

CLEARFIELD PLANNING COMMISSION MEETING

May 19, 2010

7:00 P.M. - Regular Session

PRESIDING:	Darren Carpenter	Vice-Chairman
PRESENT:	Bill Moore	Commissioner
	Nike Peterson	Commissioner
	Matt Stones	Commissioner
	Ron Jones	Commissioner
	Randy Butcher	Alternate Commissioner
	Doyle Sprague	Council Liaison
UNEXCUSED:	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, Joel Gaerte, Kevin Porter	

Pledge of Allegiance was led by Commissioner Carpenter.

APPROVAL OF MINUTES FROM APRIL 7, 2010 PLANNING COMMISSION MEETING

Commissioner Peterson had some grammatical changes to the minutes of April 7, 2010. **Commissioner Stones moved to approve the minutes of April 7, 2010 with the changes as noted, seconded by Commissioner Moore. All Voting AYE.**

APPROVAL OF MINUTES FROM APRIL 21, 2010 PLANNING COMMISSION MEETING

Commissioners Carpenter and Peterson had some grammatical changes to the minutes of April 21, 2010. **Commissioner Butcher moved to accept the minutes of April 21, 2010 with the changes, seconded by Commissioner Stones. All Voting AYE.**

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

Commissioner Carpenter said Mr. Coker is no longer in business. Gregg Benson said this conditional use permit is on the agenda for a six month review. Brian Brower said the conditional

use permit runs with the land and from his perspective it shouldn't be revoked just because they are out of business at this time. Adam Lenhard said it could be considered abandonment. Mr. Brower said City code defines abandonment, once that criteria has been met, without any action from the Planning Commission, that conditional use would be deemed abandoned. If no action is taken, in December 2010 the conditional use permit will be abandoned. Brian Brower explained that a conditional use permit belongs to a piece of property, not to the individual. Mr. Brower felt the Planning Commission wouldn't have legal authority to revoke the conditional use permit unless the conditions were violated. Mr. Brower said if the business didn't obtain a business license it would be considered abandoned. Commissioner Carpenter said the Commission should use this as a learning tool to understand there could be ongoing consequences. Commissioner Peterson asked if for future conditional use permits one of the conditions could be that they have a valid business license and therefore the City would have the ability to take action and not have to wait an additional twelve months for abandonment. Brian Brower said he was hesitant to have inconsistency between what is in the code and what is applying to individual conditional use permits.

The conditions for this conditional use permit as stated in the minutes from May 20, 2009 are: "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."

Commissioner Peterson stated at this point the business owner is in violation of the terms of the conditional use permit. Brian Brower said the Commission can take action based on the violation of one of the conditions. There needs to be an affirmative representation that Mr. Coker does not have a business license. Gregg Benson said that could be done through Stacy Reel, Business License Officer. Adam Lenhard stated a public hearing would be required to revoke the conditional use permit. Commissioner Carpenter suggested the Commission move forward with approval of the continuation of the conditional use permit. Brian Brower said there is formal criteria that needs to be met in order for abandonment to take place. Adam Lenhard stated that abandonment did not require action. Councilmember Sprague felt the permit should be revoked. Commissioner Peterson said due to the nature of the business and the type of chemicals that were associated with this use, the City should be very deliberate and take formal action to revoke the conditional use permit.

Commissioner Peterson moved to table this request for a continuation of a conditional use for a home occupation at 23 North 975 West and direct staff to begin the proceedings for a revocation and public notices of a public hearing for revocation of the conditional use permit, seconded by Commissioner Moore. Voting AYE: Commissioners Peterson, Moore, Jones and Butcher. Voting NAY: Commissioner Stones. Motion passes by majority.

APPROVAL OF AMENDMENTS TO THE PLANNING COMMISSION RULES AND REGULATIONS

Commissioner Carpenter said the amendments to the Planning Commission Rules and Regulations were reviewed extensively at the last meeting. He said he had reviewed the document and finds it to be consistent with changes requested at the last meeting. Commissioner Peterson said on Page 3, Article 2B – on the last line a semi-colon should be used instead of a comma after necessary. She also felt the wording on Page 5, Article 4C, withdrawing the motion, needed to be clarified. Brian Brower suggested changing the wording to “After a motion is seconded, it shall be deemed...”

Commissioner Peterson said it would be necessary to come to an understanding about the rights and responsibilities of the alternate commissioners. The amended Planning Commission Rules and Regulations state that an alternate member cannot vote or participate in deliberation of issues unless the alternate member is filling the position of a regular member. An alternate could comment as general public but cannot make a remark during the Planning Commission deliberation. Brian Brower stated he spoke with attorneys from other cities. It was determined that it could be problematic if an alternate were allowed to participate in the discussions other than as a citizen.

Commissioner Stones moved to approve the amendments to the Planning Commission Rules and Regulations as outlined with the addition of the semicolon to Page 3, Article 2B and the wording change to Page 5, Article 4C, “Withdrawing a Motion” as described above, seconded by Commissioner Jones. All Voting AYE.

ELECTION OF NEW PLANNING COMMISSION CHAIR

Commissioner Carpenter asked for nominations for chair. **Commissioner Butcher nominated Commissioner Peterson, seconded by Commissioner Moore.** There were no other nominations. **All Voting AYE.**

DISCUSSION OF TITLE 11 AMENDMENTS

Adam Lenhard reviewed the Downtown Redevelopment Zone with the Commissioners and asked for their input.

- Purpose: Commissioner Carpenter asked if traditional is what we want. The decision was made to strike the word traditional.
- Permitted uses: Commissioner Peterson asked if the City wanted additional medical clinics in this area. Councilmember Sprague said he would like to see more medical in the downtown.
- Conditional uses: Commissioner Carpenter asked about mobile food vendors and temporary or seasonal merchants. Mr. Lenhard said there are some restrictions in place and there won't be one on every corner. He felt that mobile food vendors may be

appropriate in a more high-density, urban type development. Commissioner Peterson said she could see the mobile food vendors and temporary businesses in an open park area. She felt it could be an incentive if there is a zone for permanent businesses. Adam Lenhard asked if two family dwellings should be added with the multiple family dwellings as a conditional use. He felt that a multiple family dwelling density could be achieved through two family dwellings.

- Approvals required: Site plan approval, conditional use permits, and development agreements will be required in this zone.
- Regulations for Residential Development: Commercial use required with residential development and nonresidential uses must be on the first floor along the frontage of State Street or North Main.
- Height Regulations: The minimum height requirement is two stories and the maximum height is six stories.
- Geographic limits of the zone: An area will be defined for which rezone to the D-R zone is available. The City would maintain discretion of property through the development agreement and rezoning. This area will be shown on the general plan. The commissioners didn't want the zone to be large, but felt the area should include State Street from 700 South to Center Street and Main Street from Center Street to 800 North. There was discussion on including 700 South from the Freeway. There was concern the City would not have control over access along 700 South because it will be controlled by UDOT.

Adam Lenhard asked if the Planning Commission was ready to hold a public hearing on the changes to Title 11.

STAFF REPORTS

Adam Lenhard said interviews will be conducted at the next work session for new members of the Planning Commission.

PLANNING COMMISSIONER'S MINUTE

Commissioner Moore – Nothing

Commissioner Carpenter – Nothing

Commissioner Peterson – Reminder there is training tomorrow at the Town of Alta from noon to 2:00 p.m.

Commissioner Stones – Said his reason for voting against the tabling of the conditional use permit was because he didn't want to set precedence with someone requesting a revocation or abandonment of a conditional use that could potentially cost the City.

Commissioner Jones – Welcome to the new Chair.

Commissioner Butcher – Impressed with staff and other members of the Planning Commission.

Councilmember Sprague – Nothing

There being no further business to come before the Planning Commission, **Commissioner Moore moved to adjourn at 8:29 P.M.**