

CLEARFIELD PLANNING COMMISSION MEETING

October 3, 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

ABSENT: Michael LeBaron Council Liaison

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

VISITORS: Betty Parker, Josh Maes, Cory Brown, Gary Doesburg, Kevin Porter,
Kathryn Murray, Adam Shupe

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF AGENDA

Chair Peterson noted that item number four, SP 1209-0004 would be removed from the agenda. **Commissioner Butcher moved to accept the agenda with the changes as noted. 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 SEPTEMBER 5, 2012 PLANNING COMMISSION MEETING

Chair Peterson requested two changes. On page three, she asked for additional information on the question she asked to Mr. Pavelka about the status of the four foot fence that ran along the western side of the property in front of the building. On page four, paragraph two, she asked to have a clarification added to the second sentence to refer to design standards in Title 11, Chapter 18.

Commissioner Stanger moved to approve the minutes for September 5, 2012 with changes as noted. 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 PSP 1209-0002 AND FSP 1209-0003 A FOUR LOT SUBDIVISION

PLAT IN THE FREEPORT CENTER

Valerie Claussen, Development Services Manager, said the request was for preliminary and final plat approval for a four lot subdivision of approximately 19.248 acres. She stated the property was master planned industrial and zoned M-1, Manufacturing. The property met the intent of master plan policies and was consistent with the land use ordinance. Ms. Claussen said the subdivision enabled Freeport Center Associates and Lifetime to complete property sales transactions. She said no public comment had been received and staff recommended approval.

PUBLIC HEARING FOR PSP 1209-0002, A REQUEST FROM FREEPORT CENTER ASSOCIATES, FOR A PRELIMINARY SUBDIVISION PLAT OF APPROXIMATELY 19.248 ACRES INTO FOUR LOTS

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

PUBLIC COMMENT:

None

Commission Gaerte moved to close the public hearing at 7:07 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.

PUBLIC HEARING FOR FSP 1209-0003, A REQUEST FROM FREEPORT CENTER ASSOCIATES, FOR A FINAL SUBDIVISION PLAT OF APPROXIMATELY 19.248 ACRES INTO FOUR LOTS

Chair Peterson declared the public hearing open at 7:07 p.m.

PUBLIC COMMENT:

None

Commissioner Jones moved to closed the public hearing at 7:08 p.m. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Butcher, Gaerte, Jones, Stanger and Baron. Voting NO: None.

APPROVAL OF PSP 1209-0002, A REQUEST FROM FREEPORT CENTER ASSOCIATES, FOR A PRELIMINARY SUBDIVISION PLAT OF APPROXIMATELY 19.248 ACRES INTO FOUR LOTS

Commissioner Brooks moved to approve PSP 1209-0002, a preliminary subdivision plat for portions of areas D and G of Freeport Center, based on the discussion and findings provided in the staff report. 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 FSP 1209-0003, A REQUEST FROM FREEPORT CENTER ASSOCIATES,

FOR A FINAL SUBDIVISION PLAT OF APPROXIMATELY 19.248 ACRES INTO FOUR LOTS

Commissioner Jones moved to recommend approval to the City Council, FSP 1209-0003, a final subdivision plat for portions of areas D and G of Freeport Center, based on the discussion and findings provided in the staff report. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Butcher, Gaerte, Jones, Stanger and Baron. Voting NO: None.

PUBLIC HEARING FOR CUP 1209-0005, A CONDITIONAL USE PERMIT FOR A MOTOR VEHICLE SALES USE TO BE LOCATED AT 447 NORTH MAIN STREET

Chair Peterson declared the public hearing open at 7:10 p.m.

PUBLIC COMMENT:

Kevin Porter, Clearfield, said he was in favor of any business that would provide a service and bring revenue to the City.

Gary Doesberg, owner of A Hint of Tint, said he was in favor of approving the conditional use permit. He said Mr. Joshua Maes was a good man.

Commissioner Brooks moved to close the public hearing at 7:11 p.m. 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 CUP 1209-0005, A CONDITIONAL USE PERMIT FOR A MOTOR VEHICLE SALES USE TO BE LOCATED AT 447 NORTH MAIN STREET

Valerie Claussen said there was one correction on page six of six, condition of approval number 2 should read: "No more than 22 cars shall be onsite, including two dedicated spaces for employees and two dedicated spaces for customers as indicated on the exhibit. Said parking spaces shall have signage identifying these specific parking spaces. ... "

Ms. Claussen said the conditional use permit was for motor vehicle sales in the C-2 zoning district. The property was master planned commercial and zoned C-2, commercial. She said the properties to the south and east were zoned commercial; the properties to the west and north were zoned residential. Ms. Claussen said this was for a conditional use permit only and there had been no application for exterior changes or an abandoned use that required a site plan approval. The proposed business hours were 9:00 a.m. to 6:00 p.m., Monday through Saturday. She said access to the site was by the entrance driveway directly on subject property or a shared access at the south end. There was no direct access onto Villa Drive.

Ms. Claussen said the conditions of approval addressed: population, land intensity, parking,

loading and waste areas. She said auto sales was a more intense permitted use and the sales lot was less than 8,000 square feet, addressing the amount of inventory and requiring it to be maintained on-site mitigated the impact to adjacent properties. Ms. Claussen said two other elements that could be conditioned were the mitigation of possible nuisance factors and other reasonable conditions. The parcel was recorded in the 1940's as a residential subdivision. She said the paved road width for the subdivision was 36 percent more narrow than standard paved roads. Ms. Claussen said prohibiting test drives in these neighborhoods mitigated the possible nuisance factor.

Ms. Claussen said the findings for the conditional use permit could be made; it was equivalent to permitted use as conditioned. The conditions of approval were intended to mitigate the impact on adjacent properties. She said no public comment had been received, other than the comments received at the public hearing. Staff recommended approval as conditioned.

Commissioner Butcher asked where the parking was located for the customers. The site plan was reviewed and Commissioner Butcher was shown where the customer and employee parking area would be located. Chair Peterson said for clarification, the correction to condition number two was not replacing condition number two but was added to condition number two. Commissioner Butcher asked where the customers would park if there were more than two. Joshua Maes, owner of Right Price Auto, said on the south side of building there was an area where the customers could also park. Mr. Maes said there was a shared driveway with the pawn shop to the south. The properties were owned by the same individual.

Commissioner Baron asked how they would get cars to the north side of the property because there was not a direct access. Mr. Maes said they would drive over the parking ramp. Commissioner Baron asked if the parking lot entrance that was not shared would have cars parked in it or would it be open. Mr. Maes said it would be open. Commissioner Baron asked if the cars parked on the north side of the lot could be moved back from the sidewalk so the residents on Villa would have better view at the corner. She also asked if there could be no parking on Main Street from South Villa to the north entrance. Brian Brower, City Attorney, said Main Street was a state road. He said the public works department and the police chief could determine if some type of signage could be placed along the street. Mr. Brower told the commissioners if there were concerns that needed to be mitigated, a condition must be added to the conditional use permit. Ms. Claussen said the lot was narrow and the typical front buffer yard was ten feet. Commissioner Baron had measured the lot and a ten foot setback was adequate. Commissioner Gaerte said the condition could state, the clear view triangle of ten feet from the northeast corner must be kept clear of vehicles.

Chair Peterson asked Mr. Maes what plans they had to discourage customers to not use the residential street. Mr. Maes said he would tell them. He said most customers liked to go on the freeway. Commissioner Baron said the car lot did not have a direct access onto Villa Drive. Commissioner Stanger asked about signage. Ms. Claussen stated that a face change to the signs was permitted. Commissioner Stanger asked how the cars were driven off the lot with going over curb. Commissioner Butcher said the parking ramp appeared to be in the way. Mr. Maes said there was one car on the ramp and it would be parked sideways. Chair Peterson said they needed

to make it work on site.

Chair Peterson reviewed the conditions of approval.

Commissioner Gaerte moved to approve CUP 1209-0005, a Conditional Use Permit for Right Price Auto, a motor vehicle sales use in the C-2 (Commercial) zoning district located at 447 North Main Street, based on the following conditions:

- 1) **This Conditional Use Permit is for motor vehicle sales located at 447 N. Main St.**
- 2) **No more than 20 cars shall be onsite, including two dedicated spaces for employees and two dedicated spaces for customers, as indicated on submitted exhibit. Said parking spaces shall have signage identifying these specific parking spaces. The entire inventory must be able to be parked on site and cannot overflow onto adjacent roads. The site shall not have double parked vehicles and maintain adequate circulation flow at all times. Off-site parking for the purposes of inventory will be prohibited.**
- 3) **The test drive routes are prohibited from using adjacent residential roads, including but not specifically only limited to Clearfield Villa Subdivision and Lakeview Subdivision.**
- 4) **The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.**
- 5) **The northern parking lot entrance will be kept open and clear.**
- 6) **The use of Villa Drive to deliver, remove, or transport cars shall be prohibited.**
- 7) **A setback of a 15 X 15 foot triangle shall be kept clear of vehicles on the northeast corner.**

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 ZTA 1207-0003 AN AMENDMENT TO THE CLEARFIELD CITY SUBDIVISION ORDINANCE TITLE 12, CHAPTER 4 AND CHAPTER 9

Valerie Claussen noted changes made to the amendment for clarification to 12-4-6(E) and 12-9-13(C) which added, "...one year after the *satisfactory* completion...if all work is satisfactory (*without defect in materials or workmanship*) a recommendation..." Ms. Claussen said State legislation was enacted in 2008 which revised Utah State Code in authorizing the time limits set for subdivision improvement guarantees. The proposed text amendment reflects the changes made to State Code. Ms. Claussen said since the State laws were modified, the City had already modified its processes and the text amendment was a housekeeping item that codified the procedures the City had already been following. Staff recommended approval and no public comment had been received to date.

Chair Peterson declared the public hearing open at 7:57 p.m.

PUBLIC COMMENT:

None

Commissioner Gaerte moved to close the public hearing at 7:58 p.m. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Butcher, Gaerte, Jones, Stanger and Baron. Voting NO: None.

APPROVAL OF ZTA 1207-0003 AN AMENDMENT TO THE CLEARFIELD CITY

SUBDIVISION ORDINANCE TITLE 12, CHAPTER 4 AND CHAPTER 9

Commissioner Stanger moved to recommend to City Council approval of ZTA 1207-0003, a text amendment to Title 12 regarding warranty period. 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 ZTA 1208-0004 AMENDMENTS TO THE CLEARFIELD CITY LAND USE ORDINANCE TITLE 11 CHAPTER 11 AND CHAPTER 12

Valerie Claussen read and reviewed the staff report and the documents associated with it. She said no public comment had been received to date and staff recommended continuing the public hearing so it could run in conjunction with taking action on the item.

Commissioner Stanger asked if the form based code would only be applied to Transit Oriented Design (TOD). Ms. Claussen said at this point it was just for the TOD. Ms. Claussen said form based code was not easier for staff. There was greater leverage for a more quality project working through form based code. Brian Brower said form based codes provided greater flexibility for the City and the developer. He said a development agreement was a lot of work. Mr. Brower said the Utah Land Use Institute said form based code was the wave of the future.

Chair Peterson said the Commission had difficulty in making a decision because the question was asked if the change was good for the entire City; form based code was just for one area. Commissioner Gaerte asked how the City went from nothing to a final form based code. Ms. Claussen said the responsibility of the Planning Commission was to create the list of concerns, to be given to the applicant. Chair Peterson said it would be like a site plan and master plan rolled into one; the Planning Commission would look at the applications up front. Ms. Claussen said the trade off was the work was done up front and then each piece did not need to wait for a public meetings. She said changes would come forward for review. Brian Brower said the developer currently on board was a proven developer.

Commissioner Stanger asked left the meeting at 8:27 p.m.

Chair Peterson declared the public hearing open at 8:28 p.m.

PUBLIC COMMENT:

None

Commissioner Gaerte moved to continue the public hearing to the November 7, 2012 Planning Commission meeting. Seconded by Commissioner Butcher. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Butcher, Gaerte, Jones and Baron. Voting NO: None.

APPROVAL OF ZTA 1208-0004 AMENDMENTS TO THE CLEARFIELD CITY LAND USE ORDINANCE TITLE 11 CHAPTER 11 AND CHAPTER 12

Commissioner Butcher moved to direct staff to proceed with the TOA (Transit Oriented Area) zoning district enabling form based code and continue discussion on ZTA 1208-0004 to the November 7, 2012 meeting. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Butcher, Gaerte, Jones and Baron. Voting NO: None.

STAFF REPORTS

Valerie Claussen said October was Community Planning Awareness month and thanked the Commissioners for their service.

She said there were two vacancies on the Planning Commission and letters of interest were being accepted until November 14, 2012. She encouraged them to let any friends know. Ms. Claussen said the City Council had discussion on adjusting the stipend given to the commissioners. She told the commissioners to anticipate the discussion of the TOD in December.

PLANNING COMMISSIONERS' MINUTE

Commissioner Peterson – Thanked Commissioner Brown for his service on the Planning Commission. He had resigned because he moved out of state.

Commissioner Brooks – Appreciated looking at form based code.

Commissioner Butcher – Thanked staff for information on form based code. He mentioned he had seen Chair Peterson on the news.

Commissioner Gaerte – Nothing

Commissioner Jones – Nothing

Commissioner Stanger – left the meeting at 8:27 p.m.

Commissioner Baron – Thanked the Commissioners for bearing with her on Right Price Auto.

There being no further business to come before the Planning Commission, **Commissioner Butcher moved to adjourn at 8:35 P.M.**