

CLEARFIELD PLANNING COMMISSION MEETING

February 6, 2013

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

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

ABSENT: Becky Brooks Commissioner
 Norah Baron Commissioner
 Brandon Stanger Commissioner

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

VISITORS: Andrea Friebel, Desireé Lorenzen, Joe Evans, Wade Schofield, Billy Gray, Kian Kupfer, Bridgett Mackson, Shannon Hamilton, Krista Vigil, Tiffany Browning, Tom Patterson, Zack Patterson, Kathryn Murray, Ann Nessler, Jacc Hollywood, Troop 310,

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF AGENDA

Commissioner Jones moved to approve the agenda as presented. Seconded by Commissioner Gaerte. The motion carried on the following vote: Voting AYE: Commissioners Butcher, Benson, Jones, Gaerte and Roper. Voting No: None.

APPROVAL OF MINUTES FROM JANUARY 9, 2013 PLANNING COMMISSION MEETING

Chair Peterson had a concern with the motion on page 3 and asked if the approval of the minutes could be tabled until the next meeting. **Commissioner Butcher moved to table the approval of the minutes of the January 9, 2013 meeting until the March 6, 2013 meeting. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Butcher, Benson, Jones, Gaerte and Roper. Voting No: None.**

DISCUSSION ON ZDI 1301-0005 ZONING INTERPRETATION FOR A SIGN APPLICATION REGARDING PROPOSED NEW AWNING SIGNS AT 699 SOUTH STATE STREET

Valerie Claussen, Development Services Manager, said staff was requesting the Planning Commission review the Zoning Administrator's interpretation that the applicant's proposed signs were awning signs to determine if the proposed signs fell under the provisions for awning signs or wall signs. She said the existing awning signs on the building would not meet current zoning standards, so they were legal non-conforming. Ms. Claussen told the applicant they would be allowed to use the existing awning and framework but expansion of the non-conforming use was not allowed.

Ms. Claussen said the options given to the applicant were to provide a sign theme for the multi-tenant building with consistent treatment to the entire building, use the existing awnings and replace the text, or use wall signage. She said the current proposal did not appear to meet the sign code standards of Title 11-15-8(A), (B), (E) and (H). Ms. Claussen said the concerns with the sign being classified as a wall sign was that awning signs had specific characteristics and were only permitted under specific standards.

Commissioner Benson said the building had multi-tenants and wondered what would happen with the rest of the building. Ms. Claussen said the intent of code was to reduce non-conformity.

Jacc Hollywood, representing American Title Loan, said it rented the building and that the building would look better than it did now with the new sign. He said the building owner didn't want to replace the other awnings at this time.

Brian Brower, City Attorney, said the building had vacancies, and if a consistent plan was brought the plan could be phased. Commissioner Butcher said all units would need to have an awning. Commissioner Benson asked if the sign went above the roof. Ms. Claussen said it would not be allowed to be above the roof. Mr. Hollywood said the sign company would follow City standards. He said the sign was being made by an awning company.

Mr. Brower advised the commissioners that their determination regarding the Zoning Administrator's interpretation should not be based upon taking an approach of trying to make the provisions in the ordinance fit the sign; rather, the Commission should examine the sign and its characteristics and then simply decide whether it was a wall sign or an awning sign. He indicated that simply because an awning sign doesn't meet the requirements for awning signs enumerated in the City's sign ordinance, that doesn't mean that the sign was not an awning sign.

Commissioner Gaerte said if it were an awning it must be over a window. Ms. Claussen said the existing dome was not up for interpretation, and would be restructured and recovered. Mr. Brower referred the commissioners to the standards for an awning sign. He said he would not tell the commissioners whether the signs were wall signs or awning signs – that was the precise reason why the issue was before them – to render the Commission's interpretation. Chair Peterson asked the commissioners for their determination, the majority called the sign a wall sign.

Commissioner Gaerte moved to not accept the interpretation of the Zoning Administrator, and to make the determination that the proposed sign should be classified as a wall sign. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Roper Gaerte Jones Benson. Voting No: Commissioner Butcher.

PUBLIC HEARING FOR ZTA 1301-0001 AMENDMENT TO THE CLEARFIELD CITY LAND USE ORDINANCE TITLE 11 CHAPTER 3, CHAPTER 11 AND CHAPTER 13 TEXT AMENDMENT FOR THE INCLUSION OF SUPPLEMENTARY STANDARDS FOR TATTOO OR BODY-PIERCING ESTABLISHMENTS

Valerie Claussen said the applicant requested the text amendment to accommodate the relocation of an existing tattoo establishment. The current City Code does not list tattoo establishments as a permitted use in any zoning district. Ms. Claussen said staff had three alternatives for the Planning Commission to review which appeared to be the most viable options to implement and administer. She reviewed the three alternatives with the commissioners.

Ms. Claussen said the text amendment was consistent with the master plan and Vision 2020. Staff recommended Alternative A because it provides the best balance between standard zoning practices and commercial zoning was the most common district in which this use was typically permitted. The distance requirements enable the City to regulate location of use in relation to other identically classified uses and specified commercial uses. Ms. Claussen said no public comment had been received to date and staff recommended approval to the City Council based on the findings and discussion in the staff report and the discussion and findings of the meeting.

Chair Peterson declared the public hearing open at 7:55 p.m.

PUBLIC COMMENTS

Joe Evans, Clearfield, said he had worked at Six Feet Below for one and one-half years. He said it was a family oriented establishment and the industry gets a bad rap. He had used art to support his family and wanted to continue to do so.

Andrea Friebel, Clearfield, said she had worked at the shop since it opened. She said it would help Clearfield look better and help business expand. She stated the business was grandfathered at its current location.

Billy Gray, Roy, said he had worked at the tattoo parlor for eleven months and said the relocation was a good choice. The artists at Six Feet Below had given him a chance to better his future.

Desireé Lorenzen, Ogden, said the relocation would allow her daughter to do what she loves and be taught proper skills.

Wade Schofield, Riverdale, said the business was ready to expand and move from a smaller shop to a larger facility; the business couldn't grow where it was.

Ann Nessler, Clearfield, said the business needed to grow and it would be a great opportunity for them to relocate.

Tiffany Browning, Ogden, said it was good place to hang out. She said the business needed the opportunity to grow. She had never had a problem there.

Commissioner Gaerte moved to close the public hearing at 8:08 p.m. Seconded by Commissioner Butcher. The motion carried on the following vote: Voting AYE: Commissioners Butcher, Benson, Jones, Gaerte and Roper. Voting No: None.

If the text amendment were approved Six Feet Below would move from the west side of Main Street to the east side in vacant space in the Napa Auto building.

Kian Kupter said he preferred approval of Alternative A. He said in his opinion the City had enough tattoo shops and owners of the other tattoo shops agreed. Mr. Kupter said he would like to move his business to a new location. He said he wanted people to look at the building and want to come in. He wanted to bring more revenue and business to Clearfield and the business could improve if allowed to move.

Commissioner Butcher asked about the distance separation from other tattoo shops. Ms. Claussen said the shops were separated by 2,000 feet. Brian Brower said the commissioners needed to articulate the reasons for their decision. Ms. Claussen reviewed page three of five in the packet. The amendment didn't allow clustering of tattoo and body-piercing establishments. Commissioner Jones said Alternative A was acceptable and would improve the image of the City.

Commissioner Roper moved to recommend approval to the City Council ZTA 1301-0001, an amendment to the Land Use Ordinance Title 11, Chapter 3, Chapter 11 and Chapter 13 for the inclusion of supplementary standards for Tattoo or Body-Piercing Establishments, based on the findings and discussion in the Staff Report and recommended Alternative A for approval. Seconded by Commissioner Benson. The motion carried on the following vote: Voting AYE: Commissioners Butcher, Benson, Jones, Gaerte and Roper. Voting No: None.

STAFF REPORTS

Valerie Claussen listed some of the formal submittals the City had received and what was likely to be scheduled in the upcoming Planning Commission meeting.

PLANNING COMMISSIONERS' MINUTE

Commissioner Peterson – Nothing

Commissioner Butcher – Nothing

Commissioner Gaerte – Nothing

Commissioner Jones – Nothing

Commissioner Roper – Nothing

Commissioner Benson – Nothing

Councilmember LeBaron – Nothing

There being no further business to come before the Planning Commission, **Commissioner Jones moved to adjourn at 8:26 P.M.**