

## CLEARFIELD PLANNING COMMISSION MEETING

October 6, 2010

7:00 P.M. - Regular Session

PRESIDING:	Nike Peterson	Chair
PRESENT:	Bill Moore	Commissioner
	Matt Stones	Commissioner
	Ron Jones	Commissioner
	Randy Butcher	Commissioner
	Barbara Perry	Alternate Commissioner
	Brandon Stanger	Alternate Commissioner
	Doyle Sprague	Council Liaison
EXCUSED:	Darren Carpenter	Commissioner
	Joel Gaerte	Commissioner
STAFF PRESENT:	Brian Brower	City Attorney
	Adam Lenhard	Community Development Director
	Gregg Benson	GIS Coordinator
	Christine Horrocks	Building Permits Specialist
VISITORS:	Krista Hailey, Betty Parker, Kathryn Murray, Dwayne Matheson, Bill Rose, Gary Spencer, Suzanne Spencer	

Pledge of Allegiance was led by Chair Peterson.

### APPROVAL OF MINUTES FROM SEPTEMBER 1, 2010 PLANNING COMMISSION MEETING

Commissioner Stones had two grammatical changes one on page 4 and one on page 5.

**Commissioner Stanger moved to approve the minutes as corrected, seconded by Commissioner Moore. All Voting AYE.**

The minutes for the September 15, 2010 meeting were not available for approval.

### SITE PLAN APPROVAL FOR AN ADDITION TO BUILDING C-14 IN FREEPORT CENTER FOR ATK AEROSPACE STRUCTURES

Gregg Benson explained Alliant Techsystems, Inc. (ATK) has submitted an application for an addition to Building C-14 in Freeport Center. When additions to D-14 and C-14 were made, this addition was also anticipated and the parking area and retention pond area were resized. Mr. Benson stated final approval for the storm water retention pond and calculations from the City Engineer have not been received.

Representing ATK were Gary Spencer, Facility Project Engineer and Bill Rose. Mr. Spencer said additional equipment is needed which makes it necessary to expand the footprint of the buildings they are leasing in the Freeport Center. He said the addition will be approximately 30,000 square feet; 22,000 square feet will be a clean room environment. The remainder will be an autoclave processing area. There will be a personnel egress out the east side of the building, but the main access will remain. The addition is meant to fit in with the existing concrete building. The water coming off the building will be carried to the east. Additional storm drains will be installed to carry the water from the building to the existing storm drains. Construction will begin as soon as approval is received from the City Engineer.

Commissioner Butcher asked if they are expanding the clean rooms. Mr. Spencer said they will add additional clean rooms. Commissioner Stanger asked if future plans included any trees or shrubs to help beautify the area. Mr. Spencer said there have been some discussions between ATK and Freeport Center Associates about building upgrades and beautification. He said at this time a final decision has not been made about what will be done. Mr. Spencer said they want to keep the area and approach looking good. ATK recently added some fencing and enclosures on the south side of the building to minimize the view of trash compactors. Mr. Rose said the addition is to the east of the building next to the rail line. There is not a visible roadside view from the side with the addition. Chair Peterson asked if the employee egress will be on the east side. Mr. Spencer said the egress on the east side will be for life safety use, it will not be for primary use. It is only an emergency exit. The west and south exits will be used for the entrance to the building.

**Commissioner Moore moved to approve the Site Plan for ATK Aerospace Structures at Building C-14 in the Freeport Center with the reduced landscaped open space and the modification to the required exterior building materials, subject to final approval of the storm drain basin by the city engineer, and based on the following findings of fact: 1) That the reduction of landscaped open space will not adversely affect the rights of adjacent landowners or residents; that it will not adversely affect the public health, safety or general welfare; and the modification will not be opposed to the general spirit and intent of Title 11 of the City Code or the General Plan. 2) That permitting the autoclave structures to be built with concrete and masonry block as the only exterior building materials is consistent with the purpose of Chapter 18 of Title 11; that it will not adversely affect neighboring property owners or residents; and that it offers a consistent and compatible design as an addition to an existing building, seconded by Commissioner Jones. All Voting AYE.**

DISCUSSION OF PROPOSED AMENDMENTS TO TITLE 11 FOR LANDSCAPE SUPPLY YARDS AND OUTDOOR STORAGE

Adam Lenhard said the City has received an application from Dwayne Matheson for an amendment to Title 11. The change would not be for just the business Mr. Matheson owns, but will apply City wide. Under the current City ordinance this operation would be considered outdoor storage. Mr. Lenhard read from City Code the definition of outdoor storage. He reviewed some regulations for outdoor storage: 1) cannot exceed a height of six feet without prior approval

from the Planning Commission, 2) must be completely screened, and 3) materials must be stored on asphalt or concrete. Gravel does not meet that requirement because of weeds, mud or other similar issues with outdoor storage. The City feels the hard surface is the ideal type of treatment when materials are stored outside. The language for the ordinance was drafted based on suggestions from Mr. Matheson. If this amendment to Title 11 is approved, it would involve the creation of a new use within the City. It would be separate from and have separate regulations from outdoor storage. The name given to the new use is landscape supply yard and Mr. Lenhard read the definition. If the City desires to add landscape supply yard to the code, Mr. Matheson has requested it be added in the M-1 zone as a permitted use. Mr. Lenhard said staff feels the M-1 zone is appropriate for this use. Mr. Lenhard told the commissioners they need to consider, is this new use warranted or does the City stay with outdoor storage? Does the land use meet the goals and objectives of the City? If the new land use is allowed, should it be a permitted use or a conditional use? He said specific regulations for landscape supply yards would also need to be added to Chapter 13.

Mr. Lenhard said the regulations for the landscape supply yard would require parking areas to be impermeable, all weather surfaces, but the area where the products are being stored or processed would not require impermeable, all weather surfaces. All areas must be screened from view and there is a maximum height of 15 feet for storage. Mr. Matheson has proposed a different standard for the open space. That standard would require 15 square feet of landscaped area for every one foot of street frontage. An exhibit illustrating this method was included for the commissioners to review. The City feels the proposed standard is not a fair way to determine open space. The current standard of ten percent open space can be modified in certain situations. City staff feels the system in place allows adjustments where necessary. Mr. Lenhard said a public hearing will be held at the October 20, 2010, Planning Commission meeting. The applicant was present and Mr. Lenhard recommended the commissioners ask questions and discuss this amendment with Mr. Matheson.

Councilmember Sprague asked what benefit is there to the City, why would we create this new definition. Adam Lenhard said the City needs to consider if this change furthers the goals the City has been working toward, and is this a step in the right direction. Commissioner Butcher said current zoning states ten percent landscaping and that percentage can be modified so he felt it shouldn't be changed. Commissioner Stones asked how many businesses there are in the City that would fall under the new ordinance. Mr. Lenhard said he knew of two others, for a total of three. Commissioner Stones asked if any of the existing businesses comply with the ordinance. Adam Lenhard said the other businesses are permitted and are in compliance because they received City approval before proceeding.

Dwayne Matheson said his business started out as a general excavation contractor and has a current business license under Sage Industries. He said they originally used property at 476 South Main to park equipment. He approached the property owners on both sides and said Sage Industries would clean up the land if they could use the neighboring properties. Mr. Matheson said the business activity gradually escalated when they started to accept additional trees and concrete from business associates. He said because of the size of the piles of trees and concrete,

the City asked them to come into compliance with City ordinances and clean up the piles. He stated it was a year ago the City requested Sage Industries clean up the site and they started to make improvements. Mr. Matheson said they found by diversifying they could continue as a business. He explained the processes they use and the products they make. He said this is a viable business and they are willing to invest some money to come into compliance; it was not his intent to get out of compliance. He said his primary business is top soil. Mr. Matheson said he worked with Adam Lenhard and Gregg Benson on the language of this proposal. He knows the Planning Commission needs to protect the interest of the City and keep an aesthetically pleasing look in the City. He would like to have a fair opportunity to run a business. Mr. Matheson said his business has been compared to a permanent construction site. He said they are trying to address the concerns of the City. He sees the concerns as noise, dust, track out, erosion control and visibility. He said they are asking to modify the landscape requirement. The City ordinance requires the property to be screened. He said fencing represents a big expense on their part, but they are willing to do that.

Mr. Matheson said they want to have an aesthetically pleasing entrance to the business, but they feel the ten percent landscaping is not reasonable. He said this is a manufacturing zone and it isn't intended to be a park. He said they have a ten acre site to be screened from public view and he questioned the need for an acre of landscaping when nobody will see it. He asked if the Planning Commission could work something out that is in best interest of the City but will allow him to run his operation as efficiently as possible. He doesn't feel it is practical to put paving down because of the size and weight of the machinery and some of the landscaping boulders.

Commissioner Stanger asked what the difference was between a conditional use and a permitted use. Adam Lenhard explained within each land use, there are things that can be done by right and there are things that need to have a conditional use permit from the Planning Commission. Any use listed as a conditional use must come to the Planning Commission to get the conditional use permit. The review of the conditional use permit gives the Planning Commission the opportunity to review the business in depth and if necessary place additional conditions on that application. Mr. Lenhard said the application before the Planning Commission is for an amendment to the City ordinance and it includes 1) a new definition in Chapter 3 of Title 11, 2) new regulations for that definition in Chapter 13, and 3) the applicant has requested adding the use to the manufacturing zone as a permitted use. Adam Lenhard said the Planning Commission and City Council need to decide if the use is a permitted use or a conditional use. Mr. Lenhard said if it was approved as a conditional use, any application to come in after the ordinance amendment would need to get a conditional use permit. If it is put in as a permitted use, then anybody could come in and get a site plan approval and the use would be permitted. The businesses that have received site plan approval under the previous ordinance would be legal nonconforming uses. The existing businesses would not be subject to new regulations because they were legally established under the current ordinance, whereas, this business is not. Gregg Benson said a conditional use is an allowed use within that zone, but there are certain conditions that must be met in order for the use to be viable within that zone. Adam Lenhard used regulating the hours of the business as an example of a condition that could be placed with a conditional use permit. Mr. Lenhard said Mr. Matheson's business is an allowed use, it is considered outdoor storage, and if the applicant were

to meet the requirements of the outdoor storage ordinance, then this use could be permitted. Landscaping could be discussed if any modification was desired on the open space percentage, outdoor storage is a conditional use.

Commissioner Butcher asked if the applicant could request to modify the site plan showing all the useable land is not in concrete or asphalt. Adam Lenhard said no, that would be more of a variance, and this circumstance does not meet the criteria for a variance. Commissioner Stones asked if any business that didn't conform to this ordinance would then be required to come in for site plan approval in order to continue doing business if the ordinance is kept as is. Adam Lenhard stated that if an existing business is legally established then they are vested under the previous ordinance. Adam Lenhard said the ordinance allows for a site specific set of circumstances and provided the findings of fact as: 1) it is not contrary to the spirit of the General Plan, and 2) the standard for the ten percent landscaping could be reviewed. Mr. Lenhard said we need to separate ourselves from this particular site. Commissioner Stones asked Mr. Matheson if there is a specific area that is used for the preparation of the soils separate from where the finished product is stored. Mr. Matheson said the products are stored in different areas. He said the amount of product fluctuates. He said the impermeable surface is a problem because they never know what part of the property will be used for what product or what processing. He said they try to keep the operations that generate the most noise or have visibility issues further away.

Chair Peterson asked for comments from the commissioners on making a change to the ordinance for a landscape supply yard and how it will fit into both Vision 2020 and the General Plan. Commissioner Butcher asked how the runoff from the mixing and adding chemicals will be addressed. Mr. Matheson said there is no chemical fertilizer, it is only organic.

Councilmember Sprague said the City Council has put new ordinances in place and he doesn't see how it will benefit the City to allow this change. Commissioner Stanger said he has driven by the site and you cannot see it from the road. He asked where the screening would need to be. Mr. Lenhard said screening would be from adjacent properties and from a public right-of-way. Commissioner Butcher asked what happens as the area changes; maybe we shouldn't be amending the chapters as proposed.

Chair Peterson stated her concerns with giving too much flexibility within the City. She said she cannot think of any other area in the City where this type of business would meet with the goals that the City has established as far as being clean and attractive. Chair Peterson asked about the proposed change that addresses the storm drainage area being included as part of the required open space area. Adam Lenhard said the City does not allow a storm drain pond to be included as part of the open space. This proposal has requested those areas to be eligible for inclusion in the required open space.

Chair Peterson asked the commissioners for their comments on using a sliding scale for the open space requirement or using the current wording in the ordinance that would allow the open space to be reviewed case by case. Commissioner Stones said his biggest worry about using the sliding scale is the possibility there could be a requirement for extensive landscaping; the current

ordinance allows variations through the site plan based on findings of fact. He said he doesn't like the sliding scale because there are already provisions in the code to take care of that.

Chair Peterson said one other area of concern is the proposal for only the parking areas for employees and customers to be impermeable, all-weather surface and all other surfaces to be gravel or some other surface. Commissioner Stones said any place where you are parking equipment or vehicles of any sort should have a concrete or asphalt surface rather than just gravel. Too often the oil from the trucks seeps into the ground. He felt that any place that any vehicle or equipment is parked should be concrete or asphalt.

Chair Peterson told the commissioners to let her know if they have any objections, but she felt the commission is generally of the opinion that:

- 1) The City's current ordinance of outdoor storage will be able to handle this type of a business.
- 2) Parking areas would need to have an impermeable all-weather surface as it reads in our ordinance now.
- 3) Areas for product storage or processing would need to be completely screened and have the height be kept to six feet as in the current ordinance.
- 4) Landscaping and open space requirements to be left as written in outdoor storage.

Commissioner Stanger said he has objections. He has looked at the property from both sides of the trail. If there was a berm with landscaping and trees, it is better than the rest of the trail. He said some of the buildings surrounding the property are 40 to 50 feet tall and he felt there isn't a problem with a 15-foot high pile of dirt. He said he didn't have a problem with a conditional use and site plan that can be specific to that area. He doesn't want to see a viable business taken out of town because we can't work with them. Chair Peterson asked Commissioner Stanger if his objections are for this specific site or throughout the City. Commissioner Stanger said he felt the change to add a landscape supply yard was acceptable as long as the property looks good, there is some form of screening and it is in a manufacturing zone.

### STAFF REPORTS

There were no comments from staff.

### PLANNING COMMISSIONER'S MINUTE

Commissioner Peterson – Nothing

Commissioner Moore – Nothing

Commissioner Stones – Nothing

Commissioner Jones – Said he was happy to be back and needs to be excused from the next meeting on October 20<sup>th</sup>.

Commissioner Butcher – Nothing

Commissioner Perry – Nothing

Commissioner Stanger – Nothing

Councilmember Sprague – Said he is fairly opinionated and to not take anything he says personally.

There being no further business to come before the Planning Commission, **Commissioner Butcher moved to adjourn at 8:10 p.m.**