

**CLEARFIELD PLANNING COMMISSION MEETING**

June 6, 2012

7:00 P.M. - Regular Session

PRESIDING:	Nike Peterson	Chair
PRESENT:	Becky Brooks	Commissioner
	Norah Baron	Alternate Commissioner
	Lance Brown	Alternate Commissioner
	Michael LeBaron	Council Liaison
ABSENT:	Randy Butcher	Commissioner
	Joel Gaerte	Commissioner
	Ron Jones	Commissioner
	Brandon Stanger	Commissioner
	Brian Brower	City Attorney
STAFF PRESENT:	Valerie Claussen	Development Services Manager
	Christine Horrocks	Building Permits Specialist
VISITORS:	Kathryn Murray	

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF AGENDA

**Commissioner Brooks moved to accept the agenda as written. Seconded by Commissioner Baron. The motion carried upon the following vote: Voting AYE: Commissioners Peterson, Brooks, Baron and Brown. Voting NO: None.**

APPROVAL OF MINUTES FROM MAY 2, 2012 PLANNING COMMISSION MEETING

**Commissioner Baron moved to approve the minutes of May 2, 2012 as written. Seconded by Commissioner Brooks. The motion carried upon the following vote: Voting AYE: Commissioners Peterson, Brooks, Baron and Brown. Voting NO: None.**

PUBLIC HEARING FOR TEXT AMENDMENT (TA 1204-0002) TO CLEARFIELD CITY LAND USE ORDINANCE TITLE 11, CHAPTER 3, CHAPTER 11 AND CHAPTER 13

Valerie Claussen said there was a change to the staff report. The analysis paragraph should read: "These proposed changes are consistent with the recently enacted State statutes. In addition to reflecting the State statute changes, the adoption of the ordinance at the City's level provides a locally defined process to follow."

Ms. Claussen said State legislation was recently enacted which revised Utah State Code in

establishing certain restrictions on the location of retail tobacco specialty businesses. The proposed text amendment reflected the changes to State code. She said there were four current businesses within the City that were classified as retail tobacco specialty businesses. Ms. Claussen said the proposed amendment required modifications to Title 4 and Title 11 of the City Code. The Planning Commission recommended changes to Title 11. Ms. Claussen said the definition of retail tobacco specialty business was added to chapter 3. In chapter 13, supplementary standards, distance requirements were stated and reflected the distances required by State code. Chapter 11 listed retail tobacco specialty businesses as a permitted use in the C-2 (commercial) zone. Ms. Claussen stated the proposed amendment was in accordance with the General Plan and Map; it was consistent and established a locally defined process that was consistent with State statutes.

Chair Peterson opened the public hearing at 7:12 P.M.

**PUBLIC COMMENT:**

None

**Commissioner Brooks moved to close the public hearing at 7:13 P.M. Seconded by Commissioner Baron. The motion carried upon the following vote: Voting AYE: Commissioners Peterson, Brooks, Baron and Brown. Voting NO: None**

Commissioner Baron asked if the existing retail tobacco specialty shops met the distance requirement. Ms. Claussen stated she did not measure the distance, but the existing businesses were grandfathered. Commissioner Brown asked if a per capita requirement could be added. Ms. Claussen said the distance requirement was standard practice in zoning to prevent clustering. It would become self-limiting based on geographical constraints. She said that if the Commission wanted to add a per capita requirement, it would need to demonstrate why it wanted to exceed State code requirements. Chair Peterson said she spoke to Brian Brower, City Attorney. Mr. Brower told her that evidence would need to state why the commission wanted to take an additional regulatory step. Chair Peterson asked Ms. Claussen if she was aware of any studies that were done on smoke shops. Ms. Claussen said she did some research and discovered there wasn't a lot of information on smoke shops. She said the State code was so stringent on the distance that it almost limited the number of retail tobacco specialty shops and restricting per capita was most likely not necessary due to the geographical layout of the City. Commissioner Brooks said if there were just a few locations where additional smoke shops could be located that she was fine with accepting the State statute. Ms. Claussen said it was difficult to guarantee, but the requirement of the buffer around residential and commercial properties, leaves only industrially zoned properties for the use. She said it was up to the applicant to demonstrate the business met the distance requirement. Chair Peterson said she liked the wording in the State code that required 600 feet from residential zone or use. She said there were many areas in the City that were zoned commercial or industrial, but were used as a residence.

**Commissioner Baron moved to recommend approval of ZTA 1204-0002, an amendment to the Land Use Ordinance Title 11, Chapters 3, 11 and 13 for the inclusion of definitions and supplementary standards and related matters for retail tobacco specialty businesses, based**

**on the findings and discussion in the staff report. Seconded by Commissioner Brown, The motion carried upon the following vote: Voting AYE: Commissioners Peterson, Brooks, Baron and Brown. Voting NO: None**

### STAFF REPORTS

Valerie Claussen showed the Commission the proposed solution for the Goupios property which mitigated the traffic impact off of 1000 West. She said the drop off area was marked, the parking area altered and the solution was a fair compromise. Ms. Claussen told the Commissioners to save the date of June 19, 2012 for a possible joint City Council and Planning Commission meeting. The developer for the UTA site would show the proposed design that was submitted to UTA for the rail stop site. She said more information would follow. Ms. Claussen said the City Council had discussed the sign ordinance during a work session and a subcommittee would be formed to review the sign ordinance.

### PLANNING COMMISSIONERS' MINUTE

Commissioner Peterson – nothing

Commissioner Brooks – said she would be absent at the July 11, 2012 meeting. She said during the Vision 2020 open house she spoke with Adam Lenhard, City Manager. She asked him what the Planning Commission could do proactively. He said the General Plan was the responsibility of the Planning Commission and it had not been updated since 2008. She proposed adding to the 2012 action plan discussion to update the General Plan. She said Clearfield University finished last night and graduation was next week.

Commissioner Baron – said she enjoyed Clearfield University and encouraged the Commissioners recommend it to their neighbors.

Commissioner Brown – nothing

Councilmember LeBaron– nothing

### PLANNING COMMISSION TRAINING, MUNICIPAL CODE, TITLE 11

The commissioners reviewed the Manufacturing M-1 zone.

Chair Peterson asked for recommendations for future training. The Commissioners requested training on the commercial zone and wanted to review the C-1 zone and the C-2 zone at different times. The discussion was ordinance specific and not tied to certain projects.

There being no further business to come before the Planning Commission, **Commissioner Brooks moved to adjourn at 8:01 P.M.**