

CLEARFIELD PLANNING COMMISSION MEETING

December 4, 2013

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

PRESENT: Norah Baron Commissioner
Keri Benson Commissioner
Becky Brooks Commissioner
Randy Butcher Commissioner
Joel Gaerte Commissioner
Ron Jones Commissioner
Timothy Roper Alternate Commissioner
Michael LeBaron Council Liaison

STAFF PRESENT: Adam Lenhard City Manager
Brian Brower City Attorney
JJ Allen Assistant City Manager
Scott Hess Development Services Manager
Christine Horrocks Building Permits Specialist

VISITORS: Jean Reyes, B. Reyes, B. S. Reyes, Karol Vasquez, Anthony Vasquez,
David Harper, Bruce Baird, Chris Ryan, Dale Kruitbosch, Blake Hazen,
Tom Checketts, Dallin Checketts, Eric Hazen

Pledge of Allegiance was led by Chair Peterson

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES FROM NOVEMBER 6, 2013 PLANNING COMMISSION MEETING

Commissioner Gaerte moved to approve as written the minutes from the November 6, 2013 Planning Commission meeting. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Benson, Brooks, Butcher, Gaerte, and Jones. Voting NO: None.

PRESENTATION FROM BEAUTIFICATION COMMITTEE

Adam Lenhard, City Manager, said a beautification committee was formed and assigned to review the City's property maintenance ordinances for strengths and weaknesses, perform area-specific assessments of all City neighborhoods for condition and needs, identify possible landscaping, signage and other elements for implementation, and prepare lists of prioritized

projects and needs. Mr. Lenhard presented the findings of the committee. He said the City needed to set the standard.

Chair Peterson asked if the City had a prioritized list of properties that needed cleanup. Mr. Lenhard said the City was working on a redevelopment plan for the CDRA areas and would look at all areas focusing on the areas with the greatest need. Commissioner Butcher said businesses were fined if graffiti wasn't cleaned up in a certain time frame. He asked if the City could help the businesses with graffiti removal. Mr. Lenhard stated the City provided the materials needed for removal. Chair Peterson asked who to contact for help with graffiti removal. Mr. Lenhard told her the Public Works Department distributed the materials.

DISCUSSION ON SP 1310-0004, A REQUEST BY TITLE MAX FOR SITE PLAN APPROVAL OF A TITLE LOAN BUSINESS LOCATED AT 450 SOUTH STATE STREET

Scott Hess, Development Services Manager, said the property should be addressed 445 South State. He said the building was abandoned in 2007 and code required site plan approval for use of the property. Mr. Hess said payday lending establishments and title lending establishments were defined independently in City and State code. He said the site did not meet the 10 percent landscaping requirement and was approximately 700 square feet short of landscaping which was a condition of approval. Mr. Hess said the storm drain system was existing and the dumpster enclosure needed repairs before it was used or it could be vacated. Bruce Baird, Counsel for Title Max, said Title Max would comply with all the conditions in the staff report. He stated Title Max did not provide payday lending.

Chair Peterson asked Mr. Baird if the intent for the additional landscaping was to establish an escrow account and have the work done in the spring. Mr. Baird said yes, that was the plan. Chair Peterson asked the commissioners if there were any concerns with the design standards, parking, landscaping or the dumpster. The commissioners did not have any concerns. Mr. Baird said the dumpster would be rescreened. Commissioner Butcher had a question about the lighting plan. Mr. Hess said there were no additional pole lights in the parking area. He said for lights on the building, City Code Title 11-14-5 D states: Lighting: Lighting used to illuminate an off-site parking area shall be so arranged as to reflect the light away from adjoining premises in any residential district.

APPROVAL OF SP 1310-0004, SITE PLAN FOR A TITLE LOAN BUSINESS LOCATED AT 450 SOUTH STATE STREET

Commissioner Butcher moved to approve as conditioned, SP 1310-0004, Site Plan approval for a Title Max, located at 450 South State Street, based on the findings and discussion in the staff report. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Baron, Benson, Brooks, Butcher, Gaerte, and Jones. Voting NO: None.

DISCUSSION ON SP 1311-0001, SITE PLAN APPROVAL FOR A COFFEE SHOP

LOCATED AT 331 EAST 200 SOUTH

Scott Hess said the property owner had been cleaning up the interior of the building for a year. He said the business met the definition of a restaurant. Mr. Hess said he didn't foresee an issue with parking. He said there was existing surface drainage on the site and additional landscaping would be placed along the east and front of property. Mr. Hess said they could establish an escrow for the landscaping to be installed within six months of the site plan approval. He said aerial photo of the rear asphalt parking made the parking area look in worse repair than it actually was. He said the asphalt should be fixed and the parking lot striped prior to the issuance of the business license. He requested to add to condition of approval 1d) that asphalt in disrepair needed correcting. Commissioner Butcher referred to "Comprehensive Plan and Zoning" on page four and asked what was required by the statement "bring the site to compliance with minimum City code." Mr. Hess said any interior remodel work would be inspected by the building official and meet building code. Chair Peterson asked if there was a representative from the business present at the meeting. Jean Reyes, owner, came to the podium, however, the commissioners did not have any questions for her. Chair Peterson asked the commissioners if they had questions on any of the conditions of approval. Commissioner Benson asked about the fence. Mr. Hess said the existing fence was a six foot wooden fence and was located on the east side of the property.

APPROVAL OF SP 1311-0001, SITE PLAN FOR TEX MEX COFFEE SHOP LOCATED AT 331 EAST 200 SOUTH

Commissioner Jones moved to approve as conditioned SP 1311-0001, Site Plan approval for Tex Mex coffee shop located at 331 East 200 South, based on the findings and discussion in the staff report adding to condition 1d) The asphalt in disrepair must be repaired or replaced. Seconded by Commissioner Benson. The motion carried on the following vote: Voting AYE: Commissioners Baron, Benson, Brooks, Butcher, Gaerte, and Jones. Voting NO: None.

DISCUSSION ON SP 1311-0003, REQUEST FOR SITE PLAN APPROVAL FOR A NEW OFFICE BUILDING LOCATED AT 215 EAST 700 SOUTH

Scott Hess said site plan approval was received in 2007 for two structures on the site. He said the first building was constructed in 2007 then the SR193 expansion required changes to the layout for the south portion of the lot. Mr. Hess said the drainage plan showed the parcel to be used for drainage and the ten percent landscaping requirement would be met. He said the new site plan had ten fewer parking spaces but met the requirement for a manufacturing building. Mr. Hess said a higher intensity use would require a review of the site plan for additional parking. He said the garbage dumpster was visible from SR193 and code required the dumpster to be screened.

Commissioner Baron asked how to get to the property. Mr. Hess said the property was at the bottom of the bridge and the frontage road provided access. Commissioner Butcher asked if something in writing would be required from Utah Department of Transportation (UDOT). Mr. Hess said the only concern would be the recording of the plat which included the land swap to provide the detention area. Brian Brower stated UDOT took a portion of the property owned by

Mr. Kruitbosch and gave him some in return. Chair Peterson asked the commissioners if they had any questions from Mr. Kruitbosch. Commissioner Butcher disclosed his friendship with Mr. Kruitbosch but stated he had no financial involvement with the business and it would not impact his vote. Chair Peterson reviewed the conditions of approval and asked if the commissioners had any concerns. There were none voiced.

APPROVAL OF SP 1311-0003, SITE PLAN FOR A NEW OFFICE BUILDING LOCATED AT 215 EAST 700 SOUTH

Commissioner Brooks moved to approve as conditioned SP 1311-0003 Site Plan approval for Kruitbosch Building 2, located at 215 East 700 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 Baron, Benson, Brooks, Butcher, Gaerte, and Jones. Voting NO: None.

PUBLIC HEARING FOR ZTA 1311-0002, A REQUEST FOR A ZONING TEXT AMENDMENT TO THE CLEARFIELD CITY CODE TITLE 11 CHAPTER 15 SIGN REGULATIONS TO ALLOW MODIFICATIONS TO FREEWAY ORIENTED SIGNS NEAR INTERSTATE 15 INTERCHANGES

Chair Peterson declared the public hearing open at 7:50 p.m.

PUBLIC COMMENT:

Tom Checketts said he was in favor of the zoning text amendment. He suggested the maximum allowable height and surface area of the sign be increased, the height to 100 feet and the surface area to 300 feet per side. He said there were eight corners with the Interstate-15 intersections and four could not be used for commercial. Mr. Checketts said the taller sign had more visibility which allowed more time for a vehicle to move over and exit the freeway.

Blake Hazen said his concerns were timing and safety. He said timing was critical for a driver to make the decision to change lane and safely leave the freeway. Mr. Hazen said there were some trees that would not allow visibility of 45 foot tall sign and requested the sign height be allowed at 90 to 110 feet.

Commissioner Butcher moved to close the public hearing at 7:56 p.m. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Baron, Benson, Brooks, Butcher, Gaerte, and Jones. Voting NAY: None.

Scott Hess said the application was received to utilize an existing legal non-conforming pole sign. He stated most signage in the City was oriented to State Street and Main Street; the exceptions were the two interstate freeway exits. Mr. Hess said the request included expansion of the legal non-conforming sign with the addition of an electronic reader board. He said City Code did not allow the expansion of a non-conforming sign. He said the existing Arby's pole sign was 57 feet tall and other signs in the area were taller. Mr. Hess said the previous sign code allowed the sign

height of 30 feet and the sign area was 150 square feet per side. Brian Brower stated if the sign was considered legal non-conforming, it was legal at some point in time. Mr. Hess said the Zoning Text Amendment (ZTA) proposal was for 45 feet in height to be similar to other cities and the sign area at 150 square feet per side for a total of 300 square feet of sign area. He said the code had been that since the 1980's. Mr. Hess reviewed the sign requirements from some cities in the area. He showed the suggested area that would be included which was 650 square foot radius from the center point of the intersections for property within commercial zones.

Commissioner Benson asked what the sign height regulation was for Layton City. Mr. Hess said most restaurants were at the top of the power poles which would be about 35 feet. Some commissioners were concerned with the impact the tall, bright signs would have on the residential areas. Mr. Hess said it was up to the sign company to guarantee the light wasn't going into the residential properties. Chair Peterson requested standards be established on the lumen output but stated it could be handled at a later date. Mr. Hess said it should be applied to all signage. Commissioner Benson said a concern she had was with the brightness along the freeway and didn't want a distraction to the drivers.

David Harper with Burger King said they want the greatest chance for success. He said sign codes had changed since 1980 and most locations did not have digital reader boards. Mr. Harper said the codes from 1980 would not cover the Burger King logo sign. He said they were asking for 300 square feet per side. Mr. Harper said the sign code of Farr West allowed for 350 square feet per side and 80 feet in height. He said Burger King was at an extreme disadvantage with the size of the McDonalds sign next door. Mr. Hess said discussion about the McDonald's sign brought up questions of how the square footage of the sign was calculated. Mr. Harper said the signs they were requesting were approximately 220 square feet for the logo sign and approximately 100 square feet for the electronic reader board.

Chair Peterson said other Burger King signs in the area were smaller and asked why the sign for the Clearfield location was significantly larger. Mr. Harper said the signs installed now were larger, but most were not this large. He said there was a sign in Rawlins, Wyoming that was similar in size to this sign and it could be seen when approaching the freeway exit. Chair Peterson said the sign would be dramatically larger and was close to the size of a billboard. Mr. Harper said their intent was to set the business up for success and the freeway traffic was needed to make the site work. Commissioner Brooks said when she came to the meeting she was against the change, but after listening to feedback and public comment she said it made sense. Mr. Harper said the reader board was important to the business. Commissioner Jones asked if a traffic study had been done. Mr. Harper said they had done a traffic count to meet the requirements of Burger King. Commissioner Jones said he didn't feel the size and height of the sign was necessary however he liked the uniformity the change could make to the signs in the area. Scott Hess said the sign was 57 feet tall and staff needed direction on the total size of the signs and the height that would be allowed. Mr. Harper said Burger King wanted to draw traffic from the freeway. Commissioner Butcher said he preferred signs that were high enough to be seen and draw people to the City and he liked the reader board. Commissioner Jones said the reader board was a good idea and based on the fact there would not be a 100 foot tall sign he was in favor of the change. Chair Peterson was concerned with the size and didn't want one large sign. Scott Hess said

current sign code allowed monument signs to have 50 percent of the sign to be readable and 50 percent static.

Chair Peterson asked the commissioners for a recommendation on the height of the sign. After some discussion the commissioners agreed the maximum height for the signs would be 60 feet. The commissioners then discussed the surface area that would be allowed for the sign. The Commission decided that the maximum square footage for the sign would be 300 square feet per side, 600 square foot maximum. The reader board could be no larger than one-third (33 percent) of the total copy area of the sign. The commissioners were concerned that the signs could be too bright for the surrounding residential areas. Chair Peterson asked staff to check on lumen regulations and requested the information be included in the ordinance presented to City Council. Mr. Hess said all recommendations for change made with the ordinance applied only to the areas around the interstate intersections. He asked if the distance of 650 foot radius was acceptable. Chair Peterson requested the distance be increased to include an existing restaurant. Brian Brower asked about the placement of the reader board sign on the pole. Mr. Hess said placement was not regulated and would be determined by the size and height of the sign.

RECOMMENDATION FOR ZTA 1311-0002, A ZONING TEXT AMENDMENT TO THE CLEARFIELD CITY CODE TITLE 11 CHAPTER 15 SIGN REGULATIONS TO ALLOW MODIFICATIONS TO FREEWAY ORIENTED SIGNS NEAR INTERSTATE 15 INTERCHANGES

Commissioner Gaerte moved to recommend approval of ZTA 1311-0002, an amendment to the Land Use Ordinance Title 11 Chapter 15 Sign regulations for the inclusion of an overlay zone for Freeway Oriented Signs based on the findings and discussions in the staff report noting the changes to Exhibit A in the Location Designation: increasing the 650 foot radius to 675; in Standards and Requirements: the maximum height would be 60 feet, the sign area would be 300 square feet total cabinet size with the possibility of having double sided sign for a total of 600 square feet and the sign reader board would not exceed 33 percent of the total sign area, in addition staff would include lumen standards or output maximums related to the electronic signs. Seconded by Commissioner Benson. The motion carried on the following vote: Voting AYE: Commissioners Baron, Benson, Brooks, Butcher, Gaerte, and Jones. Voting NAY: None.

STAFF REPORTS

Scott Hess said at the January 8, 2014 meeting the 2014 meeting schedule would be on the agenda for approval. He said there would also be some conditional use permits on the agenda including Jim's Tires and a dog grooming business. He suggested holding training in March when new commissioners had been appointed.

PLANNING COMMISSIONERS' MINUTE

Commissioner Butcher – Merry Christmas to everyone.
Commissioner Jones – Nothing

Commissioner Brooks – said the commission dropped the ball when the ordinance on payday lending was revised and asked to have a discussion on title loan lending at the next meeting. She did not want any more of that type of business in the City. Scott Hess said Valerie Claussen had an open case file on non-depository institutions. He said it was easy to regulate payday lending because it was predatory; title lending was different if the interest rate charged was comparable to a credit union or bank. Mr. Hess said current code allowed one payday lending establishment per 10,000 residents. He said the Commission needed to determine the total number it was willing to accept in the City. Commissioner Brooks thought the title loan businesses were included with payday lending. Brian Brower said the Commission needed to be cautious on regulating title lending or non-depository lending. He encouraged the Commission to ensure due diligence so any action could be defended. Chair Peterson asked to have title lending and non-depository on the agenda for discussion at the January meeting.

Councilmember LeBaron – Said payday lending was proven predatory. Merry Christmas.

Commissioner Gaerte – Nothing

Commissioner Baron – Congratulations to Commissioner Benson, she would be missed. Merry Christmas.

Commissioner Benson – Said the next meeting was on her birthday and she would bring treats. She said she had learned a lot from each commissioner. She said she would be back so she could continue learning. Merry Christmas.

Commissioner Peterson – Merry Christmas to everyone. Thanked the commissioners for their hard work this past year. She said congratulations to Commissioner Benson and wished her luck on the City Council.

There being no further business to come before the Planning Commission, **Commissioner Benson moved to adjourn at 9:15 p.m. Seconded by Commissioner Gaerte.**