

CLEARFIELD PLANNING COMMISSION MEETING

December 7, 2011

7:00 P.M. – Regular Session

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| PRESIDING: | Nike Peterson | Chair |
| PRESENT: | Brandon Stanger | Commissioner |
| | Becky Brooks | Commissioner |
| | Lance Brown | Alternate Commissioner |
| | Norah Baron | Alternate Commissioner |
| ABSENT: | Bill Moore | Commissioner |
| | Ron Jones | Commissioner |
| | Randy Butcher | Commissioner |
| | Joel Gaerte | Commissioner |
| | Doyle Sprague | Council Liaison |
| STAFF PRESENT: | Brian Brower | City Attorney |
| | Valerie Claussen | Acting Community Development Director |
| | Kim Read | Deputy City Recorder |
| | Stacy Millgate | Business License/CDBG Coordinator |
| VISITORS: | Kent Bush, Mike Dawson, Mark Orton, Nicholas Gale | |

Pledge of Allegiance was led by Chair Peterson.

SWEARING IN OF NEW PLANNING COMMISSIONERS

Kim Read, Deputy City Recorder swore in the new Planning Commissioners, Becky Brooks, Lance Brown, and Norah Baron.

APPROVAL OF AGENDA

Chair Peterson noted the minutes from September 21, 2011 would be addressed at a later date. She also stated since there were only four commissioner's present, all votes must be unanimous. **Commissioner Stanger moved to approve the agenda with the change noted, seconded by Commissioner Baron. The motion carried upon the following vote: Voting AYE – Commissioners Baron, Brooks, Brown and Stanger. Voting NO – None.**

PUBLIC HEARING CUP 1111-00002 FOR A HOME OCCUPATION BUSINESS IN THE R-1-8 ZONING DISTRICT LOCATED AT 419 NORTH FERN DRIVE.

Valerie Claussen, Acting Community Development Director, said the conditional use permit was for a home occupation that would require the use of a garage for keeping of a truck, and some limited storage materials for a pest control company. This consisted of storing the business truck and limited storage of materials picked up from a distributor on an as-needed basis. The applicant has worked closely coordinating with the North Davis Fire District requirements regarding the amounts or quantities that could be stored. The Fire District provided comments and conditions that should be included as conditions of approval. She also indicated there had been some public comments received regarding potential traffic and they also wanted to make sure there would not be any automobile work in the garage. Ms. Claussen said the standards could be met and the staff recommended approval. She also added an additional condition of approval which stated, "The use will be considered abandoned should a current business license not be continuously maintained."

Commissioner Brown asked the applicant about the spills and cleanup. Ms. Claussen said the issues were addressed through the Fire District since it was the one that handled that material. Commissioner Baron asked how much would be stored onsite. Ms. Claussen noted there was to be minimal material storage onsite.

Public Hearing notice was read by Chair Peterson and declared open at 7:17 p.m.

PUBLIC COMMENT:

None

Commissioner Brooks moved to close the public hearing at 7:18 p.m., seconded by Commissioner Brown. The motion carried upon the following vote: Voting AYE – Commissioners Baron, Brooks, Brown and Stanger. Voting NO – None.

Mark Orton, 419 N. Fern Drive said he had been in business for 20 years and preferred to work on his own and he did not plan on expanding his company. He also indicated he did not store a large amount of materials at his home. All safety measures were in place regarding the storage of materials at his home as well as on his vehicle. Chair Peterson asked if the materials were stored in a locked cabinet. Mr. Orton said it was padlocked all the time and the boxes on the truck were also locked. Chair Peterson addressed the hours of operation. Mr. Orton explained his hours varied but overall they were between 7:00 a.m. and 7:00 p.m.; however, there were times when these were adjusted. Mr. Orton said he had two trucks for his company but one was there in case the other one broke down. There was additional discussion regarding the Fire

District's requirements. Mr. Orton stated he had been working with the Fire District and it was aware of the materials being used and stored.

Valerie Claussen said the final condition would state, "Applicant shall maintain a current business license with the city. The use will be considered abandoned should a current business license not be continuously maintained."

Chair Peterson said she would like to add the "chemicals stored in the garage must be in a secured and locked cabinet."

Commissioner Brown moved to approve as conditioned, CUP 1111-0002, a Conditional Use Permit for Melodi's Pest Control, a home occupation with a use of the garage, located at 419 N. Fern Drive, based on the findings and discussion in the Staff Report including #4, The applicant shall maintain a current business license with the city. The use will be considered abandoned should a current business license not be continuously maintained. #5, All business chemicals will be stored in a locked cabinet. Seconded by Commissioner Baron. The motion carried upon the following vote: Voting AYE – Commissioners Baron, Brooks, Brown and Stanger. Voting NO – None.

APPROVAL OF MINUTES FROM AUGUST 17, 2011 PLANNING COMMISSION MEETING

Chair Peterson stated some of the commissioners at the meeting were not in attendance at the meeting on August 17, 2011 therefore; the minutes would be voted on at the next meeting.

PUBLIC HEARING, CUP 1110-0002, A REQUEST BY DAWSON HOMES FOR A CONDITONAL USE PERMIT AND SITE PLAN APPROVAL AT 171 WEST 200 SOUTH

Valerie Claussen stated the request was for outdoor storage and site plan approval for expansion. The property was master planned business park and zoned manufacturing and was approximately 1.2 acres. There were some elements that needed to be discussed that were at the discretion of the Planning Commission. All areas used for outdoor storage shall be properly surfaced with an impermeable, all-weather material, and shall be kept free of weeds and debris. Public comments were received from the property owners that reside directly east of this parcel. Ms. Claussen addressed their concerns with the outdoor storage. She said she referred to Chapter 3 of the Land Use Ordinance which stated Outdoor Storage use was for the commercial storage or keeping of building materials, equipment, fuels, vehicles, goods, commodities or raw materials outside of a building or structure. The requirements that must be met for the way materials were stored were closely coordinated with the Fire District. It had the codes and regulations more specific for

outdoor storage. The Fire District provided comment and the developer would have to comply with those standards.

Ms. Claussen said another concern was the type of fencing and screening that was being proposed. She indicated the Planning Commission had the discretion to determine if the material, height and location was most appropriate for the use. Currently they were proposing six-foot high chain link with privacy slats. She also added the asphalt should not be buried on the property; particularly the retention pond should not be used for long term storage. The property had top soil removed and filled with cement and asphalt. She indicated the improvements to the retention pond were required to be made and would be inspected to meet standards at the time of building permits. Additional information of possible burial of materials would also need to be addressed at the time of inspection.

Ms. Claussen also said another issue addressed was the noise ordinance. The residents said there was a lot of noise generated from the existing building. Was there any way to have that insulated? What about the noise? Could the new storage building be prohibited from having any manufacturing occurring there? The staff's response was: the request did not specifically include any changes to the existing building, so the manufacturing there was not necessarily addressed. The new storage building, at the pleasure of the Planning Commission, might include that as a condition of approval.

The residents were also concerned with the height of the open storage. They do not want to see materials past the height of the fencing. They request that the height not exceed what was permitted, and specifically that it would not be higher than what was screened. The staff's response was: the outdoor storage use request was being considered. Six feet was what was typically permitted, but the Planning Commission has the discretion to approve it up to 15 feet high.

Lastly, they were concerned with the parking. They asked if there were additional parking that was being included onsite. Currently a huge portion of 200 South was lined with equipment and work truck vehicles. Couldn't they park on their own property? Staff's response was: Additional paved parking spaces were being proposed. These parking spaces were proposed both on the outside of the gate and on the inside of the gate. Per Chapter 14 of the Land Use Ordinance, two spaces were required for each 1,000 square feet of gross floor area. Four additional parking spaces were proposed. Hopefully this would alleviate some of the on-street parking that was occurring.

Ms. Claussen continued to address Land Use Ordinance 11-13-12, which was the Outdoor Storage Standards and it stated, "All outdoor storage shall be enclosed by a fence or wall at least six feet in height and impervious to sight from any public street, right of way, or adjacent

property. No items may be stacked higher than the fence or wall of the enclosure without prior approval from the Planning Commission through the Site Plan Process.” The current Staff report stated that storage height not to exceed 15 feet in height, the Planning Commission was not obligated to grant the request. The height increase should only be considered if the Planning Commission was satisfied that adequate screening had been provided and if the review findings could be met. Ms. Claussen continued to explain that outdoor storage in the M-1 Zone may exceed the height of six feet only if all adjacent property shares the same M-1 Zone designation. In addition, the type of materials of the wall or fence shall be approved by the Planning Commission as part of the Site Plan approval process. There was a brief overview of the general standards for the Conditional Use Permit established in Land Use Ordinance 11-4-3.

Commissioner Baron asked about the boundaries of the property and wanted to know if there were any residential property adjacent. Ms. Claussen said there was a home directly East.

Public Hearing notice was read by Chair Peterson and declared open at 7:43 p.m.

PUBLIC COMMENT:

None

Commissioner Baron moved to close the public hearing at 7:44 p.m., seconded by Commissioner Brown. The motion carried upon the following vote: Voting AYE – Commissioners Baron, Brooks, Brown and Stanger. Voting NO – None.

Chair Peterson asked for discussion on each individual item that needed to be addressed. Ms. Claussen said the building was approximately 1,500 square feet and the findings proposed could be found on page 9 of 10 of the Staff Report. Commissioner Stanger asked if there were any residential properties that bordered the property. Ms. Claussen said the property that was directly to the east was zoned M-1 but it was currently being used as a residential property. Chair Peterson said since public comments had been received and needed to be addressed by the Planning Commission.

Michael Dawson, 171 West 200 South said he owned a construction company and it stored equipment and materials onsite and he would like to use the storage building to keep the materials out of the weather. The height was needed since there was so much lumber that needed to be stored. Mr. Dawson said there was no electricity to the building and it would only be used for storage. He indicated there may be some noise when the business was using the equipment to move the materials. Chair Peterson said the Fire District had indicated the lumber should not exceed 20 feet in height. Ms. Claussen explained the height of the storage was more stringent through the City’s regulations. She said the building was similar to a pole barn.

Chair Peterson asked the commissioners if they had any concerns with the off-street parking. Mr. Dawson said 90 percent of the time there wouldn't be any cars on the street. He said sometimes the employees came to the shop with their personal vehicles and parked them on the street. He continued they would not store any work equipment on the street and the employees would not park on the street overnight. Brian Brower, City Attorney said if equipment was being parked on the street, and they are not engaged in construction at that time, they could be cited through the Police Department.

Chair Peterson continued to ask if there were any concerns with the type of fencing. No comments were received. Commissioner Stanger brought up concerns with burying cement and asphalt. Mr. Dawson said the asphalt company located next to him, had been bringing materials in and burying it; however, this was not part of his company nor was it on this site. Ms. Claussen said these comments were just brought into the office this afternoon and would be addressed directly with the asphalt company.

Chair Peterson asked if the exterior design would be similar to the existing design. Mr. Dawson said it would be the same design and color. She also expressed her concerns with the height of the fencing and wondered if it could affect the adjacent property values. In addition, this was a highly visible structure and she expressed concern with the height. Commissioner Stanger indicated it was surrounded by a manufacturing zone and the height of the building was well below the allowed height of 45 feet. Mr. Dawson said his building was not very tall and the residents would only be able to see the back side of the building.

There was additional discussion on the amount of linear feet of fence on the back property as well as the set back location of the building from the property line. Commissioner Stanger wanted clarification on the outdoor storage height that was not to exceed 15 feet. Ms. Claussen said that was intended to cover the outdoor storage and that condition needed to be addressed by the Planning Commission. Brian Brower said there had been two other requests to exceed the six feet height but they were denied; however, every property and situation was different. If the body chose to allow the additional storage height, it might be a good idea to establish why it was exceeded.

Chair Peterson expressed reservations on allowing outdoor storage beyond the screened height of six feet. She said if this were allowed, then it would be a step back from the goals outlined in the Vision 2020 plan as far as making deliberate steps to make every property in the City attractive. She would like to keep it at six feet. Commissioner Stanger said if it were a manufacturing zone then it should be allowed up to 15 feet. Commissioner Brooks, Commissioner Baron and Commissioner Brown all agreed with allowing storage up to 15 feet.

Commissioner Brown asked what type of material would be stored. Mr. Dawson said it would be neatly stacked bundles of lumber. Mr. Brower said the Commission needed to be very specific in its motion if its desires were for lumber to be stacked. Ms. Claussen said designating what was permitted helped with enforcement. Mr. Brower said there were certain materials that were not attractive when stacked 15 feet high. Commissioner Stanger said if it were his property he should be able to stack whatever type of material he wanted to stack. Chair Peterson said the City was in desperate need of development and the last thing it wanted to do was make it difficult for a business to conduct business. She continued that the City did not have tight areas of manufacturing and the issues went beyond fence lines. She suggested there could be a very balanced compromise. Commissioner Stanger said in the manufacturing zone these items needed to be addressed differently than businesses in a commercial zone. Commissioner Brown, Commissioner Stanger, Commissioner Baron, Commissioner Brooks all agreed to allow outdoor storage up to 15 feet.

Commissioner Stanger asked if there would be any more on-street parking once the site was completed. Mr. Dawson said he could guarantee there would not be any equipment parked on the street; however, there was no guarantee that an employee wouldn't park on the street. Ms. Claussen said there were other mechanisms, outside the land use ordinance, to address the parking issues.

Chair Peterson asked if anyone had concerns about addressing the Site Plan and Conditional Use Permit together. The commissioners had no concerns with addressing them at the same time.

Commissioner Stanger moved to approve as conditioned, CUP 1110-0002, a Conditional Use Permit for outdoor storage and Site Plan for the Dawson Homes expansion located at 171 West 200 South, based on the findings and discussion in the Staff Report as well as approving the proposed height of the building at approximately 20 feet when the manufacturing zone allows up to 45 feet. In addition, the outdoor storage height can be up to 15 feet as long as the materials are on an impervious surface. Seconded by Commissioner Brooks. The motion carried upon the following vote: Voting AYE – Commissioners Baron, Brooks, Brown and Stanger. Voting NO – None.

PUBLIC HEARING, ZTA 1109-0010, AN AMENDMENT TO THE CLEARFIELD CITY LAND USE ORDINANCE TITLE 11 CHAPTER 3 AND CHAPTER 13 FOR THE INCLUSION OF SUPPLEMENTARY STANDARDS FOR PAYDAY LENDING ESTABLISHMENT, PAWN AND SECONDHAND BUSINSSES AND TATTOO AND BODY-PIERCING ESTABLISHMENTS

Chair Peterson said this is a continuation of a Public Hearing that was opened on November 2, 2011.

PUBLIC COMMENT:

None

Commissioner Brooks moved to close the public hearing at 8:36 p.m., seconded by Commissioner Brown. The motion carried upon the following vote: Voting AYE – Commissioners Baron, Brooks, Brown and Stanger. Voting NO – None.

Valerie Claussen said the text amendment had been through the Planning Commission process; however, there was one more item that would need to be addressed. Ms. Claussen explained the additional information regarding separation requirements, per capita, and business license renewal. No public comment had been received to date. Chair Peterson asked about the changes. Ms. Claussen said the revisions included the clarification of the definitions listed in Chapter 3, included Chapter 13 Supplementary Standards which included a half mile separation from other payday lending establishments, per capita of 1 per 5,000 residents, and additional tracking through business license requirements. Staff recommended approval. Commissioner Brooks stated she preferred 1 establishment per 10,000 residents but would accept 1 per 5,000 residents.

Commissioner Stanger moved to recommend approval of ZTA 1109-0010, an amendment to the Land Use Ordinance, for the inclusion of supplementary standards for Payday Lending Establishments, and modifications to the definitions of Pawn and Secondhand Businesses, based on the findings and discussion in the Staff Report, in addition to the discussion and findings of this meeting, including the following: 1) it further implements the goals listed in the General Plan and Vision 2020 which further improves the aesthetics, 2) alleviates clustering in commercial zones, which will allow for high quality retail, 3) the city has a high number of families that are low income and with these debt services there is less money that is put back into the economy, 4) also increase in crime and detriment to the home values in these areas. Seconded by Commissioner Brooks. The motion carried upon the following vote: Voting AYE – Commissioners Baron, Brooks, Brown and Stanger. Voting NO – None.

STAFF REPORT

Valerie Claussen said she appreciated the commissioners attendance at the joint meeting, to discuss the UTA site, between the City Council and Planning Commission. She explained briefly the outcome of that meeting. She said there was a North Davis Area Corridor meeting to review the SR-193 Study and Syracuse City received a grant to assist with that project. Clearfield City was also participating on that project and there was a meeting on December 15, 2011 with the property owners that were affected with the new road. Ms. Claussen said the

Planning Commission Guidelines and 2012 Meeting schedule were handed out prior to the meeting. Lastly, she explained the changes in the organization regarding the newly created Assistant City Manager position which JJ Allen had accepted and he would begin on December 12, 2011.

Commissioner Brooks- nothing

Commissioner Brown – nothing

Commissioner Stanger – thankful for the new commissioners.

Commissioner Baron- nothing

Chair Peterson – nothing

Newly Elected Councilmember Kent Bush, 737 Barlow Circle wanted to thank everyone for volunteering to be on the Board and wished everyone a Merry Christmas and a Happy New Year.

There being no further business to come before the Planning Commission, **Commissioner Brown moved to adjourn at 8:57 P.M.**