

CLEARFIELD PLANNING COMMISSION MEETING

May 20, 2009

7:00 P.M. – Regular Session

PRESIDING:	Darren Carpenter	Vice Chairman
PRESENT:	Matt Hartvigsen	Commissioner
	Bill Moore	Commissioner
	Nike Peterson	Commissioner
	Matt Stone	Alternate Commissioner
	Doyle Sprague	Council Liaison
	Brian Brower	City Attorney
EXCUSED:	Tyler Gibson	Commissioner
	Mark Bottema	Alternate Commissioner
	Nathan Dunn	Commissioner
	Kenneth Jeppesen	Chairman
STAFF PRESENT:	Adam Lenhard	Community Development Director
	Kent Bush	Planning / Zoning Administrator
	Gregg Benson	Planner
	Stacy Reel	Recording Secretary

VISITORS: Michael Coker, Miranda Pearson, Joe Winterburn, Kathryn Murray, Mike Ford, Gordan Hall, Ben Wright, Carson Camper, Ryan Lamb

Vice Chairman Carpenter called the meeting to order at 7:04 p.m.

Pledge of Allegiance was led by Vice Chairman Carpenter

APPROVAL OF MINUTES FROM APRIL 15, 2009 PLANNING COMMISSION MEETING

Commissioner Hartvigsen moved to approve the minutes of April 15, 2009 as written, seconded by Commissioner Peterson. All Voting AYE.

APPROVAL OF MINUTES FROM MAY 6, 2009 PLANNING COMMISSION MEETING

Commissioner Hartvigsen noted on page 2, last paragraph needs to state resistant house rather than a predator resident house. He also asked Gregg Benson, about the second to last paragraph on page 3 regarding the “euthanization was out of public view.” It should state that research shown requires they be euthanized out of public view.

Commissioner Hartvigsen moved to approve the minutes of May 6, 2009 as amended, seconded by Commissioner Moore. All Voting AYE.

PUBLIC HEARING FOR CONDITIONAL USE PERMIT FOR A HOME OCCUPATION
AT 23 NORTH 975 WEST

Vice Chairman Carpenter declared the Public Hearing open at 7:09 p.m.

Michael Coker Jr., is requesting approval for a conditional use permit to conduct his pest control business from the garage. He said everything they use is safe and odorless. Commissioner Carpenter asked how much quantity they will be storing. Mr. Coker said they store a small amount of chemicals that is concentrated and then it is mixed and diluted at the time of use. Commissioner Moore asked what types of pests they encounter. Mr. Coker said spiders, ants, bugs, etc. They use different types of chemicals and granules. They also have bait stations to control rats/mice. Commissioner Peterson asked what type of provisions are set for chemical spills and clean up. Mr. Coker said typical cat litter can be used to help clean up any spills. Once it has been cleaned up they keep the product in a 5 gallon buck to dispose of it properly. He also indicated if a spill is very large they call someone to help contain the spill, but most of the time it is small enough to clean it up with the materials they have on site. Commissioner Moore asked if the chemicals are locked and secured. Mr. Coker said they are also locked and secured.

There was a discussion on the number of work vehicles that are parked at the residence. Mr. Coker said there are not any work vehicles. He said if the business does expand and they have to hire more employees they will move the business into a commercial location. Commissioner Hartvigsen asked how much quantity they store in the garage. Mr. Coker said the chemicals are currently stored on a 6' X 3' shelf. Commissioner Carpenter expressed his concerns regarding chemical spills and wanted to know what other businesses use when there is a spill.

City Attorney, Brian Brower read the health and safety provisions in 11-16-4 Conditions and Requirement of the city code. Mr. Coker said they are required to notify Department of Agriculture whenever there is a spill. They are required to have a state license to apply these chemicals. He said they are only carrying 6 to 7 ounces a day with them; therefore, a large spill is very unlikely. Commissioner Hartvigsen asked if any of the chemicals were flammable. Mr. Coker said most of them are not flammable but if a chemical is caught on fire it would emit a different type of smoke.

Commissioner Peterson asked if they have cat litter on site in case there is a spill. Mr. Coker said the cat litter is on-site as well as on work vehicles.

PUBLIC COMMENT:

Doyle Sprague stated he received a call from one of the neighbors that said they are concerned about the fumes this business may create.

Commissioner Carpenter said he also received a call from Ed O. Jensen that had some concerns about the chemicals ending up in the near by storm drain, he is also concerned

about the safety of the kids in the area and the upkeep at the home was less than optimal since there is a section of the fence that is missing.

There were no comments received from the audience.

Commissioner Hartvigsen moved to close the public hearing at 7:29, seconded by Commissioner Moore. All Voting AYE.

There was a lengthy discussion on limiting the amount of chemicals that can be stored at the home for health and safety reasons. Commissioner Hartvigsen said the intent of the ordinance is to get a good start on a business, however, if the business expands beyond 3 or 4 vehicles he feels they need to move the business to another location outside of the home. Commissioner Carpenter said they need to also consider requiring the fence be repaired. Gregg Benson, explained they should not put a limit on the quantity of chemicals stored, however they could require all chemicals to be locked in a cabinet. Commissioner Hartvigsen asked about hours of operation. Mr. Coker said it is usually 7 am to 7 pm. Commissioner Carpenter asked Mr. Coker what size of storage locker he would need to have to maintain all of the equipment and chemicals. Mr. Coker said he would like to have two cabinets, one for the chemicals and one to store the equipment.

Commissioner Hartvigsen moved to approve this request for a Conditional Use Permit for a home occupation to use the garage for a pest control business at 23 North 975 West with the following conditions that were represented by the applicant: 1) if he gets a fourth licensed applicator in vehicle, he will move the business from this location, 2) designated parking will be available for all work vehicles, 3) chemicals required to operate the business will be kept in a locked cabinet located in the garage, 4) secure yard including repairing the fence, 5) hours of operation can be no earlier than 7 am and no later than 7 pm, 6) maintain business license and any required licenses with the EPA. This conditional use shall be reviewed in one year or upon exception. Seconded by Commissioner Moore. All voting AYE.

SITE PLAN APPROVAL FOR NORTH DAVIS SCHOOL OF MUSIC LOCATED AT 620 EAST 1700 SOUTH

Michael Ford said they would like to develop the front corner of the building, which will have the music school and dance and preschool on the side that faces Antelope and a daycare on the lower level that will have access on the south side of the building. Commissioner Hartvigsen asked if they have received approval from UDOT for the two entrances. Kent Bush, City Planner, said they do not need approval since the entrance is not on Antelope Drive. Commissioner Carpenter asked about the drop off for daycare. Mr. Ford said the drop off is on the south side of the lot and their hours are 9 am to 9 pm. The commissioners discussed previous restrictions set in place for the landscaping and lighting.

Commissioner Moore moved to approve this request for Site Plan Approval for North Davis School of Music at 620 East 1700 South. Seconded by Commissioner Peterson. All Voting AYE.

SITE PLAN APPROVAL FOR CLEAR SKY BIO-FUEL LOCATED AT 395 WEST 200 SOUTH

Tim Andreoli and Gary Clark were present to discuss the site with the Planning Commission. Mr. Andreoli said Clear Sky Bio-Fuel is an alternative energy company that recycles used cooking oil into bio-fuel. They collect the used cooking oil from all of the McDonald's located in Utah and a few of the Carl's Jr and some KFC's. They would like to move forward with this portion of the business at this time but will not actually process the bio-fuel for another three months. Mr. Andreoli explained the make up of the bio-fuel and who is currently using this type of fuel. He said there are 160 Bio-fuel plants in the United States; however, there are none in this area.

Commissioner Peterson asked how tall the berms are, what type of material they are made from and is it completely enclosed. Mr. Clark said they will be made out of cinderblock with a spray on epoxy liner and it will contain approximately 7,000 gallons per section, which is more than will actually be stored in the tank. On the outside there will be a concrete pad with a 1' berm that will contain approximately 33,000 gallons. They will also have a sump pump for rain water as well as portable tanks for any hazardous chemicals. Commissioner Peterson asked about the storm drainage. Mr. Clark said it is drained to a secondary tank and then it is put in the storm drain/sewer drain, however, they are not exactly sure where it is located on the site. Mr. Clark said the berms are higher than the required EPA standards. There was a discussion about the process of transferring the product from the trucks to the tanks as well as containing any small spill that may occur during this process. Commissioner Peterson asked about paving the area instead of using gravel. Mr. Clark said they will be able to pave the area.

Mr. Clark said they have three employees, 5 partners. They collect about thirty 55 gallon drums per day and they are very easy to unload. Once they are cleaning oil they will not have these barrels stored outside anymore since most of them will go back to the restaurants. Mr. Clark told the commissioners this business is highly regulated by EPA, IRS, and by the National Bio Diesel Board. He said most bio-fuel is purchased by the government for army purposes and most of the bio-fuel is purchased out of state. Commissioner Stone asked if the barrels are usually stored outside. Mr. Clark said the restaurants usually store the barrels next to the dumpsters and they pick up the barrels and leave an empty barrel in its place. He continued to explain how the used cooking oil is processed.

Mr. Andreoli said they still have work that needs to be done and they will meet with Craig Whitesides for all the fire code issues and Michael McDonald for all of the building code issues. Commissioner Hartvigsen said there is not a lot of information listed on the site plan. He said it would have been nice to see the fire hydrant location. Kent Bush, City Planner, said the building is required to be sprinkled. Commissioner Hartvigsen also asked about the security. Mr. Clark said there is a chain link fence with barb wire around the top of the fence and there is one large light pole located on the property as well as security cameras. Commissioner Hartvigsen asked if anything could be done to the exterior to make it more appealing. Kent Bush said it is an existing building which makes it more difficult for

landscaping, etc. Mr. Clark said the property will be cleaned but right now they are in transition so it does not look the way it should. Commissioner Hartvigsen asked about the oil/water separator. Mr. Clark explained how this process is done internally and the secondary containment tank will be adequate for this purpose. Kent Bush said they are working with Scott Hodge on this issue and the only storm drain line is located west of this building, therefore, they are still checking on this line. Mr. Clark said the sewer district has visited this site and said they are fine with the process. Brian Brower said if the commissioners have concerns about the drainage they can add it as a condition in their approval.

Mr. Clark asked for a partial approval to clean the oil and keep that process going so they can continue to conduct part of the business and will make sure everything is in place before doing anything with the bio-fuels. Kent Bush said there are chemical storage businesses in the Freeport Center that are more hazardous than this business. Commissioner Carpenter would like representation for the removal of the barrels. Mr. Clark said they could have them removed within two weeks. Mr. Brower asked what stopped their operation at their previous location. Mr. Clark and Mr. Andreoli said the business advanced quicker than they thought and the building they were using needed to have money invested to continue and it was already too small. Commissioner Carpenter asked how many barrels they will store outside. Mr. Clark said there will not be any barrels stored outside. Mr. Andreoli said there may be a few that will be there if they have just dropped off the full barrels.

The commissioners discussed the screening of the outside tanks. Mr. Brower explained the area is M-1 on three sides and R-1-8 directly north of the property. He also noted screening is required since they are next to residential. Commissioner Hartvigsen said the ordinance states it has to be screened up to 6' since they have outdoor storage. Mr. Clark said they could put slats in the fence to help address this issue. Mr. Brower said if there is a concern they need to list it in the motion. Commissioner Carpenter stated the North and East section of the fence should be slatted. Mr. Brower said the ordinance states the screening only needs to be on the area that is adjacent to a residential zone. Adam Lenhard, Community Development Director, stated the ordinance states the Planning Commission should consider all types of materials as well as the height for fences. He continued to state the West Side is very close to the expansion of SR-193. Mr. Andreoli said they could screen it at a later date.

Commissioner Carpenter said they need to give a time frame in which the fence needs to be screened. They continued to discuss the requirements of screening the fence on the North and East sides of the property. Mr. Brower explained you can not approve a site plan based on conditions that can not be met for 6 months but it would be something to address in the conditional use permit. Mr. Lenhard said if the representation was made by the applicant these items should be listed and noted in the approval of the site plan.

Commissioner Hartvigsen moved to approve this request for Site Plan Approval for Clear Sky Bio-Fuel at 395 West 200 South based on the representation made by the applicant 1) comply with all the requirements from the City Engineer, Building Official and Public Works Director, 2) any outside storage will be screened from view, 3) do not store any of the product outside of the containment areas, 4) pave area for proposed

pad for the truck, 5) screen entire North fence and the North half of the fence on the East side, which shall be done as quickly as possible. Seconded by Commissioner Moore. All Voting AYE.

ORDINANCE AMENDMENTS

Adam Lenhard, Community Development Director, presented Chapter 17: Nonconformities to the commissioners. He said the only changes made in this chapter were made to be in line with the state code. It basically states if a non-conforming building was destroyed by a natural cause we would have to let them rebuild it. He moved to discuss the changes in Chapter 16: Home Occupations. He stated these changes were made so the ordinance was consistent with the changes that were made in Chapter 4: Business Licenses. Finally, Chapter 13: Supplementary Regulations had the following changes: 11-13-8: has some clarification on carports, patios, and decks, 11-13-9: repealed flag lots, 11-13-10: Clear Vision has a new diagram that is easier to understand. 11-13-12: Outdoor Storage, a lot of research has been done to address this issue. This section is to help keep our city looking nice. Mr. Lenhard stated there are certain businesses that want to stock rocks, dirt, etc. However, this is commercial storage and therefore, it would have to be completely screened and can not exceed 6' in height. If certain businesses wanted to stock pile rocks we could have them apply for a conditional use permit, this way we could regulate it. Mr. Lenhard said 11-13-15: Rehabilitation and/or Detention Facilities have been repealed since it is not included anywhere else in the ordinance. 11-13-21: Group Homes has been defined and a lot of time has been spent to make sure our ordinance is in compliance with group homes. There was a discussion on the actual definition of group homes and elderly persons. He read paragraph B. Placement of Specific Persons Restricted and paragraph C. Approval Process. Kent Bush said not all group homes are protected under the Fair Housing Amendment. Mr. Lenhard stated there are only two types of group homes that are protected under the Fair Housing Act and these are the ones listed in the ordinance.

STAFF COMMENTS

Kent Bush said the Utah League of Cities and Towns and Utah Local Government Trusts is having a training class next Wednesday from 6:30 to 8:00 in Taylorsville and several of these training classes will be held throughout the state. He also said a tour of the Community Development Department will be conducted during the next meeting.

COMMISSIONER'S MINUTES

Commissioner Hartvigsen – nothing

Commissioner Moore – will not be to the meetings in June

Commissioner Carpenter – had a discussion with someone that is not allowed to live in the basement apartment and they are needing to find a new place to live.

Commissioner Peterson – nothing

Commissioner Stones – nothing

Councilmember Sprague – hopes they have not scared off the new commissioners because of tonight's meeting.

There being no further business to come before the Planning Commission,
Commissioner Hartvigsen moved to adjourn at 9:34 P.M.