

CLEARFIELD PLANNING COMMISSION MEETING

May 6, 2009

7:00 P.M. – Regular Session

PRESIDING:	Kenneth Jeppesen	Chairman
PRESENT:	Matt Hartvigsen	Commissioner
	Bill Moore	Commissioner
	Tyler Gibson	Commissioner
	Darren Carpenter	Commissioner
	Nathan Dunn	Commissioner
	Nike Peterson	Commissioner
NON-VOTING:	Matt Stone	Alternate Commissioner
	Doyle Sprague	Council Liaison
EXCUSED:	Mark Bottema	Alternate Commissioner
STAFF PRESENT:	Adam Lenhard	Community Development Director
	Kent Bush	Planning / Zoning Administrator
	Gregg Benson	Planner
	Stacy Reel	Recording Secretary
VISITORS:	Lori Shreeve, Kim Belnap, Craig Belnap, CP Bissell, Chad Greaves, Martin Maschke, Jacob Bjork, Jon Shreeve, Debbie Limb, Tamralyn Kelly, Sheryl Kelly, Melvin Mauris, Kathryn Murray	

Chairman Jeppesen called the meeting to order at 7:00 p.m.

Pledge of Allegiance was led by Chairman Jeppesen

APPROVAL OF MINUTES FROM APRIL 1, 2009 PLANNING COMMISSION MEETING

Commissioner Hartvigsen moved to approve the minutes of April 1, 2009 as written, seconded by Commissioner Moore. All Voting AYE.

REVIEW OF CONDITIONAL USE PERMIT FOR A HOME OCCUPATION AT 452 WEST 325 NORTH

Commissioner Gibson moved to approve the continuation of the Conditional Use Permit for a home occupation license at 452 West 325 North without any further conditions. Commissioner Carpenter asked if this could be reviewed upon exception. Commissioner Gibson agreed to amend the motion to include reviewed upon exception, seconded by Commissioner Hartvigsen. All Voting AYE.

SITE PLAN APPROVAL FOR CAR LOT AT 1181 SOUTH STATE STREET

Since a representative was not at the meeting, Chairman Jeppesen asked if they could proceed until they arrive.

ORDINANCE AMENDMENTS

Adam Lenhard, Community Development Director, asked if the order of the amendments could be changed. Mr. Lenhard said there are two separate issues to address in Title 6, Chapter 1, Animal Control. The staff report indicates that amendments to this ordinance normally do not require a recommendation from the Planning Commission. However, with the nature of the proposed ordinance the staff felt it was appropriate to bring this to the Planning Commission for a review and to obtain an informal recommendation to the city council.

The first issue that was drafted deals with the residential kennel permits. The current ordinance allows up to a total of three dogs and/or cats, but in no circumstance could you have more than two dogs. There was a proposal and interest to amend that ordinance which would allow someone to come into the Community Development Department to apply for a residential kennel permit, which would allow someone to have up to three dogs at that residence. However, since this draft the interest in the kennel license is no longer there. First portion of the ordinance 6-1A-1, 6-1A-2 and 6-1A-3 Residential Kennels would be removed from this draft. As it stands it will remain unchanged.

Mr. Lenhard stated 6-1A-1 Chickens needs to be reviewed. He explained the process that was used to create this draft ordinance, which included the review of other ordinances throughout the state and country, which would allow for hens in a residential zone. The ordinance states "Up to five (5) chicken hens may be kept at any one single-family residence within the City, subject to the following requirements." Mr. Lenhard stated the minimum lot size for keeping chicken hens shall be six thousand five hundred (6,500) square feet. A resident house would have to be properly ventilated as well as an attached enclosed chicken run area. Minimum distances from any abutting property line can be no less than fifteen (15) feet unless written consent is obtained from all abutting property owner(s). The chicken house and outdoor enclosure can only be located in the rear yard, completely screened from view from adjacent properties and public streets and rights-of-way. The chicken hens may not be killed by or at the direction of the owner or keeper thereof except pursuant to state and county law. The keeping of chicken roosters is not permitted. The chicken house and outdoor enclosure must be regularly cleaned and maintained so as to prevent the accumulation of animal waste. A permit from the Community Development Department will be required and will be valid for a period of twelve (12) months. The purpose of the permit is to provide an opportunity for the city to inspect the property to make sure compliance with all applicable City ordinances and regulations have been met. Mr. Lenhard explained what information will be required when applying for this permit. He also discussed the Review and Approval Process as well as the Revocation or Refusal to Issue. He noted this ordinance does not apply to properties that have an agriculture zone designation because they already have their own standards.

Doyle Sprague asked if the ordinance specifies detached single-family homes so we can limit them in the townhome or condominiums. Mr. Lenhard said we should probably add the verbiage “any single family dwelling” to the ordinance so this may be consist with the rest of the ordinance. Chairman Jeppesen asked how many residential units we have in the Commercial Zones. Kent Bush, Planning & Zoning Administrator said there are a few. Mr. Lenhard said it could be changed to say they are allowed only in a “residential zone.”

Commissioner Peterson asked if the fifteen (15) foot setback is granted by the neighbors had to be in writing. It was decided that would be one of the documents they would need to submit with their application. Commissioner Carpenter asked what the drive is behind this ordinance and said he feels like the city as a whole would be against this ordinance. Mr. Bush said people have indicated to him they can have fresh eggs, however, he felt it was cheaper to buy eggs from the store. Chairman Jeppesen asked what the difference is between someone who has two big dogs in the back yard with owners that fail to clean up after them versus someone having chickens. Commissioner Gibson said he prefers chickens over barking dogs and does not think most people would be opposed to this new ordinance. Commissioner Peterson said the staff has done a good job drafting a comprehensive ordinance and if the citizen’s in the community are willing to comply with the all the requirements they are the ones that will be willing to take care of these animals.

Commissioner Carpenter asked if this ordinance would include most of the homes in the city. Commissioner Dunn explained some of the neighborhoods would not be able to have chickens if the C.C.& R.’s for the subdivision do not allow them. Commissioner Dunn asked what feedback the city has received in the past regarding chickens. Mr. Lenhard said he is not sure about the past years but lately it has been a popular thing especially with the economy. Mr. Bush said in the past 23 years he does not recall chickens being discussed, however, pot belly pigs have been addressed. He also expressed his concern if chickens are allowed then it opens the door to other types of animals such as pot belly pigs, miniature goats, or something else that is typically considered a farm animal.

Commissioner Moore asked if the other cities ordinance specify the chickens can not be used for food. Mr. Lenhard said they state you can not kill them. Gregg Benson, Planner, said the research he did shows the chickens are healthier and if they are required to be euthanized it is done out of public view or the animal was taken to a butcher. Chairman Jeppesen asked if someone could kill the chickens outside and still be in compliance with the proposed ordinance. There was a discussion on the section of the ordinance and Chairman Jeppesen asked if it could be clarified to say the chickens can not be killed within public view. The Commissioner’s and staff also discussed the section referring to the screening of the chickens.

Chairman Jeppesen interpreted the ordinance to allow the chickens to run in the back yard instead of being enclosed. Mr. Lenhard said if the chickens are allowed to run the whole back yard then they are not protected from predators, such as the neighbor’s dog. Chairman Jeppesen felt the fifteen (15) feet setback was a nice compromise. Commissioner Gibson said the neighbors may agree to let you put it closer to the property line.

Commissioner Carpenter stated we have zones for a reason and we are very particular about agriculture zones, commercial zones, etc. and feels we are blending zones by allowing these animals and by allowing chickens in the residential zone it opens the door to other types of farm animals.

CITIZEN COMMENT

Jonathan Shreeve, 2370 South Main Street, told the Commissioner's they did a 3 hour survey yesterday and spoke with 42 different households to speak with the citizens about allowing chickens in a residential neighborhood; of those 42 homes there were only 2 no's. He said they will continue to collect this information and feels the response from the citizens was positive.

Commissioner Carpenter asked him why they would like to have chickens. Mr. Shreeve said his wife grew up with chickens and really enjoyed them and it teaches the children responsibilities. Commissioner Peterson said the neighborhood response has been overwhelming and positive. Commissioner Carpenter feels it needs to be put to a neighborhood vote and would like that added to the next ballot. Commissioner Gibson reminded them about the C.C. & R.'s in some of the neighborhoods.

Mr. Shreeve asked about the regulations for the enclosure and stated we should not allow them to screen more than what is necessary. Mr. Lenhard stated we won't look at the plans for the enclosure and type of construction. Commissioner Hartvigsen expressed his concern with the amount of time the staff could be spending on these permits.

Commissioner Carpenter said he would like to have this topic added to ballot next time so the citizens can vote on it.

Mr. Lenhard took an informal vote, 7 commissioners said yes and 1 commissioner said no.

SITE PLAN APPROVAL FOR CAR LOT AT 1181 SOUTH STATE STREET

Melvin Mauris, 1181 South State Street, Clearfield recently reopened Jim's Used Tires and would like to eventually take over the entire building. He said he owns a car lot in Sunset City and has not had any problems. Chairman Jeppesen said he drove by the lot today and was surprised how small the lot is and the amount of vehicles on the lot waiting to be repaired. He asked where they were going to put the cars that are going to be sold. Mr. Mauris explained the parking and said there will only be 10 or 15 cars at this car lot. Chairman Jeppesen asked where the landscaping is going to be. Mr. Maurice said 50% of the south side of the lot will be landscaped. Mr. Bush said they wanted landscape that is visible to the street.

Commissioner Moore asked how many cars he has on the lot in Sunset City. Mr. Mauris said he has 30 cars on the lot and it is a very small lot, but there are only 10 in the front and the rest are in the back. Commissioner Moore said he is trying to compare the size of

this lot to the one in Sunset. Mr. Bush said there is not a limit of cars he can have on the car lot but he still needs to provide enough parking for this employees and customers. Doyle Sprague asked if the glass company leases this part of the building from Mr. Maurice. He said they do lease it; however, they do not have very many customers at night. Mr. Bush said Brian Allred is the owner of the glass company as well as the property. Mr. Maurice said they would like to make the lot look a little bit cleaner. Chairman Jeppesen asked if the tire rack will be removed from the street. Mr. Maurice said they will be removed. Chairman Jeppesen said there have been improvements to the property but it is not an attractive site. Commissioner Hartvigsen noted the sign is very distracting. Mr. Bush stated the sign is an illegal sign and they will not be using it.

Mr. Maurice told the commissioners he intends to purchase the building, remove the pole sign, and clean the place up. Gregg Benson said they have discussed the sign issues with Mr. Maurice. Commissioner Dunn asked what they plan on doing with the carport structure. Mr. Maurice stated it is not his carport. They continued to discuss the carport and the dutch oven trailer that is on site. Mr. Maurice said Mr. Allred is willing to move the carport and dutch oven trailer. Mr. Lenhard recommended they include these issues in the motion since the Planning Commission can consider that as part of the approval process. Commissioner Dunn asked if they could redesign the layout. Mr. Benson stated they looked at the site plan and with the shape of the lot this is the most practical layout.

Commissioner Dunn stated he is in favor of having profitable businesses in the city. Chairman Jeppesen noted the site plan does not include a screen on the dumpster's West side. There was a discussion between commissioner's and staff regarding this requirement.

Commissioner Hartvigsen moved to approve this request for Site Plan Approval for a Car Lot at 1181 South State Street subject to the representations made by the applicant, 1) removal of the tire rack, 2) removal of carport, 3) providing finished landscaping on the south side of the property to include grass, curbing and other plantings, 4) dumpster needs to be properly enclosed according to city ordinance, 5) if Mr. Maurice takes over the lot the pole sign will be removed, 6) no off premise signage will be allowed on the property. Seconded by Commissioner Dunn. All Voting AYE.

ORDINANCE AMENDMENT

Mr. Lenhard gave the Commissioner's a copy of the zoning map to help with tonight's discussion items. There are four chapters being presented, which include the Chapter 11A: C-1, Commercial Zone, Chapter 11B: C-2, Commercial Zone, Chapter 11C: C-R Commercial Zone and Chapter 10: B-1, Buffer Zone. Mr. Lenhard began with Chapter 10. He stated the staff suggests the entire Chapter be repealed. Areas currently zoned B-1 are located on 1000 West 525 North, 300 North and approximately 300 West and an area off of South Main Street, which is the Pioneer Adult Rehabilitation Center. The staff recommends changing the zoning from B-1 to C-1, C-2 or M-1. There was a lengthy discussion on what zone these properties should be changed to. Commissioner

Carpenter said all of these areas, except the lot that PARC is on, border residential areas and wondered if there was something more restrictive than C-2. He continued to ask if these areas could be changed to C-1 instead. Mr. Bush said he was not sure if PARC would be allowed in the Manufacturing Zone. Commissioner Carpenter said he believes the C-1 would be sufficient for the businesses that are there now. Commissioner Dunn asked if all three of these areas had to be rezoned to the same zoning. Commissioner Carpenter said they do not have to be designated the same. Mr. Bush said Rose Electric would have to be in a C-2 zone since they provide contractor services; however, the businesses on 1000 West could be changed to C-1. Commissioner Carpenter recommended C-1 on 1000 West, C-2 on Pacific where Rose Electric is and then we need to determine what zoning classification for PARC on South Main Street.

There was a discussion if the Buffer Zone is being used at this point. It was determined it was best to get rid of this zone and change the zoning on these three different areas throughout the city. Mr. Lenhard suggested the C-1 zone for the properties on 1000 West and the commissioner's agreed.

Mr. Lenhard moved forward on discussing Chapter 11A, C-1 Commercial Zone. He said a lot of effort was spent on defining the conditional and permitted uses in these commercial zones. The new permitted uses include business services, colleges and universities, hospitals, medical clinics, offices, parks and open space, personal services, physical therapy facilities and restaurants. The new conditional uses include assisted living facilities, churches, commercial parking, daycare facilities, nursing or rest homes, preschools (commercial), public or quasi-public uses, schools, specialized schools, and vocational and technical training facilities. There was further discussion on the definitions of these classifications.

Commissioner Carpenter asked if we could combine physical therapy facilities and medical clinics. Mr. Lenhard said they could make that change. Chairman Jeppesen asked why the colleges and universities are permitted uses but the specialized schools are a conditional use. Mr. Lenhard said they can move them all into the conditional use section of the ordinance.

Mr. Lenhard continued to review the ordinance in regards to area and frontage regulations, yard regulations, height regulations, distance between buildings, lot coverage, parking, signs, approvals required. Chairman Jeppesen asked if there was any reason to limit the height. They continued to discuss different types of buildings that could exceed the 55' maximum in the C-1 zone, as well as the buildings located in the city that exceed this height. Kent Bush said you can increase the set back if the building is taller. Commissioner Gibson stated he thinks if the height exceeds a certain amount than a conditional use permit should be required. Chairman Jeppesen liked the additional set back if the building exceeds a certain height, but thinks it can be taken care of with a conditional use. Mr. Bush said you don't want to put yourself in a situation to be arbitrary and capricious.

Mr. Lenhard said if they state it is a conditional use permit you have to come up with stipulations that will make it work. Commissioner Carpenter asked if it could state anything over two stories requires a conditional use permit. Commissioner Gibson recommended not using the definition of two stories and recommended a height limit instead. Adam asked if they preferred anything over 55' requires a conditional use permit. Commissioner Carpenter felt anything over 35' should be required a conditional use permit. Commissioner Hartvigsen asked for clarification on the side yard set backs. Mr. Lenhard clarified this section of the ordinance. Commissioner Hartvigsen asked about the permanent foundations. Mr. Lenhard said any permanent structure in a commercial zone needs to have a permanent foundation.

The commissioners and staff continued to discuss Chapter 11B, C-2 Commercial Zone. Mr. Lenhard stated the new permitted uses in this zone are business services, hotels, medical clinics, offices, personal services, retail stores, restaurants and theaters. Conditional uses are amusement and recreation facilities, auditoriums, automobile repair major, automobile repair minor, churches colleges and universities, commercial parking facilities, convenience stores, daycare facilities. Mr. Lenhard suggested removing the light manufacturing use in this zone since the city already has a lot of space set aside for manufacturing. He felt it was unnecessary to have prime commercial properties occupied by manufacturing businesses. Commissioner Carpenter agreed with Mr. Lenhard.

Mr. Bush stated some are allowed as a conditional use and should be kept that way since some of these businesses deal with hazardous chemicals. He suggested that any business that deals with hazardous materials should automatically be required to obtain a conditional use permit. Mr. Lenhard said anything with H-1 occupancy can be added to this chapter. Commissioner Hartvigsen asked how we define food processing businesses. Mr. Bush said it would be listed in the manufacturing zone. Mr. Lenhard stated the manufacturing zone covers businesses that deal with processing items or food, etc. The commissioners agreed to remove the light manufacturing section of this chapter as well as adding a conditional use for any business that is classified as H-1 occupancy.

The remaining conditional uses in this chapter include motor vehicle sales, off-highway vehicle sales, commercial preschools, public or quasi-public uses, schools, specialized schools, taverns, taxidermists, veterinary services, vocational and technical training facilities and warehouses. Commissioner Carpenter asked about taverns. Mr. Lenhard explained the restrictions on taverns; therefore, it was necessary to list them as a conditional use.

They discussed the height regulation and determined it would be best to limit the height to 55' and anything greater than that would require a conditional use permit. The rest of this chapter will be similar to the C-1 zone.

The commissioners and staff continued to discuss Chapter 11C, C-R Commercial Zone. Mr. Lenhard said the purpose of this zone is to encourage a mixture of compatible commercial and residential uses. The commissioners did not have any questions regarding the permitted uses or conditional uses. Chairman Jeppesen said this zone is

close to the C-1 zone, however, it allows residential. Mr. Lenhard said the residential portions of the property require a conditional use permit. They discussed the reason for this zone, which is mainly for commercial. Commissioner Hartvigsen and Commissioner Carpenter asked if the two-family dwellings could be removed from this chapter. Mr. Benson explained the River Woods project allows for two-family units. Mr. Lenhard said three or more units is considered multi-family. The commissioner's agreed to remove two-family dwellings from this chapter. Mr. Lenhard continued to discuss area, frontage and yard regulations, height regulations, distance between buildings, density, lot coverage, parking loading and access, signs, approvals required, other requirements. Discussion was made on the density requirements of this zone. Mr. Lenhard asked what the criteria should be for the density between commercial and residential. Doyle Sprague asked if it could be 70/30. They used the former Midtown project as an example of mixed use. Mr. Bush recommended 70% commercial and 30% residential but the exact amount could be determined in the development agreement.

The Commissioners asked if examples of other projects could be presented before deciding whether it should be based off percentage of commercial and residential, square footage, number of stories, etc. Commissioner Carpenter asked if the percentage of commercial and residential could be determined when they review the Site Plan. Commissioner Gibson said this will help define exactly what we would like in the city. Mr. Lenhard stated a minimum standard is essential in preserving the commercial property. They continued to discuss commercial on the ground floors. Mr. Lenhard said it is very difficult to finance a project that specifically requires commercial on the ground floor and by requiring it this way it may eliminate some of the projects. Commissioner Moore said if we don't take financing into consideration than nothing will be built. Commissioner Dunn said he is curious to see the percentage of commercial and residential at the Gateway project.

Mr. Sprague asked the staff what their thoughts were on the required percentage of commercial to residential. Mr. Lenhard said it should have a graded scale so the more commercial the higher density will be allowed for the residential portion of the project. Staff will research and bring some proposals to the commissioners.

STAFF COMMENTS

Kent Bush asked is everyone had the information on the appeal authority. He indicated training will be set up once the appeal authorities are put together. He also said an application has been received from a company that is making biofuel. This company turns used cooking grease into fuel and would like to conduct business at 395 West 200 South. Mr. Bush said they will most likely be on the agenda for the next meeting. He stated the information given to him says bio fuel is not as flammable as diesel fuel. This company would like to install some tanks at this location.

Chairman Jeppesen said he will not be at the next meeting but wanted it known that he is tired of Clearfield being a parking lot for these types of businesses.

Gregg Benson welcomed the two new commissioners and said he is working on putting books together for them and they should have them by the next meeting.

COMMISSIONER'S MINUTES

Chairman Jeppesen – will be gone at the next meeting

Commissioner Hartvigsen – Thanks for all the hard work on these amendments. He feels the staff has been very helpful and values everyone's opinions.

Commissioner Moore - nothing

Commissioner Carpenter- will bring up his items at the next meeting when there is more time.

Commissioner Gibson - nothing

Commissioner Dunn – nothing

Commissioner Peterson – nothing

Commissioner Stones – nothing

Councilmember Sprague – nothing

There being no further business to come before the Planning Commission,
Commissioner Hartvigsen moved to adjourn at 9:10 P.M.