

CLEARFIELD PLANNING COMMISSION MEETING

September 5, 2012

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

PRESENT: Becky Brooks Commissioner
Joel Gaerte Commissioner
Brandon Stanger Commissioner
Norah Baron Alternate Commissioner
Lance Brown Alternate Commissioner
Michael LeBaron Council Liaison

ABSENT: Randy Butcher Commissioner
Ron Jones Commissioner

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

VISITORS: Cody Pavelka, Victor Galindo, Melanie Rogers, Kevin M. Rogers, Kathryn Murray

Chair Peterson called the meeting to order at 7:25 p.m.

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF AGENDA

Chair Peterson requested item number 5 be heard before item number 4.

Commissioner Baron moved to have item number 5, public hearing, discussion and possible action on CUP 1207-0006 to be heard before item number 4, public hearing, discussion and possible action on CUP 1206-0002. Seconded by Commissioner Stanger. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Gaerte, Stanger, Brown and Baron. Voting NO: None.

APPROVAL OF MINUTES FROM AUGUST 1, 2012 PLANNING COMMISSION MEETING

Commissioner Stanger moved to approve the minutes of August 1, 2012 as stated. Seconded by Commissioner Gaerte. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Gaerte, Stanger, Brown and Baron. Voting NO: None.

APPROVAL OF MINUTES FROM AUGUST 15, 2012 PLANNING COMMISSION MEETING

Commissioner Gaerte moved to approve the minutes of August 15, 2012 as written. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Gaerte, Stanger, Brown and Baron. Voting NO: None.

PUBLIC HEARING FOR CUP 1207-0006 A CONDITIONAL USE PERMIT FOR LITTLE LIGHTS CHRISTIAN ACADEMY, A COMMERCIAL PRESCHOOL AT 1204 EAST 1450 SOUTH

Chair Peterson declared the public hearing open at 7:30 p.m.

PUBLIC COMMENT:

None

Commissioner Brooks moved to close the public hearing at 7:31 p.m. Seconded by Commissioner Brown. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Gaerte, Stanger, Brown and Baron. Voting NO: None.

Valerie Claussen, Development Services Manager, said the conditional use permit was for a preschool. She stated the site had adequate parking, circulation and access. The weekday preschool complimented the weekend church use. She said no public comment had been received to date and staff recommended approval as conditioned.

Melanie Rogers, owner of Little Lights Christian Academy, said she operated the preschool the past three years at her house in Syracuse. She said the children were taught basic skills, plus a faith based program where the children were taught good moral values.

Commissioner Stanger asked if this property recently had a conditional use permit for an out building. Chris Horrocks, Building Permit Specialist, stated the building permit was issued in December 2009 and the out building had been removed. Brian Brower, City Attorney, stated there was not a problem with two conditional use permits on the same property.

Commissioner Brooks moved to approve as conditioned, CUP 1207-0006, a conditional use permit for Little Lights Christian Academy, a commercial preschool facility in the C-1 (Commercial) zoning district located at 1204 East 1450 South, based on the findings and discussion in the Staff Report. Seconded by Commissioner Gaerte. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Gaerte, Stanger, Brown and Baron. Voting NO: None.

PUBLIC HEARING FOR CUP 1206-0002 A CONDITIONAL USE PERMIT FOR AN AUTOMOBILE REPAIR USE (SALES AND INSTALLATION OF TIRE RIMS) FOR VICTOR'S TIRES, LOCATED AT 499 SOUTH STATE STREET, PROPERTY LOCATED IN THE C-2 ZONING DISTRICT

Chair Peterson reconvened the public hearing at 7:38 p.m.

PUBLIC COMMENT:

None

Commissioner Gaerte moved to close the public hearing at 7:39 p.m. Seconded by Commissioner Baron, The motion carried on the following vote: Voting AYE: Commissioners Brooks, Gaerte, Stanger, Brown and Baron. Voting NO: None.

Valerie Claussen said the applicant had resubmitted plans that addressed previous concerns. She said an approval letter was received from the city engineer. The Fire District was working with the applicant and final approval must be received prior to occupancy. Ms. Claussen said the conditions of approval authorized outdoor storage as an accessory use. She said the conditions accepted the fencing plan which included the slatted chain link fence along the storage area. She said the Commission needed to discuss an acceptable material on the top of the perimeter of the walls and fences. Ms. Claussen said the general standards for approving the conditional use permit were met. She said the site plan review considerations of ten percent landscaping, off-street parking, drainage, building locations and use could all be met. Ms. Claussen said no public comment was received to date and staff recommended approval of both the conditional use permit and the site plan as conditioned for Victor's Tires.

Commissioner Stanger asked about the difference between the height of the fence and the allowable height of the materials stored. Cody Pavelka, Badlands Construction, said there would not be razor wire placed on the top of the fence. The posts on the block wall would be cut off. Mr. Pavelka said the height of the fence was due to the difference in elevation between the tire store and the insurance office. He said the fence was eight feet not ten feet in the front. Commissioner Stanger asked about the landscaping with no irrigation. Mr. Pavelka said there would be hardscape rocks with trees and bushes. He said a landscape drip system would be added. Ms. Claussen said staff was not concerned because it was behind the gates and was not visible. Chair Peterson asked about the existing screening fence. Mr. Pavelka said the four foot fence would be removed and replaced with a curb.

Chair Peterson asked the commissioners if they agreed with the staff finding that the outdoor storage was accessory use. There were no comments or concerns. Chair Peterson stated the applicant said there would not be razor or barbed wire along the top of the block wall. Commissioner Stanger wanted the condition of no razor or barbed wire added to the conditions of approval. Ms. Claussen said it would be added that razor or barbed wire was not a suitable fencing material. Brian Brower, City Attorney, told the commissioners if there were concerns about the fence, the conditions of approval should specify materials on the top of the fence and the height of the fence.

Chair Peterson asked what the commissioners wanted with the block wall. Commissioner Stanger said no barbed or razor wire. Commissioner Gaerte asked if code limited the height of the fence. Ms. Claussen said not specifically, but the logistics and structural calculations could. Commissioner Stanger said if the chain link fence was currently eight feet, he would not want it to be any higher. Mr. Brower said language could read: no additional fencing materials (including but not limited to razor and barbed wire) shall be added to the top of the CMU block wall or the top of the chain link fence. Chair Peterson asked if there were any concerns with the eight foot chain link fence in the front of the property. Commissioner Stanger said the slats in the fence should be kept in good repair.

Chair Peterson said because of the change of use and the additional property being used, she asked if the commissioners wanted to request additional requirements that met design standards. Ms. Claussen said the exterior changes were to the storage area but the building itself was not being changed and staff was comfortable with the proposal. Commissioner Stanger asked if the landscaping met the percentage requirement. Ms. Claussen said the ten percent landscaping requirement had been met. Commissioner Stanger asked if the outside of the building that faced the street could be changed. Mr. Pavelka said the block portion of the building would be repainted and the windows would be cleaned. He said there was not a lot that could be done with the front of the building. Mr. Pavelka said planters could be placed along the front of the building. Chair Peterson asked about the retention pond area. Mr. Pavelka said the area was grass with five to six inch cobble stone in the bottom. Commissioner Gaerte said keeping the building up was beneficial to the City. Commissioner Brooks agreed with Commissioner Gaerte and said if the business was within the guidelines, that was all that would be expected.

PUBLIC HEARING, CUP 1206-0002, CONDITIONAL USE PERMIT FOR AN AUTOMOBILE REPAIR USE (THE SALES AND INSTALLATION OF TIRE RIMS), TO BE LOCATED AT 499 SOUTH STATE STREET, WHICH PROPERTY LIES IN THE C-2 ZONING DISTRICT

Commissioner Stanger moved to approve as conditioned CUP 1206-0002, a conditional use permit for Victor's Tires, an automobile repair use (the sales and installation of tire rims) in the C-2 zoning district located at 499 South State Street, based on the finding and discussion in the staff report. Condition 2 changed to read: The fencing plan should consist of a minimum of 6 foot high CMU block wall along the northern and eastern property lines and slatted chain link fencing along the western property line and southern portion of the storage area. No additional fencing material shall be added to the top of the CMU or chain link including but not limited to razor wire, barbed wire, glass or any other theft deterrent. Fencing shall be kept in good maintenance and repair. And it shall not exceed a taller height than eight feet. And add Condition 5: Greenery and planters will be added to south corner of the building facing State Street, helping with curb appeal. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Gaerte, Stanger, Brown and Baron. Voting NO: None.

SITE PLAN SP 1206-0002, SITE PLAN APPROVAL OF AN AUTOMOBILE REPAIR USE (THE SALES AND INSTALLATION OF TIRE RIMS) LOCATED AT 499 SOUTH STATE STREET WHICH PROPERTY LIES IN THE C-2 ZONING DISTRICT

Commissioner Gaerte moved to approve as conditioned, SP 1206-0002, site plan approval of an automobile repair use (the sales and installation of tire rims) located at 499 South State Street based on the findings and discussion in the staff report. Seconded by Commissioner Stanger. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Gaerte, Stanger, Brown and Baron. Voting NO: None.

PUBLIC HEARING, ZTA 1208-0004, AMENDMENTS TO THE CLEARFIELD CITY LAND USE ORDINANCE TITLE 11 CHAPTER 11 AND CHAPTER 12 FOR THE ESTABLISHMENT OF NEW ZONING AND OVERLAY DISTRICTS WITHIN THE CITY

Chair Peterson declared the public hearing open at 8:08 p.m.

PUBLIC COMMENT:

None

Commissioner Stanger moved to continue, ZTA 1208-0004, amendments to the Clearfield City Land Use Ordinance Title 11 Chapter 11 and Chapter 12 to the October 3, 2012, Planning Commission meeting. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Gaerte, Stanger, Brown and Baron. Voting NO: None.

Valerie Claussen said the public hearing would be continued until next month. The text amendments included the addition of light industrial or business park type zoning district that didn't currently exist in the City. Ms. Claussen said there would also be discussion on a planned development overlay, mid-rise or vertical overlay.

STAFF REPORTS

Valerie Claussen said there would be a consortium downtown Salt Lake City. She said it was a large group that met twice a year and discussed demographic changes and regional transportation needs. She said it was very oriented toward TOD and mixed use development.

Chair Peterson asked for the status of the 7-Eleven. Ms. Claussen said the city engineer and the project engineer would meet on site to resolve issues. She said the project was moving forward slowly, but there was regular dialog with the applicant.

PLANNING COMMISSIONERS' MINUTE

Commissioner Brown – nothing

Commissioner Brooks – nothing

Commissioner Gaerte – nothing

Brian Brower –said it was in the best interest of the City to demand properly prepared documents. It was a good learning experience for the Commission to view the difference between the documents submitted at the August 1st meeting compared to the professionally designed plans presented tonight.

Councilmember LeBaron – nothing

Commissioner Stanger – said he noticed a lot of gigantic weeds and code enforcement violations throughout the City. He asked if the City would want to have a code enforcement officer from Ogden City talk to them about its procedures with code enforcement. Brian Brower said the City was revising city code for code enforcement and there were now two full time law enforcement officers. Mr. Brower said the new ordinance would be as effective as any other process we have had.

Commissioner Baron – nothing

Commissioner Peterson - nothing

There being no further business to come before the Planning Commission, **Commissioner Brooks moved to adjourn at 8:18 P.M.**