

**CLEARFIELD PLANNING COMMISSION MEETING**

June 4, 2008

7:00 P.M. - Regular Session

PRESIDING: Victor Olson Chairman

PRESENT: Darren Carpenter Commissioner  
Bill Moore Commissioner  
Josh Taylor Commissioner  
Kenneth Jeppesen Commissioner  
Tyler Gibson Commissioner  
Doyle Sprague Council Liaison

EXCUSED: Matt Hartvigsen Commissioner

STAFF PRESENT: Brian Brower City Attorney  
Adam Lenhard Community Development Director  
Kent Bush Planning/Zoning Administrator  
Gregg Benson Planner  
Christine Horrocks Building Permits Specialist

VISITORS: Justin Klug, Ty Vorwaller, Betty Parker, Stuart Venable, Fernando Calaguas, Bill Terburg, Kandy Borup, Yvonne Gleave

Pledge of Allegiance was led by Commissioner Olson

APPROVAL OF MINUTES FROM MAY 21, 2008 PLANNING COMMISSION MEETING

**Commissioner Jeppesen moved to approve the minutes from the May 21, 2008 as written, seconded by Commissioner Taylor. All Voting AYE.**

PUBLIC HEARING TO CONSIDER ISSUING A CONDITIONAL USE PERMIT FOR AN ADDITION TO THE EXISTING CHURCH AT 295 EAST 200 SOUTH

Chairman Olson declared the Public Hearing open at 7:01 p.m.

Fernando Calaguas, Pastor of the Nations for Christ Church, said they will increase the square footage of the building by enclosing the drive-thru portion of the building and expanding the size of the building. The addition will provide handicap access.

PUBLIC COMMENTS:  
None

**Commissioner Jeppesen moved to close the Public Hearing at 7:03 p.m., seconded by Commissioner Carpenter. All Voting AYE.**

**Commissioner Carpenter moved to approve this request for a Conditional Use Permit for an addition to an existing church at 295 East 200 South. Seconded by Commissioner Gibson. All Voting AYE.**

PUBLIC HEARING TO CONSIDER THE REQUEST TO AMEND LOTS 6 & 7 OF PACIFIC PARK PHASE 2 AT 200 NORTH & PACIFIC

Chairman Olson declared the Public Hearing open at 7:05 p.m.

Kent Bush said Pacific Park Phase 2 was approved in September 2006, it included open space at the end of the cul-de-sac for water retention and common area open space. Mr. Dwayne Matheson has purchased property south of the subdivision and wants to develop additional phases. The storm water for phase 2 would be piped into the detention areas in phases 3 and 4. Mr. Matheson wants to reduce the landscape area in phase 2 and put it in phases 3 and 4. This Public Hearing is just to say it is okay to amend the subdivision plat. The approval of the plats will come at a later date. Commissioner Jeppesen asked if the subdivision would meet the ordinance requirements for open space. Kent Bush said yes, there are a couple of places where there will be open areas. Commissioner Carpenter asked if the Planning Commission had looked at Phases 3 and 4. Kent Bush said the preliminary subdivision had been presented to the Planning Commission. The Development Agreement will give provisions for an existing house on the property.

PUBLIC COMMENT:

None

Gregg Benson said a resident came into the office and asked questions for clarification, but she was okay with the plan. Commissioner Carpenter asked if the neighbors in the adjacent subdivision had been notified. Kent Bush said the state code states you need to notify property owners 300 feet around the perimeter and in the subdivision.

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

**Commissioner Taylor moved to approve this request for amendment to lots 6 and 7 of Pacific Park Phase 2, seconded by Commissioner Jeppesen. All Voting AYE.**

REVIEW OF CONDITIONAL USE PERMIT FOR A DAYCARE AT 513 NORTH 1000 WEST

Kandy Borup had updated pictures of their business for the Commissioners. Chairman Olson said they were given six months to complete the landscaping and fencing. The fence has been installed and the landscaping as well. She stated there are eight children at this time at the

daycare. They have about 4 cars that enter the parking lot. There have been no complaints. Kent Bush said the fence meets City Ordinance.

**Commissioner Jeppesen moved to approve the continuation of the Conditional Use Permit for a daycare at 513 North 1000 West, seconded by Commissioner Carpenter. All Voting AYE.**

SITE PLAN APPROVAL FOR AN ADDITION TO THE EXISTING CHURCH AT 295 EAST 200 SOUTH

Chairman Olson stated that the Planning Commission was aware of their project and asked about the parking. Mr. Calaguas said they have an agreement with Kier Corporation to use their parking lot. Chairman Olson asked if they would be adding a sign. Mr. Calaguas said there will be no additional signs.

**Commissioner Taylor moved to approve this request for Site Plan Approval for an addition to the church at 295 East 200 South, seconded by Commissioner Moore. All Voting AYE.**

SITE PLAN APPROVAL FOR A RECYCLE YARD AT 96 WEST 1700 SOUTH

Mr. Justin Klug said the items requested from the last meeting have been addressed on the site plan. City Attorney, Brian Brower, said at the last meeting he expressed some concerns on the zoning ordinance concerning a junkyard or an automobile wrecking yard. He read the definition from City Code 11-3-3. Mr. Brower said at last meeting when Mr. Klug said he may receive automobiles, he was told that more than 2 automobiles would make this use fit under the definition of a junkyard or automobile wrecking yard. Mr. Brower said the M-1 Zone in City Code 11.11.d.1 states the permitted and conditional uses. Salvage yards are an exception and therefore not permitted in the M-1 zone. Mr. Brower asked if a recycling facility is a salvage yard. He talked with zoning staff about the intent for the exception for salvage yards and felt that without a definition it is difficult to determine. If cars are being accepted, in his opinion, that would qualify as salvage yard. Without a definition it is difficult to determine if this use qualifies as a salvage yard or as a junk yard or automobile wrecking yard. If cars are accepted does it make it a salvage yard? Kent Bush said the intent when the salvage yards were removed from the M-1 zone was to take away the automobile salvage yards. It was not for recycling. He didn't feel it was the intent to say that materials could not be recycled. Chairman Olson asked if the concern was automobiles. Brian Brower said the exception is "salvage yard" and there is no definition of that. If you look at the definitions there is no definition that fits the use better than junk yard or automobile wrecking yard. It is a gray area based on the information we have with the ordinance and the application of this applicants use. Commissioner Carpenter was concerned with oil running on ground from the autos and stacked high cars. Chairman Olson said based on Mr. Klug's presentation last meeting, there is a huge difference between a lot of pop cans vs. the salvage yards. Mr. Klug said there is a fundamental difference between what they are doing and

a salvage yard. A salvage yard is in the business of spreading out cars, popping the hood and selling parts. He said their inventory will have a turn around time of 12 to 72 hours. He said they are not in the automobile business; he does not want people all over the yard looking for parts. Any cars that would come in the yard would be out basically the next day. The cars will come in drained of fluids and prepped for recycling or they don't accept them. Commissioner Taylor asked if there could be a condition that customers could not browse for purchase. Mr. Klug said that he didn't want the customers going through the inventory for insurance purposes. Brian Brower said in talking to Kent Bush he believed the intent when zoned out salvage yards from the M-1 zone, that a condition could be placed concerning the receipt of automobiles. Chairman Olson asked if a condition could be limitation for the number of cars and the turn around time. Mr. Klug suggested that rather than put a number of cars that could be there, state the inventory must turn every 72 hours. Mr. Klug said this business is a service to the community. Commissioner Carpenter asked if we are opening ourselves up to allow salvage yards again. Brian Brower said if you place appropriate conditions, then you set a precedent for future. Commissioner Jeppesen asked about the fencing height. Mr. Klug clarified the fencing on the site plan to the Commissioners. Commissioner Jeppesen was concerned about the fence being screened only 6 ft and would recommend 10' of screening. After some discussion it was determined that that screening to 6' would be adequate. Commissioner Jeppesen asked if there needed to be a larger storage area to maintain the cars. There is a maximum storage area of 110' x 65'. Some of the surface is concrete, asphalt and some hard surface. Commissioner Jeppesen was concerned about the surface of the storage area. Mr. Klug said he needs to meet EPA requirements. Commissioner Moore asked who is responsible to determine the fluids have been drained from the vehicle. Mr. Klug said at the scales if fluids are found, the vehicle will be rejected.

Councilmember Sprague said in his opinion salvage means junk and to him this is junk and he doesn't think it fits in this zone. Mayor Wood said he has concerns as does Councilmember Sprague. He said we are doing everything we can to elevate the image of the City. This type of business is not what we would seek. He said in his business experience despite the effort to drain all the fluids there is still some residual fluids. One of his major concerns is that metal will be dumped in an area that is not a fully impervious surface. He also has concerns about the metal on the ground causing ground contamination for future use. Chairman Olson asked if there was a dumpster would it help. Commissioner Jeppesen said his concern about the ground surface was the same as the Mayor. Mr. Klug said all the issues of storm drainage are addressed by current laws. He said outside they will place the steel and there won't be a heavy leaching into the ground from that. Mr. Klug said their long term plan is to concrete the yard. The current surface has good integrity. Brian Brower asked if the City Engineer and had reviewed the site plan approved it for drainage. Kent Bush said he spoke with Scott Hodge on the drainage issue and he said because it is existing ground and they are not doing anything else to the property, we could not impose any storm drainage requirements. Yvonne Gleave said there are many businesses in Freeport that are non-compliant. Commissioner Carpenter said the City doesn't want to add to the non-conformance. Ms. Gleave said maybe the others need to be brought into compliance. Commissioner Carpenter said they are not out of compliance yet. Ms. Gleave said according to the guidelines they are, she cannot drive because there is metal in the road. Mr. Klug feels this

business is not adding a problem. Scrap steel metal is valuable and there are many benefits for the area with recycling.

Commissioner Carpenter said he would like to see concrete on the ground and then there will not be environmental issues. He doesn't feel the current proposal will protect the City in the long term and their interest in the land. Commissioner Taylor said we should have a concrete pad with a curb on it and contained drainage system with all the appropriate measures required by the EPA. Kent Bush asked him where he wanted it to drain. Commissioner Taylor said if it went through an oil and grease interceptor then the water could leach into the ground. Commissioner Jeppesen said the concrete could grow as his business grew. Commissioner Carpenter said he thinks this a salvage yard and that it will never work.

**Commissioner Taylor moved to approve this request for Site Plan Approval for a recycle at 96 West 1700 South with the following conditions: 1. Any inventory not to remain on the premises for more than 72 hours, 2. All material to be stored outside shall be stored on a contained concrete pad with curb and appropriate drainage at all times, seconded by Commissioner Gibson. Voting AYE: Commissioners Taylor, Gibson, and Jeppesen, Voting NAY: Commissioner Carpenter and Moore. Passes by majority.**

#### SITE PLAN APPROVAL FOR AN ADDITION TO ROCKY MOUNTAIN CONVALESCENT CENTER AT 1481 EAST 1450 SOUTH

Mr. William Terburg displayed a rendering of the addition. He said there would be an entrance on both ends of the building. The new building will share the kitchen services and laundry services with the existing facility. The new facility will have a huge rehab area. Kent Bush said the parking, dumpsters and fencing has been resolved. The dumpster enclosure and the oxygen storage building will be block. Chairman Olson asked about the signage. There will be a new monument sign facing 1500 East. There will also be an emergency generator; it will have a noise barrier. Mr. Terburg said there are plans to upgrade the existing building. They plan to have an emergency outlet in each patient room. They would like some roof top units on the generator in case the power goes out in the older section.

**Commissioner Taylor moved to approve this request for Site Plan Approval for the addition to the Rocky Mountain Convalescent Center at 1481 East 1450 South, seconded by Commissioner Moore. All Voting AYE.**

#### SITE PLAN APPROVAL FOR A PARKING LOT EAST OF BUILDING B-14 AND AN ADDITION TO BUILDING D-14 IN FREEPORT CENTER

Ty Vorwaller from ATK said they are proposing an addition on the east side Building D-14 plus add a parking lot east of Building B-14. Kent Bush said they have been working with our Public Works Director and the City Engineering. Commissioner Gibson asked if they would lose any

parking stalls from this addition. Mr. Vorwaller said the project will create 83 extra stalls. Currently they have a parking issue on the street. It will take cars from the street to the rear of the building.

**Commissioner Carpenter moved to approve the request for Site Plan Approval for a parking lot east of building B-14 and an addition to building D-14 in Freeport Center, seconded by Commissioner Moore. All Voting AYE.**

DISCUSS GENERAL PLAN AMENDMENTS AND SET A PUBLIC HEARING TO APPROVE GENERAL PLAN AMENDMENTS

Kent Bush said the amendments require notification to affected entities and surrounding cities giving them a chance to respond. No one responded by the deadline of May 21<sup>st</sup>. The Public Hearing was held to receive any other input. The City gave you some wording changes and recommended changes to the General Plan. The format was changed and new land use designations were added. The new General Plan was sent to you with the May 21<sup>st</sup> agenda. Tonight the Planning Commission needs to determine what changes, if any, you are recommending to the General Plan. Those changes need to be written and available for the public to look at. We need to set a Public Hearing to adopt any changes that you want to make; we recommend you set the Public Hearing for June 18, 2008.

Chairman Olson said the changes to the General Plan have not been itemized. They are built into the new document. The General Plan will be approved as a document not as a line item. Staff is recommending the document be approved as submitted. Gregg Benson explained the changes to the map which were commercial/residential zone has been changed to a definition of mixed-use. DETC and Falcon Hills have been added to our General Plan Map. The streets have had some clarifications to show the type of street. Chairman Olson said these changes have been discussed in the past 2½ months. Commissioner Jeppesen said he isn't sure how he feels about 1350 East and has some questions for staff. He understands about the waterline in the street, but wants to know if there is any other reason that the street should go through. Gregg Benson said this street was to be part of a future phase to Valhalla. When Valhalla didn't bring in the future phase, planning staff felt that the road would be lost if it wasn't put on the map as a proposed street. Kent Bush said if for no other reason, the fact that the water line in the street is enough to put the street in. Utilities need to be in a public street, not on private property. Commissioner Carpenter asked if the utilities could be rerouted. Mr. Bush said it could not and still have the water flow properly. Commissioner Carpenter was concerned that the development of the Continuum Care Center would not happen if the street was required. Gregg Benson said they talked to the developer and gave them alternate suggestions. Kent Bush said what they are proposing may not even fall within the zoning. He said the proposed plans were presented to the Commissioners and the City Council members when the General Plan Amendments were discussed during workshops in March and April. Commissioner Taylor asked if the road could be put in and then barriers placed to stop traffic. A private street may work; however, the owner would have the ability to close the road at anytime. Kent Bush said the motion needs to state

any changes and state the date of the public hearing

**Commissioner Jeppesen moved to schedule a public hearing at the next meeting, June 18<sup>th</sup>, at 7:00 P.M. to discuss the General Plan as it is written and was presented at the last meeting, May 21<sup>st</sup>, seconded by Commissioner Carpenter. All Voting AYE.**

PLANNING COMMISSIONER'S MINUTE

Commissioner Moore – Nothing

Commissioner Carpenter – Asked if the Planning Commission had approved El Dorado. Gregg Benson said it was approved and is an automobile salvage yard. It was approved by the Planning Commission and City Council.

Commissioner Taylor – Nothing

Commissioner Jeppesen – Nothing

Commissioner Gibson – Nothing

Councilmember Sprague – He commented that the City will only receive property tax from the recycle yard because there is no sales tax.

Chairman Olson – Said that Mr. Klug came in with good faith two weeks ago. We beat him to death with demands with his site plan. If the same things had been said last meeting as were brought up tonight, he would have been happy. Brian Brower said that unless you put conditions on the site plan, there is no enforceability. Kent Bush said in his opinion there is a difference between what he wants to do and a salvage yard. He said a salvage yard is where people can go in, look around and pick parts off old automobiles and salvage those parts.

After some discussion the Commissioners felt the definition of an auto salvage yard needs to be clarified. Kent Bush said as the City Ordinances are reviewed and changes made, there are several definitions that need to be revised. There is a difference between recycle and salvage. Brian Brower said he wasn't aware until after the last meeting that salvage yards were excluded from the M-1 zone. Commissioner Jeppesen said when controversial items are on the agenda, it may be beneficial to have a work session before the meeting.

There being no further business to come before the Planning Commission, **Commissioner Jeppesen moved to adjourn at 9:00 P.M.**