

CLEARFIELD PLANNING COMMISSION MEETING

September 21, 2011

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

PRESENT: Matt Stones Commissioner
Ron Jones Commissioner
Randy Butcher Commissioner
Joel Gaerte Commissioner
Brandon Stanger Alternate Commissioner
Doyle Sprague Council Liaison

ABSENT: Bill Moore Commissioner

STAFF PRESENT: Brian Brower City Attorney
Valerie Claussen Acting Community Development Director
Christine Horrocks Building Permits Specialist

VISITORS: Brodey DeBorde, JayDee Barr, Ryan Keele, Jake Young, Steven E. Marion, Robert Bailey, Norah Baron

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF AGENDA

Commissioner Stones moved to approve the agenda as written, seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE – Commissioners Stones, Jones Gaerte, Butcher, and Stanger.

APPROVAL OF MINUTES FROM JUNE 15, 2011 PLANNING COMMISSION MEETING

The minutes of June 15, 2011 were not available for approval.

SITE PLAN APPROVAL SP 1108-0004 FOR AN ANCILLARY BUILDING AT CHANCELLOR GARDENS LOCATED AT 1425 SOUTH 1500 EAST

Valerie Claussen, Acting Community Development Director, stated the proposal was for an accessory building and a sign package. The accessory building was approximately 1,050 square feet. It was located at the southeast corner of the property adjacent to I-15. Ms. Claussen said the building materials consist of stucco and asphalt shingles and will match the principle building and meets the design standards in Chapter 18. The wall sign on the ancillary building and the new monument sign both met the square footage permitted. Ms. Claussen said staff recommends approval as conditioned.

Commissioner Stones asked for clarification on the plans for the ancillary building. He asked

what was referenced by "TOW." Jake Young, Civil Solutions Group, said on sheet A107 the TOW referred to top of wall where concrete footing wall met the stucco and was six inches above grade.

Commissioner Stanger moved to approve as conditioned, SP 1108-0004, Site Plan approval for the construction of an ancillary building, landscape improvements and a sign package, based on the findings and discussion in the Staff Report, seconded by Commissioner Gaerte. The motion carried on the following vote: Voting AYE – Commissioners Stones, Jones Gaerte, Butcher, and Stanger.

SITE PLAN APPROVAL SP 1109-0004 FOR CONSTRUCTION OF PRODUCT SILOS AND A POLE SHED LOCATED IN FREEPORT CENTER BUILDINGS B-11 AND B-12 FOR LIFETIME PRODUCTS

Valerie Claussen said the request was site plan approval for a pole shed and silos located in the Freeport Center at Buildings B-11 and B-12. The pole shed was 1,600 square feet and located past the southwest corner of the principle building. Three of the four sides had metal siding. Ms. Claussen stated it was consistent with Chapter 18. She said there were also two product silos proposed with construction west of Building B-12. The silos are 60 feet tall. Staff recommends approval as conditioned.

Commissioner Stones asked if the fire hydrant placement met with the requirements of the fire district for a turnaround area. Valerie Claussen said there were no comments noted from the initial review by the fire district. Rob Bailey, contractor, said Mark Becraft, North Davis Fire District Fire Marshall, came to the site and addressed concerns on the pallet storage because of a fire wall issue. Mr. Bailey said the fire district requested an open metal structure with a roof because it was easier to fight fire. Mr. Bailey said Lifetime Products had safety issues in the winter when snow was on the pallets brought into the building and then melted and dripped on the floor. Mr. Bailey said the Mr. Becraft also measured the area for the fire hydrant stated the turnaround area was acceptable.

Chair Peterson asked how tall the existing silos were. Mr. Bailey said the current silos were 45 feet tall. The new silos would be 60 feet tall and twelve feet in diameter. Mr. Bailey said the silos were narrower and taller to store the required amount of product. Commissioner Stanger asked what the maximum building height was in Freeport. Ms. Claussen said she didn't have the code book wasn't sure what the building height was. Ms. Claussen said the zoning regulations do not prohibit this type of use because it was not for human occupancy and it was not classified as a building. Commissioner Butcher asked what buildings were adjacent to the silos if they were to fall. Mr. Bailey said there was parking and the roadway. He said the silos have been engineered for the current code. Mr. Bailey said the area of the building by the silos was manufacturing space, not offices. Ms. Claussen said the construction of the silo was a *heavily structurally engineered process* more than a zoning process. She stated Title 11-13-11 discussed height limitation exceptions. Ms. Claussen said the silo was not in violation of the zoning ordinance. Chair Peterson said based on the regulations in the code that dictate how we look at the silo, the

City has minimal restrictions if the structure can meet a minimum standard. There wasn't a City ordinance to prohibit the silo. Chair Peterson said the Planning Commission needed to be careful of making findings that cannot be supported in the code. Brian Brower, City Attorney, said it would be difficult to support not approving the site plan based on the height of the silo. Ms. Claussen said the silos were not considered an accessory building.

Commissioner Stanger said City Code doesn't specifically refer to silos, and asked if staff just made the assumption that the silo would fit there. Brian Brower said code was not written so specifically to address every conceivable application that may come forward. He said his interpretation was the water tank and the silo had different functions yet they were similar in appearance. Ms. Claussen said as a zoning administrator interpretations must be made as to why something fits in this class. The silo was classed as an appurtenance.

Councilmember Sprague said he didn't have an issue with the silos, but doesn't think the Fire District has the authority to make the decision about the walls removal on the storage shed. Rob Bailey said the Fire District doesn't like pallet storage. He said if the pallets were placed in an enclosed building there would be a need to have fire sprinklers. Mr. Bailey said Lifetime Products thought with just the roof and an open structure it would cut back on 80 percent of the snow taken into the building. Chair Peterson said the site plan showed a structure with walls in place. She said North Davis Fire District would need to make a request to make changes to the structure. Brian Brower said the Planning Commission could approve what was presented as is or make changes. Commissioner Gaerte asked if the silos are in the parking area and how many spaces would be used. Mr. Bailey said six parking spaces were used for the silos.

Chair Peterson asked the Commissioners their opinion on the height of the silo. Commissioners Jones, Gaerte, Butcher and Stones were okay with the height of the silos. Commissioner Stanger wanted the silos to stay the existing height. Chair Peterson then asked the Commissioners their view on the pallet storage building. Commissioner Jones said safety is an issue and even a patio cover would be an improvement, he was okay without the walls. Commissioner Stanger wanted the structure to have at least one wall. Commissioner Gaerte preferred three sides but if the fire district was concerned he would accept their recommendation. Councilmember Sprague stated he preferred three sides. Commissioner Stones said he was all right with a small improvement to the area. Commissioner Butcher said he thought three walls would be better at containment if there was a fire. His recommendation was to leave the site plan as is with approval from North Davis Fire District.

Mr. Brower said the motion could amend the conditions of approval on page 5 of 5 adding, with the exception of the requirement to enclose the ancillary building with three walls which will be left subject to approval by the North Davis Fire District and the zoning administrator.

Commissioner Stanger moved to approve as conditioned, SP 1109-0004, a Site Plan for Lifetime Products silos and pole shed addition based on the finding and discussion in the Staff Report with an amendment to the conditions of approval. The construction documents submitted for building permits shall be in substantial conformance with the documents

submitted in this Site Plan approval, SP 1109-0004, with the exception of enclosing the east, west and south sides of the building subject to approval by the North Davis Fire District, according to their rules and regulations and subject to approval of the zoning administrator. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE – Commissioners Stones, Jones, Gaerte, and Stanger. Voting NAY – Commissioner Butcher.

PUBLIC HEARING, FSP 1108-0005, FOR AN AMENDED FINAL SUBDIVISION PLAT TO MERGE AND RE-SUBDIVIDE PROPERTY AT 709 SOUTH STATE STREET

Chair Peterson declared the public hearing open at 8:03 p.m.

PUBLIC COMMENT:

None

Commissioner Jones moved to close the public hearing at 8:04 p.m., seconded by Commissioner Butcher. The motion carried on the following vote: Voting AYE – Commissioners Stones, Jones Gaerte, Butcher, and Stanger.

Valerie Claussen said there will be a condition of approval that any necessary acknowledgments or signatures of parties with existing easements will be obtained prior to plat recordation. She said there is a U S West easement that runs outside of the regular PUE on the plat. Acknowledgement needed to be obtained that it exists because it was showing up on the title report. Ms. Claussen stated the amended final subdivision plat was for Thornley subdivision, which was platted in the 1940's. The configuration and lot lines were no longer conducive to the expansion of the existing commercial site. Ms. Claussen said the plat was brought forward for the development of the property. She said the project was the Maverik parking lot expansion which was approved at the August 3, 2011 meeting. The proposed amended plat was consistent with the both the master plan and the zoning. No public comment has been received to date. Staff recommended approval as amended with the condition of approval. Brian Brower asked if it was necessary to add the condition because the subdivision plats are required to come to the office of the City Attorney for approval. Mr. Brower said he refused to sign plats if the utilities that are represented have not signed the plat or provided the city with a letter stating they are okay with the easement as shown. He said state code requires the city to obtain approval prior to recordation. Ms. Claussen said if the commission was comfortable without the condition for the acknowledgement of the easement then the verbiage could stay as written. Chair Peterson asked and the commissioners were satisfied without adding the condition.

Commissioner Gaerte moved to recommend to the City Council approval of FSP 1108-0005 Murray Subdivision, an Amended Final Subdivision Plat of Thornley's Subdivision, based on the discussion and findings provided in the Staff Report. Seconded by Commissioner Stanger. The motion carried on the following vote: Voting AYE – Commissioners Stones, Jones Gaerte, Butcher, and Stanger.

PUBLIC HEARING, ZTA 1105-0010, AMENDMENT TO CLEARFIELD CITY LAND USE

ORDINANCE TITLE 11 CHAPTER 14 SECTION 5 FOR MODIFICATIONS TO PARKING LOT LANDSCAPE SCREENING REQUIREMENTS

This public hearing was continued from the August 17, 2011 meeting.

PUBLIC COMMENT:

None

Commissioner Stones moved to close the public hearing at 8:10 p.m., seconded by Commissioner Gaerte. The motion carried on the following vote: Voting AYE – Commissioners Stones, Jones Gaerte, Butcher, and Stanger.

Valerie Claussen said this text amendment was discussed and the public hearing opened at the August 17, 2011 meeting. It was continued because some changes were proposed. The changes included adding a screen wall as an option and diagrams to ensure the measurement finished parking lot will include different scenarios. The changes were discussed. Commissioner Stones appreciated the work done by staff. He said the new text gives good language that holds the contractor accountable without limiting what can be done. He said it was a good compromise and solution to the problems that could be presented.

Commissioner Butcher moved to recommend approval of ZTA 1105-0010, and amendment to the Land Use Ordinance Title 11 Chapter 14 for modifications to parking lot landscape screening requirements, based on the findings and discussion in the Staff Report. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE – Commissioners Stones, Jones Gaerte, Butcher, and Stanger.

PUBLIC HEARING, ZTA 1109-0010, AN AMENDMENT TO THE LAND USE ORDINANCE TITLE 11 CHAPTER 3 AND CHAPTER 13 FOR PAYDAY LENDING ESTABLISHMENTS, PAWN AND SECONDHAND BUSINESS AND TATTO OR BODY-PIERCING ESTABLISHMENTS

Chair Peterson declared the public hearing open at 8:17 p.m.

PUBLIC COMMENT:

None

Commissioner Gaerte moved to close the public hearing at 8:18 p.m. Seconded by Commissioner Stones. The motion carried on the following vote: Voting AYE – Commissioners Stones, Jones Gaerte, Butcher, and Stanger.

Brian Brower, City Attorney, said he had discussion with an expert land use attorney and said it would behoove the City to create a more extensive record and make more specific findings before taking action on this amendment. In the event these ordinances are ever challenged, the City must

have a defensible position. Mr. Brower said where certain types of businesses were being singled out, it was important there was a very clear record as to why it was being done and what affects are perceived. He said there was a need for reasoning to support the conclusions. Mr. Brower said a business license application could be placed on hold because of the pending ordinance change.

Chair Peterson called for a five minute break at 8:30 p.m.

The meeting continued at 8:35 p.m.

The Commissioners agreed to table this item if the City was able to place a hold on business license applications for these businesses. Commissioner Stanger asked about secondhand businesses. Ms Claussen said the state definitions were specific and pawn shops and secondhand businesses are defined differently than thrift stores.

Commissioner Stones moved to table ZTA 1109-0010 to a further date to be determined. Seconded by Commissioner Gaerte. The motion carried on the following vote: Voting AYE – Commissioners Stones, Jones Gaerte, Butcher, and Stanger.

WATERING MAINTAINING

Valerie Claussen gave the commissioners a copy of the current landscape code and a copy of a proposed change to the landscape maintenance. She said the current landscape maintenance requirements are outside of Title 11. The ordinance was in Title 5, Nuisances, and Title 8, Maintenance of Property. The landscaping requirements in Title 11 referenced open space. Councilmember Sprague said he had given this request to Ms. Claussen for consideration. She asked the commissioners if they were interested in discussion that was landscape maintenance specific. Commissioner Stanger said the code enforcement officers needed to have more ability in enforcement. Brian Brower stated the code enforcement officers would be moved under the Police Department after the end of the year. Brian Brower said land use ordinances were the most difficult ordinances to enforce. Ms. Claussen said she would get examples from other jurisdictions. Chair Peterson told staff to proceed with changes to the ordinance.

PLANNING COMMISSIONERS' MINUTE

Commissioner Stones – said he had resigned from the Planning Commission due to other obligation. He said thank to staff and the other commissioners. It has been a good opportunity to expand knowledge and give back to the community.

Commissioner Jones – said he will miss Commissioner Stones. He asked about having a traffic light at the intersection of 1000 West and 700 South traffic light. Brian Brower said he would talk to public works to see what could be done.

Commissioner Butcher – said he appreciated all Commissioner Stones had done, sorry to see him go. He appreciated staff, city attorney and chair for all the work done. Said he took it personal

when City Staff didn't know what happened with the Fire Department.

Commissioner Gaerte – said thanks well wishes to Commissioner Stones.

Commissioner Stanger – said he was grateful for Commissioner Stones and knowledge he brought to the Planning Commission. He said he had noticed an increased amount of graffiti. He would like code require the graffiti removed within 24 hours. Requested staff look at the ordinance regarding the height of buildings in the city.

Councilmember Sprague – he apologized because staff didn't get informed of changes by the Fire District.

??? location??? Commissioner Peterson – gave appreciation to Commissioner Stones and wished him well with his other commitments and hoped to see him back in some capacity in Clearfield City.

STAFF REPORTS

Valerie Claussen gave the commissioners the following information:

- September 26th at the Salt Palace Convention Center Wasatch Front Regional Council along with several agencies were talking about regional transportation. Any commissioner that was interested and was able should go.
- The Planning Commissioner interviews were conducted on September 20th and would conclude on September 27th.
- A representative for the Restoration Advisory Board for Hill Air Force Base was needed and she asked any members of the Planning Commission who were interested to let her know. The meetings are held quarterly. She will send an email with more information.
- The Homeowners Association (HOA) discussion was held on August 30th with Council. She said there was a packet available and she would email it to commissioners. The data was quantified. Council gave direction to pursue the creation of assessment areas that made the City the administrator of the maintenance of the open space.
- The physical therapy text amendment and city hall rezoning were heard by City Council on August 23rd and both were approved.
- She said procedure with the Fire District was not a perfect process. From her point of view she is gets responses and has a good working relationship with the Fire District. She said she was getting responses but sometimes it was a little later than wanted.

Brian Brower gave appreciation to Commissioner Stones for his service. He said relative to subdivision plats and approval the requirement is under section 4, “a plat may not be submitted to the county recorder for recording unless..” so the Planning Commission can approve the plat. He said in reference to the HOA discussion, the City has been made aware of legislation that may come forth in the upcoming session that will make it easier for the City to facilitate assessment areas. Currently it would need to be public improvement. One change being proposed was that it

was subject private or public improvements. It may be in the City's interest to not have the property turned over to the City. The council may want to see the new legislation and act at that time.

There being no further business to come before the Planning Commission, **Commissioner Stones moved to adjourn at 9:16 P.M.**