

## CLEARFIELD PLANNING COMMISSION MEETING

January 6, 2010

7:00 P.M. - Regular Session

PRESIDING:	Darren Carpenter	Vice-chairman
PRESENT:	Bill Moore	Commissioner
	Matt Hartvigsen	Commissioner
	Nike Peterson	Commissioner
	Matt Stones	Commissioner
	Ron Jones	Commissioner
	Randy Butcher	Alternate Commissioner
	Doyle Sprague	Council Liaison
EXCUSED:	Kenneth Jeppesen	Chairman
	Jeff Hogg	Alternate Commissioner
STAFF PRESENT:	Brian Brower	City Attorney
	Adam Lenhard	Community Development Director
	Gregg Benson	Planner
	Christine Horrocks	Building Permits Specialist
STAFF EXCUSED:	Kent Bush	Planning/Zoning Administrator
VISITORS:	Kathryn Murray, Thomas & Brenda Hodges, Doug Heer, David Carlson, Tyler Jensen, Brian Gougherty, Rhett Roberts, Lloyd Roberts	

Pledge of Allegiance was led by Commissioner Carpenter.

### APPROVAL OF MINUTES FROM AUGUST 19, 2009 PLANNING COMMISSION MEETING

**Commissioner Moore moved to approve the minutes of the August 19, 2009 meeting as written, seconded by Commissioner Peterson. All Voting AYE.**

### APPROVAL OF MINUTES FROM OCTOBER 21, 2009 PLANNING COMMISSION MEETING

Commissioner Carpenter had a question on the minutes with respect to mobile food vendors being an allowed use in the C-R zone. He thought the final decision was to be a conditional use. Staff was unable to answer his question without doing research.

**Commissioner Hartvigsen moved to table the approval of the minutes from October 21, 2009 meeting until the next meeting, seconded by Commissioner Moore. All Voting AYE.**

PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT TO OPERATE A CHURCH AT 133 SOUTH STATE STREET, SUITE 4

Commissioner Carpenter declared the public hearing open at 7:05 p.m.

Brian Gougherty said they are requesting permission for a conditional use permit to operate a church in Suite 4 at 133 South State. He said use of the building will be on Sunday or on Wednesday night. Mr. Gougherty added that from time to time they have special events that maybe held on a Saturday night; possibly six times a year. They said they have prayer meetings early in the morning before going to work.

Commissioner Hartvigsen asked what had been constructed for residential purposes. Mr. Gougherty said there is a kitchen and a washer and dryer. They could see where there were sleeping quarters. Commissioner Hartvigsen asked if he was aware that using this facility for residential purposes would not be allowed. Mr. Gougherty said he was aware. Commissioner Carpenter asked how many members attend your meetings. Mr. Gougherty said there are about 20 to 25 people. Commissioner Carpenter commented there is adequate parking for that many. Commissioner Stones asked about the activities outside of normal time. Mr. Gougherty said they will be within the building and on Saturday evening they may have a social from 6:00 p.m. to 9:00 p.m.

PUBLIC COMMENT:

No Comment

**Commissioner Hartvigsen moved to close the public hearing at 7:11 p.m., seconded by Commissioner Moore. All Voting AYE.**

Commissioner Hartvigsen asked who the adjacent tenants were. He was told End Zone is on the east side and the west side is vacant, but End Zone is using it for storage.

**Commissioner Peterson moved to approve this application for a conditional use permit to operate a church at 133 South State, Suite 4, subject to the following conditions: 1) that residential use is not permitted at this site and 2) to review in six months from the date of approval, seconded by Commissioner Jones. All Voting AYE.**

CONSIDER THE REZONE OF PROPERTY LOCATED AT 83 AND 85 NORTH VILLA FROM R-1-8, RESIDENTIAL TO C-2, COMMERCIAL

Commissioner Carpenter declared the public hearing open at 7:15 p.m.

Rhett Roberts said they had acquired the lot behind the car lot. They would like to have the property rezoned to commercial to enlarge their parking area. The request is consistent with the master plan. The house behind the car lot at 85 North Villa is being rented. They will continue to rent out the home making it legal nonconforming. A vinyl fence separates the lot between the

house and the parking area of the car lot. Commissioner Butcher asked about the vinyl fence. Mr. Roberts said there is a vinyl fence on the north side of the home and the cars parked on the north side of the fence are part of the car lot. The two lots they are requesting to be rezoned are 85 North Villa where the home is and the property to the west of the service center. Currently 87 North Villa and 550 North Main are zoned C-2. They can put the vehicles that will be repaired in the new parking areas. Mr. Roberts was asked if they planned to black top the parking area. He said he wasn't sure at this time, they will at least have gravel and road base. These two areas give them additional parking space. They are not viewable from the road and give them an area to park cars that are waiting to be fixed in this area. Gregg Benson said they will be required to get a site plan approval and the new city ordinance will require the parking areas be concrete or asphalt. Commissioner Jones asked if there would be any additional lighting in the back. Mr. Roberts said there is a pole just north of the lot with a large flood light. The current lighting is adequate. There was a question about the shed on the residential lot. Mr. Roberts said it is for the tenants of the home and will not be used for business purposes. Commissioner Carpenter asked what they have done to alleviate the parking problems. Mr. Roberts said they have not had any issues with that road. They now have the ability to park off the street.

PUBLIC COMMENT:

FOR:

None

AGAINST:

*David Carlson, Clearfield*, said he was resubmitting a signed petition from the neighbors who were opposed to the property being rezoned at the public hearing in January 2008. He said many people stood up and complained about the parking in the street that blocked their driveway. He noticed the Mayor talk to the owners of Set Price Auto after the last meeting and overheard him say they should have more respect for their neighbors. After that they seemed to have a better attitude toward the neighbors. There was less parking on the street until the winter came. They do not want the neighborhood to become a used parking lot. He said there is plenty of other commercial property in Clearfield. Of all the businesses that have been at this location, Set Price Auto has been the hardest on the neighborhood. They park on Villa in front of driveways and on the grass and sidewalk making it difficult to turn onto Main Street. The customers take their test drive down the narrow street, where young children also ride their bikes. They push the snow onto the sidewalk blocking access, requiring the public to walk in the street. He doesn't want to see the house torn down and made into a parking lot. He is afraid that with the economy that if the business fails it will look like the old Amoco or Tesoro property down the street.

*Tyler Jensen, Clearfield*, opposes this property being rezoned to commercial for a lot of the same reasons. Clearfield City has a lot of vacant property and hates to see the number of vacant properties grow. He feels the car lot increases the traffic flow on Villa Drive. The sidewalks are piled with snow from the car lot. The speed of the drivers and the extra driving on Villa is a safety hazard to the children.

*Thomas Hodges, Clearfield*, said he is also against this rezone. He said when his family walk uptown they have to walk in the street because of the snow. He is also concerned about kids

jumping the fence and going to the dealership. This last year Set Price Auto has increased places to park, but you still can't see to get out onto Main Street. He is concerned with the economy and what will happen if they can't continue running the business. The property would be an eye sore. He said there are a lot of young people in the neighborhood. When he was growing up it was said that children and property are the future.

Commissioner Sprague said that the lots being considered for rezone were always covered with tall grass and weeds. He feels that it looks better than it did.

Adam Lenhard said in the staff report 83 North Villa is a parcel being rezoned. There are actually two lots with the address of 83. The property being rezoned is not the one with the house on it with the street frontage. It is the parcel in the rear.

Commissioner Carpenter asked Mr. Roberts if there is snow currently on the sidewalks. Lloyd Roberts said on the south side there is some snow on the sidewalk. The sidewalk in front of the car lot on Main Street is clear. He said they never tell those taking a test drive to drive on North Villa, they recommend a different way. They have put a lot of time and money into improving the property. They plan to continue to rent the residential property as a home. They do not have the desire or the funds to tear down the home and expand for that small area. There is no access to the business from the residential property. There is a retaining wall and a 6' white vinyl fence to divide it from all the properties in question. They put a lot of attention into being friendly and neighborly to their neighbors. He said they own some of the property, some they have loans on. They are trying to make the area a better place.

Commissioner Carpenter said he was concerned that there is still snow on the sidewalk on the south side of the car lot. Lloyd Roberts said they would take care of it immediately. Commissioner Carpenter said he appreciates the comments from the citizens. He told the citizens there is a code enforcement department to help with enforcing the snow removal. Commissioner Carpenter said he is not aware of any police reports at Set Price Auto. The car lot could increase traffic, but the Planning Commission is not in a position to regulate which cars do and do not go down the street.

Mr. David Carlson said he would not be so against the rezone if the front portion of 85 North Villa was to remain residential and separate the house from the commercial use. Adam Lenhard said the applicant could subdivide it. Unless the parcel was subdivided first, the zoning for the entire parcel should remain consistent. Staff would recommend the lot not be made two different zones. Brian Brower said the portion of the lot being used as commercial is currently an illegal use.

Rhett Roberts said they first submitted their application with the lot lines changed to rezone only the portion that is commercial and keep the house as a residential zone. The recommendation from City Staff was to rezone all of 85. It is their intention to use the house as residential. Adam Lenhard explained they would need to subdivide the property before it could be rezoned in the manner they originally submitted. Commissioner Carpenter suggested that the item could be tabled and the applicant could submit a request to subdivide to lots. Mr. Roberts said they would

prefer to proceed as presented. He again stated their intention is to use the house for residential use.

Commissioner Hartvigsen said he didn't like parking cars on the corners and was concerned about the clear vision area. He said it is not what they are doing but how they are doing it. Will this rezone make it better or worse for the residents? The owners of Set Price Auto said they don't plan to have the house demolished. Commissioner Hartvigsen understands the concerns of the residents, but the applicant has given their intention.

Commissioner Stones asked if they wanted to use 85 Villa in the future for the car lot, would it require a conditional use permit because auto sales is now a conditional use in the C-2 zone. He was told because it was in existence prior to that the change in the ordinance they would not be required to obtain a conditional use permit.

**Commissioner Peterson moved to close the Public hearing at 8:08 p.m., seconded by Commissioner Stones. All voting AYE.**

Commissioner Hartvigsen said he was encouraged to hear that the business had done some things to get along with the residents, but it still is not good enough in the eyes of the residents. They feel they are getting pushed out of their residences by the rezone. The rezoning will not cause additional heartache to the residents. It is a tough thing. Commissioner Stones said the intentions have been stated and they plan to keep the house as a residence. The major concern is about the safety and snow removal and those will not change with the rezone.

Commissioner Peterson said she would like to speak as a parent. She said the first contact she had with the City was when she complained about the traffic in her neighborhood on South Main. Unsafe road conditions will impact an area. However she feels what the owners have stated is in good faith. Commissioner Peterson told the residents to use the city's website to fill out a code enforcement complaint form if necessary. She told them to work with the police if there is a traffic problem. She told the owners of Set Price Auto that they could ask the test drivers to specifically not drive in the residential area. She said they need to educate their customers that there are young children in the neighborhood. Commissioner Hartvigsen said if we don't rezone then the additional cars will be pushed out into the street.

**Commissioner Hartvigsen moved to recommend to the City Council approval of this application to rezone 83 North Villa, specifically the back lot numbered 83 and 85 North Villa from R-1-8 Residential to C-2 Commercial, seconded by Commissioner Peterson. Voting AYE: Commissioners Hartvigsen, Peterson, Stones, Jones, and Butcher. Voting NAY: Commissioner Moore. Passes by majority.**

STAFF REPORTS

Adam Lenhard asked for feedback on the staff reports. He said staff wants to provide more detail on the items presented. He would like to have any comments they have. Commissioner Butcher said he would like to have known that Set Price Auto had recommended a subdivision.

PLANNING COMMISSIONER'S MINUTE

Commissioner Hartvigsen – said he will not be able to attend the meeting on January 20<sup>th</sup>.

Commissioner Moore – nothing

Commissioner Carpenter – said he likes the new layout of the staff report. He said there is a new money store on State Street and asked if it was a relocation. He was told yes. Gregg Benson said the old one should be closed. Brian Brower said there was discussion with their legal counsel and they conveyed that it was a relocation and not a 2<sup>nd</sup> location.

Commissioner Peterson – said she voted for the rezone but with reservation over safety. But it is best handled by other Code Enforcement and Police.

Commissioner Stones – thanked the citizens that came out to speak. He said he lived across from a used car lot and is aware of the issues that were presented. He said he voted for the rezone with reservation because of safety, but feels good about the decision.

Commissioner Jones – said he echoes Commissioner Stones and said he complains about the speeding cars in his neighborhood.

Commissioner Butcher – said he appreciated their patience with him and his questions this evening. He said something needs to be done, because the use of the property is illegal.

There being no further business to come before the Planning Commission, **Commissioner Moore moved to adjourn at 8:23 P.M.**