

## CLEARFIELD PLANNING COMMISSION MEETING

August 1, 2012

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

PRESENT: Becky Brooks Commissioner  
Randy Butcher Commissioner  
Joel Gaerte Commissioner  
Ron Jones Commissioner  
Brandon Stanger Commissioner  
Norah Baron Alternate Commissioner  
Michael LeBaron Council Liaison

ABSENT: Lance Brown Alternate Commissioner

STAFF PRESENT: Brian Brower City Attorney  
JJ Allen Assistant City Manager  
Valerie Claussen Development Services Manager  
Christine Horrocks Building Permits Specialist

VISITORS: Kathryn Murray, Lisa Arnett, Max Arnett, Cody Pavelka, Victor Galindo

Pledge of Allegiance was led by Chair Peterson.

### APPROVAL OF AGENDA

**Commissioner Butcher moved to accept the agenda as written. Seconded by Commissioner Gaerte. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Butcher, Gaerte, Jones, Stanger and Baron. Voting NO: None.**

### APPROVAL OF MINUTES FROM JULY 11, 2012 PLANNING COMMISSION MEETING

Brian Brower, City Attorney, requested on page 2 the second paragraph from the bottom adding “and Planning Commission” following City Council. The sentence would read, “...change the appeal authority on conditional use permits and variances from the City Council and Planning Commission to a hearing officer ...” **Commissioner Jones moved to approve the minutes of July 11, 2012 with the noted changes of adding “and Planning Commission” after the City Council on page 2. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Butcher, Gaerte, Jones, Stanger and Baron. Voting NO: None**

### PUBLIC HEARING FOR ZONING TEXT AMENDMENT ZTA 1205-0004 FOR AN AMENDMENT TO TITLE 11, CHAPTER 1, TABLE 11.1 MODIFYING APPEAL AUTHORITIES FOR CERTAIN LAND USE APPLICATIONS

Chair Peterson reconvened the public hearing at 7:04 p.m.

PUBLIC COMMENT:

None

**Commissioner Stanger moved to close the public hearing at 7:05 p.m. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Butcher, Gaerte, Jones, Stanger and Baron. Voting NO: None**

**Commissioner Jones moved to table ZTA 1205-0004 until further notice. Seconded by Commissioner Stanger. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Butcher, Gaerte, Jones, Stanger and Baron. Voting NO: None**

PUBLIC HEARING FOR CONDITIONAL USE PERMIT (CUP 1207-0004) FOR A CHURCH, NEW BEGINNINGS APOSTOLIC CHURCH, LOCATED AT 373 SOUTH STATE STREET IN THE C-2 ZONE

Chair Peterson declared the public hearing open at 7:06 p.m.

PUBLIC COMMENT:

None

**Commissioner Gaerte moved to close the public hearing at 7:07 p.m. Seconded by Commissioner Butcher. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Butcher, Gaerte, Jones, Stanger and Baron. Voting NO: None**

Valerie Claussen, Development Services Manager, said the church would be located off State Street in Lakeside Square Commercial Development. The site was fully developed with ample parking, adequate circulation and appropriate access. There were no public comments to date and staff recommended approval.

Max Arnett, Pastor New Beginnings, said three years ago the church obtained a conditional use permit for another location in Clearfield. This move allowed it to be in a larger location. Mr. Arnett said the church was glad to be part of the community.

**Commissioner Stanger moved to approve as conditioned, CUP 1207-0004, a conditional use permit for a church, New Beginnings Apostolic Church, in the C-2 (Commercial) zoning district located at 373 South State Street, based on the findings and discussion in the staff report. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Butcher, Gaerte, Jones, Stanger and Baron. Voting NO: None**

PUBLIC HEARING FOR CONDITIONAL USE PERMIT (CUP 1206-0002) FOR VICTOR'S TIRES LOCATED AT 499 SOUTH STATE STREET FOR AN AUTOMOBILE REPAIR USE IN THE C-2 ZONING DISTRICT

Chair Peterson declared the public hearing open at 7:11 p.m.

**PUBLIC COMMENT:**

None

**Commissioner Jones moved to close the public hearing at 7:12 p.m. Seconded by Commissioner Stanger. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Butcher, Gaerte, Jones, Stanger and Baron. Voting NO: None.**

Valerie Claussen said there was one correction to the conditions of approval. Condition number 1 should state: This conditional use permit was for an automobile repair use, limited to the sales and installation of tire rims. Ms. Claussen reviewed the staff report with the commissioners. She said no public comment had been received to date and staff recommended approval as conditioned to meet the standards that had been established prior to any certificate of occupancy.

Commissioner Butcher was concerned the fire code for outdoor storage could not be met. Chair Peterson asked the commissioners if they wanted to review the request or wait until all the issues had been resolved. The Commissioners started on page 7 and reviewed the standards and staff review items as outlined in the staff report.

Chair Peterson said the first item to address was the restrictions on the chain link fence and its approximation to a public right of way. Commissioner Butcher said he had visited the site and his opinion was the screening of the fence met the intent of Title 11. Chair Peterson said the cinderblock wall ran along the northern and eastern sections of the property, she asked what would be added to the top of the wall. Cody Pavelka, Badlands Construction, said any addition to the fence would be barbed or razor wire on the top of the cinder block wall. Mr. Pavelka said a civil engineer had been hired to redesign the site plan to include the retention pond, water runoff and ten percent landscaping. Chair Peterson was concerned about approving a site plan without a site plan in hand. Commissioner Stanger said it was difficult to make a decision without a complete site plan. Ms. Claussen said approval could be given with conditions; however, it was more difficult. Brian Brower, City Attorney, said there were understandable concerns without an engineered site plan. He said it was appropriate for the Commission to request more information. Mr. Brower said if the Commission decided to move forward, the conditions that needed to be met would need to be outlined. Commissioner Stanger wanted to have complete plans before an approval was given. Commissioner Jones agreed an engineered site plan was needed. Commissioner Baron recommended waiting for the completed plans.

The commissioners wanted to wait and have more information before a decision was made. Commissioner Stanger recommended the Commission give the applicant direction on its concerns. Chair Peterson asked if the next meeting would be on August 15, 2012. Ms. Claussen said there would be a special requested meeting on August 15, 2012, but an additional \$500 fee was required to be on that agenda. She also said it would be difficult for the applicant to meet the time frame for the August 15<sup>th</sup> meeting. Mr. Pavelka said the civil engineer would not survey the property for another week. He said they were meeting the conditions of the city engineer which included a retention pond and ten percent landscaping. Chair Peterson said the big concern on the conditional use permit was whether or not the standards from the Fire District could be met. Mr.

Brower said from a legal perspective there were sufficient deficiencies with the hand drawn diagram and no engineered plans, if the commission didn't feel comfortable with moving forward he would be okay defending that position.

The commissioners decided to review the conditional use permit now and review the site plan at the September meeting. Ms. Claussen said typically conditional use permits have associated site plans. She stated that there was the possibility the two could be separated, but there were parts of the conditional use permit that had an integral part to the site plan. Mr. Brower reminded the commissioners that a conditional use permit was almost always granted with conditions.

**Commissioner Butcher moved to table CUP 1206-0002 a conditional use permit and SP 1206-0002 a site plan for Victor's Tires located at 499 South State Street for further discussion at the September Planning Commission meeting. Seconded by Commissioner Brooks. The motion carried upon the following vote: Voting AYE: Commissioners Butcher, Brooks, Jones and Baron. Voting NO: Commissioners Gaerte and Stanger.**

Chair Peterson told the applicant at the September meeting the Planning Commission wanted to see engineered plans that addressed the site plan and each of the items called out in the staff report on page ten.

A short break was taken at 7:57 p.m.  
The meeting resumed at 8:01 p.m.

#### SPECIAL PLANNING COMMISSION MEETING AUGUST 15, 2012

Valerie Claussen said two applications were received from Ninigret Construction North requesting a special Planning Commission meeting to review their preliminary and final plat. The discussion tonight was to insure there would be a quorum at the meeting on August 15, 2012. Chair Peterson and Commissioner Stanger said they were not able to attend; however, there were enough that could attend for a quorum.

**Commissioner Gaerte moved to approve the scheduling of a special Planning Commission meeting to be held on August 15, 2012. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Butcher, Gaerte, Jones, Stanger and Baron. Voting NO: None.**

#### DISCUSSION TO INITIATE AMENDMENTS TO TITLE 11

Valerie Claussen stated that staff needed direction to proceed with amendments to Title 11 for zoning districts that did not exist within the City that should be established. Commissioner Brooks said the Commission needed to move forward. Chair Peterson said the amendments should be a top priority.

**Commissioner Baron moved to direct staff to initiate amendments to Title 11 pertaining to the establishments of new zoning districts, overlays and design guidelines. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Butcher, Gaerte, Jones, Stanger and Baron. Voting NO: None.**

STAFF REPORTS

Valerie Claussen had no items to discuss.

PLANNING COMMISSIONERS' MINUTE

Commissioner Butcher – said he had concerns with Victor's tires more than the fire issue. He asked if the commissioners could go inside the building. Valerie Claussen said to ask the applicant to address concerns. Brian Brower said the use requires a conditional use permit for a reason. He said as far as the conditional use permit is concerned the Commission should be looking at those things that would have a detrimental impact on the surrounding property. Items that should be considered are noise, fencing, hours of operation. Commissioner Butcher asked if they would see the options addressed by the fire marshal. Mr. Brower said this body could have concerns with fire safety especially where the surrounding property is residential.

Commissioner Brooks – said one of the options discussed was to approve the conditional use permit and then have staff ensure all the conditions were met. She stated in her opinion it is the responsibility of the Planning Commission to review and approve and not add burden to staff. She said she noticed a new smoke shop and wondered how many there were in Clearfield. Brian Brower stated that smoke shop opened the day before the new ordinance went into effect. Valerie Claussen said there were three others.

Commissioner Jones – said he wanted the approval of the tire store postponed because they weren't really prepared. We have duty to the citizens to do the best job we can.

Commissioner Gaerte – said he agreed.

Commissioner Stanger – said he would like code enforcement to have more ability for graffiti removal. Chair Peterson said he should go to City Council. Brian Brower asked where the property was that had problems and he would have the City employees clean it up. Commissioner Stanger said it was the gas station on 300 North and Main. Valerie Claussen said Planning Commission only had purview over Title 11; the current municipal code for graffiti was under Title 5. Ms. Claussen said she would give the information to the correct body to have the change made. Commissioner Stanger said there was a bus bench on 700 South that was in need of repair.

Commissioner Baron – Nothing

Commissioner Peterson – said it was better the Planning Commission made the decision for the conditional use permit and not direct staff to make the decision.

Councilmember LeBaron – Nothing

There being no further business to come before the Planning Commission, **Commissioner Stanger moved to adjourn at 8:24 P.M.**