

CLEARFIELD PLANNING COMMISSION MEETING

April 6, 2011

7:00 P.M. - Regular Session

PRESIDING:	Nike Peterson	Chair
PRESENT:	Bill Moore	Commissioner
	Matt Stones	Commissioner
	Randy Butcher	Commissioner
	Joel Gaerte	Commissioner
	Doyle Sprague	Council Liaison
ABSENT:	Darren Carpenter	Commissioner
	Ron Jones	Commissioner
	Barbara Perry	Alternate Commissioner
	Brandon Stanger	Alternate Commissioner
	Adam Lenhard	Community Development Director
STAFF PRESENT:	Brian Brower	City Attorney
	Valerie Claussen	City Planner
	Christine Horrocks	Building Permits Specialist
VISITORS:	Patrick McReaken, Steve Eames, Corey Malan, Kent Teichert, Krista Hailey, Lyle Moglebust	

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF AGENDA

Commissioner Butcher moved to accept the agenda, seconded by Commissioner Moore. All Voting AYE.

APPROVAL OF MINUTES FROM MARCH 16, 2011 PLANNING COMMISSION MEETING

Commissioner Gaerte moved to approve the minutes of March 16, 2011 as stated, seconded by Commissioner Stones. All Voting AYE.

SITE PLAN APPROVAL SP 11-004, A REQUEST BY COREY MALAN ON BEHALF OF KENT TEICHERT FOR SITE PLAN APPROVAL OF A NEW COMMERCIAL BUILDING, KNOWN AS TYTON CENTER, LOCATED AT 772 EAST 700 SOUTH (TINS:12-068-0005 THROUGH 12-068-0008). THE PROPERTY IS LOCATED IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Valerie Claussen, City Planner, noted there were some changes on the staff report to the conditions of approval that had been given to the Commissioners. She stated this request was for site plan approval to develop approximately one acre located off 700 South and construct a 4,775

square foot building. Ms. Claussen said the request was consistent with the General Plan and the zoning and was compatible with surrounding properties. The project, located on 700 South, was required to obtain UDOT (Utah Department of Transportation) approval. In regard to vehicle and pedestrian access, they proposed a two-way driveway, a “hammerhead” back-up area along the western parking lot, and screen planting along the frontage to mitigate headlights onto the street. Minimum requirements have been met for off street parking and the loading and unloading area. The landscaping exceeds the required 10%. Ms. Claussen said the parking lot lighting met standard requirements and the concept was shown on the elevations. She said there was an existing 6’ slatted chain link fence along the southern property line. Ms. Claussen said the preliminary drawing for the drainage and utilities indicated capacity and the improvements and tie in to the systems was the responsibility of the developer. Setbacks are met on all sides and are similar to adjacent commercial property. The exterior design appeared consistent with Chapter 18 with two-toned stucco and ledge stone columns. The plans show roof and parapet variations and roof mounted equipment was screened. The signage shown on the site plan met the clear vision triangle. There was some flexibility with the sign if it was architecturally compatible with the building. The conditions of approval were: 1) the construction documents for the building permits are in substantial conformance with the plans provided with this request, 2) prior to the issuance of any building permit the plat is required to be amended and the four lots be combined into one, 3) subject to UDOT review and approval, 4) subject to final approval by North Davis Fire District, 5) final building permit approval subject to applicant establishing an escrow account, approved by City Engineer and Attorney, 6) monument sign architecturally compatible. Staff recommended approval as conditioned with the modifications.

Commissioner Butcher said he was concerned the building would be considerably different from the surrounding buildings. Ms. Claussen stated the colors were similar but doesn’t match exactly. Patrick McReaken, structural engineer, said the anchor store was For Your Kitchen, currently located at the Newgate Mall would need to move to the new location by October or November. The building was steel frame structure with full handicapped access. The surveyor would have the revised plat ready within a few days. He stated they had worked with UDOT and the geotech study was completed and reported the site was fully compliant. Mr. McReaken introduced the owner of the business, Kent Teichert and the contractor, Corey Malan to the Planning Commission.

Commissioner Stones expressed concern regarding the utilities along the back fence line and asked if there were procedures in place to keep the school children and aquatic center patrons fenced off from the construction zone. Mr. McReaken responded the underground power line would stay in place and a new slab mounted transformer was scheduled for installation. He continued if the fence had to come down for a week or so, safety precautions would be taken to protect the public. Chair Peterson asked how the plants would screen to inhibit headlight glare. Mr. McReaken said they planned to plant junipers which keep their foliage year round.

Commissioner Gaerte moved to approve SP 11-004 a Site Plan for the Tyton Commercial Center, based on the five findings stated in the staff report as amended with condition

number two adding, prior to issuance of the building permit and also the addition of condition number six, “ related to monument signage”, seconded by Commissioner Stones. All Voting AYE.

PUBLIC HEARING

CONDITIONAL USE PERMIT CUP 11-012, A REQUEST BY STEVE EAMES FOR A CONDITIONAL USE PERMIT FOR A PAYDAY LENDING ESTABLISHMENT IN THE C-2 ZONING DISTRICT LOCATED AT 1580 S STATE STREET, SUITE #4 (TIN: 09-022-0147)

Chair Peterson declared the public hearing open at 7:24 p.m.

PUBLIC COMMENT:

None

Commissioner Moore asked to be recused from discussion on this item as Mr. Eames is his client.

Commissioner Stones moved to close the public hearing at 7:25 p.m., seconded by Commissioner Butcher. Voting AYE, Commissioners Stones, Butcher, Gaerte and Peterson. Commissioner Moore abstained from the vote.

Valerie Clausen, City Planner, said the request was for a payday lending establishment in an existing building located at 1580 South State Street. Ms. Claussen stated payday lending establishments do not have further requirements with a conditional use permit. She continued the Planning Commission held discussions in 2009 and recommended approval of changes to the regulation of payday lending institutions; however, the City Council did not adopt those changes. Ms. Claussen said with conditional use permits there were three general standards for review. 1) Staff's analysis provided that the use is equivalent to permitted uses in the C-2 zone. 2) The site was commercially developed, the development standards were met and the proposed hours of operation were consistent with other typical office type uses. 3) The request does not limit the effectiveness of the land use controls or the success of the General Plan. It was not anticipated the use would promote blight or injure property values as it was held to the same standards as any other commercial business. The proposed conditions of approval recommended by staff were: 1) clarifying the hours of operation, 2) permit signage would be kept in good repair and all temporary signage shall comply with the regulations established in Chapter 15 of the land use ordinance. Violation of these standards would cause the initiation of the revocation process of the conditional use permit, 3) the conditional use permit is subject to applicable local, state and federal permits being obtained and kept current. Ms. Claussen said no public comment was received. Staff recommended approval of the conditional use permit as conditioned based on the findings and discussion in the staff report.

Chair Peterson asked Steve Eames, applicant, if he understood the conditions of approval that would be placed on the business. Mr. Eames said he understood. Commissioner Butcher questioned the vision of the City with respect to the prosperity of the City with the number of

businesses similar to this.

Brian Brower, City Attorney, stated many of the Planning Commissioners could recall previous discussion about potentially limiting this type of business. He continued there were at that time legal issues associated with limiting these types of businesses. Those issues had been addressed either by the state legislature or other cities. At the time of these discussions the City Council had concerns and didn't move forward in regulating this type of business. Since then other cities had adopted ordinances regulating these types of establishments. Salt Lake City's ordinance regulated them by proximity to one another. He pointed out by doing so the city could maintain greater diversity in the different types of businesses. Layton City recently passed an ordinance regulating payday lending establishments by per capita restrictions. Mr. Brower said if the Planning Commission had additional concerns they could be addressed at a future date. Commissioner Butcher asked whose responsibility it was to begin the process of changing the ordinance. Mr. Brower said the Planning Commission could direct staff to hold discussions during a work session to talk about regulating these types of businesses. Chair Peterson emphasized the proposal the Planning Commission was asked to consider was governed by current city standards and this type of business is permitted with a conditional use.

Commissioner Stones moved to approve as conditioned, CUP 11-012, a Conditional Use Permit for Mr. Money, a payday lending establishment at 1580 South State Street, based on the finding of facts and the discussion in the Staff Report and citing the conditions as stated in the packet, seconded by Commissioner Gaerte. Voting Aye: Commissioners Peterson, Gaerte, Stones and Butcher. Commissioner Moore abstained from the vote.

STAFF REPORTS

Valerie Claussen, City Planner, reviewed the list of projects that would be coming through in the next few meetings.

PLANNING COMMISSIONERS' MINUTE

Commissioner Peterson – Good to have Commissioner Moore back. She requested to have a discussion item to review landscape requirements specific to screening and screening materials.

Commissioner Moore – It was good to be back.

Commissioner Stones – Glad to see Commissioner Moore again. Believed the commission needed to review and reconsider regulations with the payday lending businesses.

Commissioner Butcher – Welcomed back Commissioner Moore. He expressed desire for the Planning Commission to discuss ordinance changes specific to payday lending businesses. Chair Peterson directed staff to review the draft of the ordinance from the 2009 review and ordinances of surrounding communities. Valerie Claussen stated it could be brought forward to a future agenda as a discussion item with an analysis of payday lending establishments.

Commissioner Gaerte – Welcome back to Commissioner Moore. Said he wanted to discuss the regulation of payday lending type businesses in the future.

Councilmember Sprague – Nothing

There being no further business to come before the Planning Commission, **Commissioner Gaerte moved to adjourn at 7:46 P.M.**