

**CLEARFIELD PLANNING COMMISSION MEETING**

August 3, 2011

7:00 P.M. – Regular Session

PRESIDING:	Nike Peterson	Chair
PRESENT:	Ron Jones	Commissioner
	Joel Gaerte	Commissioner
	Barbara Perry	Commissioner
	Brandon Stanger	Alternate Commissioner
	Doyle Sprague	Council Liaison
ABSENT:	Randy Butcher	Commissioner
	Matt Stones	Commissioner
	Bill Moore	Commissioner
STAFF PRESENT:	Brian Brower	City Attorney
	Valerie Claussen	Acting Community Development Director
	Stacy Millgate	Business License/CDBG Coordinator
VISITORS:	Don Lilyquist	

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF AGENDA

Chair Peterson stated the minutes from June 15, 2011 will not be addressed at this time. She noted if there are any other changes to tonight's agenda, they must be made at this time.

**Commissioner Gaerte moved to approve the agenda with the changes noted, seconded by Commissioner Stanger. All Voting AYE.**

APPROVAL OF MINUTES FROM JUNE 1, 2011 PLANNING COMMISSION MEETING

**Commissioner Perry moved to approve the minutes of June 1, 2011 as prepared, seconded by Commissioner Jones. All Voting AYE.**

SITE PLAN APPROVAL SP 1105-0003, PARKING LOT EXPANSION FOR MAVERIK LOCATED AT 709 SOUTH STATE STREET

Valerie Claussen, Acting Community Development Director, explained the addition of condition number three, which states: the lot consolidation will occur and be recorded with the county prior to final inspection. This site is located at the southeast corner of 700 South and State Street. It is master planned and zoned commercial. It originally obtained site approval for the gas and convenience store in the mid 1980's. Requests this evening consists of expanding the eastern portion of the parking lot with an amenities area that will have two armadas and will be landscaped with gas and trees. The proposed addition of gas pumps and canopy expansion will be constructed at a future date and if it is in substantial conformance with these plans, it should be eligible for administrative review and approval through the building permit process. The proposal is consistent with the zoning and meets the review considerations established in chapter 5 of the land use ordinance including traffic, vehicle, pedestrian, off-street parking, consider. It is improving the access to the site by providing additional parking and sidewalk, the pavement and construction also meets city standards and the amenities also provide additional landscaping along the eastern portion of the parking lot. Any impact and effects that would occur with this expansion on the city's storm drain have been mitigated and appropriately taken care of through the submission of the construction documents. No comments have been received to date and the staff recommends approval of the site plan as conditioned as modified this evening.

Commissioner Stanger brought up his concerns with the merging lane on 700 South. He asked if there is anyway the drive approach might be moved slightly to provide more room for the vehicles that turn off of 700 South. Ms. Claussen said those considerations are something that is presented to UDOT.

Mr. Don Lilyquist, representative for Maverik, 880 W Center Street, North Salt Lake, Utah said they initially approached UDOT to try and move some driveways to make things run smoother and they were told, by UDOT, if they move one driveway they must change all of the driveways to make sure they are all in compliance with the current regulations. He indicated they would like to move the driveways and make it safer but it would be almost impossible to meet the current regulations.

Chair Peterson asked about the types of trees that will be planted on the east side. Mr. Lilyquist said they will be a flowering pear tree there will not be any type of fruit trees.

**Commissioner Stanger moved to approve as conditioned, SP 1105-0003, a Site Plan for Maverik's parking lot expansion, based on the findings and discussion in the Staff Report and also pursuant to condition number three, seconded by Commissioner Gaerte. All Voting AYE.**

PUBLIC HEARING FOR REZONE RZN 1106-0002, TO REZONE APPROXIMATELY 7.23 ACRES LOCATED AT THE SOUTHEAST CORNER OF CENTER AND STATE STREET FROM C-2 (COMMERCIAL ZONE) TO PF (PUBLIC FACILITIES ZONE).

Chair Peterson read the public hearing notice aloud and declared the public hearing open at 7:15 p.m.

PUBLIC COMMENTS:

None

**Commissioner Jones moved to close the public hearing at 7:16 p.m., seconded by Commissioner Stanger. All Voting AYE.**

Valerie Claussen, Acting Community Development Director, said Goal 1 of the Land Use Element is to “Maintain consistency between the City’s Land Use Ordinance and the General Plan.” The public facility zoning designations is appropriate as the uses on the property are public buildings and is compatible with the existing uses and the zoning in the immediate vicinity and this request further implements the purposes of the City’s Master Plan. In addition, the base zoning and development standards can be met with this request. The City offices are on a parcel and appropriately parked and landscaped and the findings to consider for the zoning have been met and no public comments have been received to date.

Commissioner Stanger asked why the fire station was on its own parcel. Ms. Claussen said it was set up that way to allow them to purchase the property in the future if so desired. Brian Brower, City Attorney said they could use the building for something else but it must be something listed as a use in the Public Facilities Zone.

**Commissioner Jones moved to recommend approval of RZN 1106-0002, a rezoning of the Clearfield City Municipal Campus from C-2 to PF zoning, based on the findings and discussion in the Staff Report, seconded by Commissioner Gaerte. All Voting AYE.**

PUBLIC HEARING TO AMEND CLEARFIELD CITY LAND USE ORDINANCE TITLE 11 ZTA 1107-0003, 11 TO INCLUDE PHYSICAL THERAPY FACILITIES AS A PERMITTED USE IN THE C-1, C-2, D-R, AND M-1 ZONING DISTRICTS AND PERMITTED WITH A CONDITIONAL USE PERMIT IN THE C-R ZONING DISTRICT.

Chair Peterson read the public hearing notice aloud and declared the public hearing open at 7:20 p.m.

PUBLIC COMMENTS:

None

**Commissioner Gaerte moved to close the public hearing at 7:21 p.m., seconded by Commissioner Perry. All Voting AYE.**

Valerie Claussen, Acting Community Development Director, said the only change to this report is on the first page where Title 11 Chapter 3 defines a physical therapy facility, a correction on the second to the bottom line as a Group Home. Ms. Claussen explained the current ordinance either requires a Conditional Use Permit or is not permitted at all in some districts, even though similar uses such as medical clinics are permitted by right in the majority of the non-residential zoning districts.

It is staff's recommendation that the classification of this particular use and the requirement of a CUP in the majority of the non-residential zoning districts should be updated to reflect a more similar use such as medical clinics. If the initial concern of requiring a CUP for this use was to ensure that no overnight or residential use of the facility occurred, this is already being regulated through the business licensing process. Ms. Claussen continued to explain that when an applicant applies for this type of business they indicate what type of use it is going to be. Any description that exceeds a typical out-patient medical office would be reviewed, and it is at that time the Zoning Administrator would make a determination on the categorization of that proposed use. Such as if there is overnight or residential care there are other use definitions, such as Rest Homes, that are more appropriate.

The proposed amendments are permitted by right in the C-1 and C-2 Commercial Zoning Districts. However, it was not previously listed as a permitted or conditional use and it was added to the list of permitted uses in the M-1 and D-R Zoning Districts, and as a conditional use permit in the C-R District. Ms. Claussen indicated the proposed changes conform to the City's Master Plan, specifically the Policy under the Land Use Element which states, "Continue to update the City's Land Use Ordinance as necessary to maintain consistency with the General Plan." Updating a land use classification for a use that has demonstrated over the years to be similar to medical offices should have the opportunity to be reflected in the City's Land Use Ordinance. No public comments have been received to date.

Chair Peterson asked if something was brought to the city's attention. Ms. Claussen explained a physical therapy business applied for a new license and during the review process this was something that was discussed. She continued to explain the similarities between a doctor's office, chiropractor office and physical therapy type businesses and how these can be regulated when they apply for the license.

**Commissioner Gaerte moved to recommend approval of ZTA 1107-0003, an amendment to the Land Use Ordinance Title 11 Chapter 11 for permitted uses of Physical Therapy Facilities, based on the findings and discussion in the Staff Report, seconded by Commissioner Stanger. All Voting AYE.**

DISCUSSION ON PAYDAY LENDING ESTABLISHMENTS, AND PAWN AND SECONDHAND BUSINESSES

Valerie Claussen, Acting Community Development Director, explained payday lending establishments and pawn shops usually have additional restrictions they must meet in order to receive approval. Currently payday lending establishments are only permitted in the C-2 Zoning District with a Conditional Use Permit. She indicated there are approximately 7 existing establishments within Clearfield City. During this review process Ms. Claussen compared the restrictions in surrounding cities. She noted some of the considerations for changes would include a distance requirement, a per capita limit and if we want to include Pawn and Secondhand businesses with similar standards. There was a discussion on how the distance requirements and per capita limits are determined. Ms. Claussen noted if the business failed to renew their business license, they could lose their non-conforming use.

Brian Brower, City Attorney said Salt Lake City representative said the per capita restriction is not as easily defensible as the location restriction. He also said he recommended using the location restriction, even if it is in addition to the per capita limit.

Doyle Sprague, Council Liaison stated if they approved the per capita limit, it would only allow for three businesses and if they approve the location restrictions there are two of them that would not currently comply. Ms. Claussen explained how the location restrictions could be used such as, distance from residential use, etc.

There was additional discussion on the location restrictions and whether to limit it to one every mile or one every half mile. Chair Peterson also noted her preference to include both Pawn Shops and Secondhand businesses for consideration for regulations along with payday lending. Commissioner Stanger agreed with adding the Pawn Shops however, the Secondhand businesses are not necessarily conducted the same way as a Pawn Shop therefore, they should not be included. Ms. Claussen said these types of businesses are grouped together which means the definition would also have to be modified. Mr. Brower stated he believes the per capita limit is set up to determine how many of these businesses you really need to service the people and the location restriction is set up to limit the impact they may have if you allow for multiple businesses in a close proximity. Ms. Claussen said there are some cities that have language in their ordinance that states the current businesses must come in for a permit to keep their legal non-conforming use, by doing this it helps administer these businesses.

Chair Peterson recommended reviewing the definition of a Secondhand and Pawn Shop as well as which preference the commissioner's would like to see when it comes to the per capita limit or location restrictions. The Planning Commissioner's preferred to use both options. Mr. Brower said he is not uncomfortable if they decided to allow one every half mile. Ms. Claussen said the location restrictions are easier to defend and the per capita might be harder to regulate. The Commissioner's also recommended adding Sexually Oriented Businesses to these restrictions as well as consequences for the businesses that do not comply.

#### STAFF COMMUNICATIONS

Valerie Claussen, Acting Community Development Director, said there is a Conditional Use Permit request for a preschool that will be addressed in two weeks and there is also a Parking Lot Landscape discussion item that will be on the agenda. In addition, there will probably be some training. Ms. Claussen noted the city received construction documents, two weeks ago, for Burrito Grande and they have had to address comments that were generated by the City Engineer. A third submittal was just received yesterday. Tyton Construction mylar's were received today however, they still need to post escrow. The city has processed these as required but they are still waiting for approval from UDOT.

#### PLANNING COMMISSIONER'S MINUTE

Chair Peterson – Nothing

Commissioner Jones – Nothing

Commissioner Gaerte – Nothing

Commissioner Perry – Nothing

Commissioner Stanger – Congratulations to the council for making ATK happen.

Brian Brower – Asked to be excused at the next Planning Commission meeting.

There being no further business to come before the Planning Commission, **Commissioner Stanger moved to adjourn at 8:02 P.M.**