carpenter asked who had previously occupied this space. Kent Bush said he thought it was a uniform store. This location is east of Grounds for Coffee. Mr. Leigh said the space they would occupy would be 2,000 sq. ft. Commissioner Taylor asked if they need to meet square footage requirement as to size as with a daycare. Mr. Leigh said they exceed the square footage requirement. Commissioner Carpenter asked the normal hours of operation. Mr. Leigh said they are open from 8:00 a.m. to 6:00 p.m. The day service runs until 2:30 to 3:00 and the after school program runs until 6:00 p.m. Commissioner Carpenter asked if there would be any overnight stays. Mr. Leigh said state regulations do not allow overnight stays.

PUBLIC COMMENT:

None

Commissioner Taylor moved to close the Public Hearing at 7:13 p.m., seconded by Commissioner Bottema. All Voting AYE.

Commissioner Carpenter said he doesn't see an issue with parking. Kent Bush said typically Conditional Use Permits are reviewed in 6 months

Commissioner Taylor moved to approve this request for a Conditional Use Permit for a Group Day Care service for special needs adults at 373 South State with a six month review period, seconded by Commissioner Moore. All Voting AYE.

SCHEDULED ITEMS

APPROVAL OF PACIFIC PARK SUBDIVISION PHASE 2 AMENDED AT 200 NORTH AND PACIFIC

Jay Thalman feels they have come to a resolution with the City Engineer and City Staff. Kent Bush explained the subdivision changes. He said the change in the common area will have the storm water piped into a detention area in Phase 3. The new common area will have a basketball court. The Development Agreement spells out the details of the change in the common area. The two lots that have not been built on will be increased in size. Commissioner Bottema asked if there would be a light at the common area. He was told the Police Department doesn't require one at the end.

Commissioner Moore moved to send this request for final subdivision approval of Pacific Park Subdivision Phase 2 Amended at 200 North and Pacific to the City Council with recommendation of approval from the Planning Commission, seconded by Commissioner Taylor. All Voting AYE.

APPROVAL OF PACIFIC PARK SUBDIVISION PHASE 3 AT 150 NORTH AND PACIFIC

Commissioner Carpenter said there are 13 lots in this phase with lots 306 and 307 approved as flag lots. The existing dwelling on lot 313 will remain. If it is removed, the setbacks will need to meet the requirements of the subdivision. Commissioner Carpenter asked about the storm water retention. The retention area in front of lots 306 & 307 is in a concrete box underground with landscaping on top. Commissioner Dunn asked what road improvements have been done along Pacific and what will be done. Mr. Thalman said that at this point nothing has been done. Scott Nelson said the developer will put the curb and gutter on both sides of Pacific. In front of Phase 2 there will be curb, gutter and sidewalk on the west side. On the east side will be curb and gutter only.

Commissioner Taylor moved to send this request for final subdivision approval of Pacific Park Subdivision Phase 3 at 150 North and Pacific to the City Council with recommendation of approval from the Planning Commission. Seconded by Commissioner Moore. All Voting AYE.

APPROVAL OF PACIFIC PARK SUBDIVISION PHASE 4 AT 125 NORTH AND PACIFIC

Commissioner Carpenter said Phase 4 will have 14 lots in a cul-de-sac and open space along Pacific Street. Kent Bush said the Development Agreement identifies the details of the landscaping for the open space. There will be open space by lots 401 and 414 for which the Home Owners Association will be responsible to maintain. Kent Bush pointed out the utility design for both phases 3 & 4. There is a 330' section of curb & gutter that will be reimbursed by

the City to the Developer because they will be doing extension work on Pacific Street. The Developer will also overlay the entire street.

Commissioner Roper moved to send this request for final subdivision approval of Pacific Park Subdivision Phase 4 at 125 North and Pacific to the City Council with recommendation of approval from the Planning Commission, seconded by Commissioner Bottema. All Voting AYE.

APPROVAL OF THE AMENDED DEVELOPMENT AGREEMENT FOR PACIFIC PARK SUBDIVISION

Commissioner Carpenter said changes have been made in the layout of the subdivision and to the Development Agreement. There was a change in the side setback for corner lots to a minimum of 10'. Kent Bush said this is being requested because all the corner lots are adjacent to the open space. After some discussion, it was determined that the agreement should be changed to clarify that the corner side lot set back only refers to the corner side of the lot. Kent Bush said the lot number of the existing house needs to be changed to 313. Commissioner Carpenter asked about the density in the R-1 Open zone. Kent Bush said the density in this subdivision meets with the 5% requirement. Commissioner Carpenter also questioned the development of the open space one year after the homes are built on lots 306 & 307. He said if homes were never built on those lots, the open space would never be developed. Mr. Thalman said the open space contains the storm water retention and they didn't want to put in the retention area and then tear it up to build a home. Commissioner Carpenter said we don't want it to be indefinite, and asked if we could put in a time frame. Mr. Thalman said the retention area can be put in, but the landscaping portion could be put in after the homes are built. Commissioner Taylor said as long as the landscaping is in, the City Ordinance won't let it get out of control. Commissioner Carpenter said the rough grading needs to be in now. Mr. Thalman said the time to put in the retention area would be when the road is installed. Commissioner Taylor suggested that the Development Agreement state that a percentage of the lots be completed in Phase 3 require the landscaping to be completed. Brian Brower asked the Commissioners to clarify their request is to have the open space, Area D, rough graded prior to any building permits being issued for Phase 3, and completely developed when the nine lots have been built on. Brian Brower asked Kent Bush the density per acre. Mr. Bush said it is around 4 lots per acre. There are about six acres total in phases 3 and 4 and there are 27 lots. Mr. Bush said from what he remembers the subdivision meets the open space requirements. Mr. Thalman said he was agreeable with the curb and gutter requirements. Commissioner Carpenter said there is a requirement of a border of rocks and shrubs to separate the driveways from the open space. Commissioner Dunn asked if the estimate of \$5,000 would cover City costs for the overlay. Brian Brower said the contract states the price is a not to exceed, which requires the contractor to come to the City for written approval if the cost exceeds the \$5,000. Unless concrete prices go sky high, that should be adequate.

Commissioner Carpenter reviewed the items to be changed:

1. Designating the east side of the corner lot to have a minimum 10' setback
2. The lot containing the existing home will change from Lot 312 to Lot 313.
3. Rough grade for the storm water needs to be done before any permits are issued.
4. In phase 3, nine of twelve lots with building permits will require the need to have landscaping completed in the open space.

Commissioner Taylor moved to send this request for approval of the Amended Development Agreement for Pacific Park Subdivision to the City Council with recommendation of approval with noted revisions from the Planning Commission, seconded by Commissioner Moore. All Voting AYE.

DISCUSSION ITEMS

TYPES OF BUSINESSES SUITABLE FOR HOME OCCUPATIONS

Kent Bush said we are in the process of revising the zoning ordinance. He said home occupations licenses don't require a Conditional Use Permit unless they are using the garage or an out building. The State Code on Conditional Uses is more detailed as to what you can do. If a use is listed as a conditional use and the applicant can meet the conditions, it must be approved. Mr. Bush said there may be some uses that we feel are not conducive to a residential area. We need to list uses that are acceptable for conditional uses or a list that is not acceptable. Commissioner Carpenter said we need to say what is acceptable, and then everything else is not acceptable. Commissioner Dunn asked how other cities handle this. Kent Bush said he didn't know. Brian Brower said he sees the ordinances written that specify the permissible uses. He said he is more comfortable with a list that is inclusive rather than exclusive. Brian Brower said when we don't have the exact use listed in the ordinance and it has to be determined what defined use that most closely resembles. You will never be able to legislate every circumstance and scenario. Kent Bush said these are businesses that fall out side of the basic dwelling and require a conditional use permit because they use the garage or another out building. The noise is mitigated from the neighbors if the business it is in the basement. Kent Bush said this is just to get them thinking about the type of business you would not want in your neighborhood. Commissioner Taylor suggested they look at ordinances from other municipalities.

REZONING OF B-1 PROPERTIES

Kent Bush gave them a list of the current B-1 properties with the uses and the proposal of what staff is recommending they be rezoned to if the B-1 zone is eliminated. These properties will be discussed at a future date. Storage sheds are the only use that will be non-conforming.

COMMUNICATION ITEMS

PLANNING COMMISSIONER'S MINUTE

Commissioner Moore – Nothing

Commissioner Carpenter – Asked about the development on the 2000 East. Kent Bush said the economy has affected both developments.

Commissioner Taylor – Nothing

Commissioner Roper – Nothing

Commissioner Bottema – Asked if the new members would be getting a binder. He was told Gregg would put those together.

Commissioner Dunn – Nothing

Staff – Kent Bush gave a mailing address list to the Commissioners.

There being no further business to come before the Planning Commission, **Commissioner Taylor moved to adjourn at 8:24 P.M.**