

## CLEARFIELD PLANNING COMMISSION MEETING

March 6, 2013

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

PRESENT: Becky Brooks Commissioner  
Ron Jones Commissioner  
Brandon Stanger Commissioner  
Norah Baron Commissioner  
Timothy Roper Alternate Commissioner  
Michael LeBaron Council Liaison

ABSENT: Randy Butcher Commissioner  
Joel Gaerte Commissioner  
Keri Benson Alternate Commissioner

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

VISITORS: Felicity Wasserlein, Matt Jones, Tom Patterson, Kian Kupfer, Bridget Madson, Von Hill, Joe O'Keefe, Jason Nielsen, Richie Dalley

Pledge of Allegiance was led by Chair Peterson

### APPROVAL OF AGENDA

Chair Peterson said staff recommended item number 5, site plan for Rocket Fuel Community Café to be addressed as the final item. **Commissioner Stanger moved to make an adjustment to the agenda and move item 5 to the end of the meeting. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Stanger, Baron and Roper. Voting NO: None.**

### APPROVAL OF MINUTES FROM JANUARY 9, 2013 AND FEBRUARY 6, 2013 PLANNING COMMISSION MEETINGS

**Commissioner Brooks moved to approve the minutes of the January 9, 2013 as presented. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Stanger, Baron and Roper. Voting NO: None.**

**Commissioner Roper moved to approve the minutes of the February 6, 2013 as presented. Seconded by Commissioner Stanger. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Stanger, Baron and Roper. Voting NO: None.**

DISCUSSION ON SP 1302-0002, A SITE PLAN FOR ASIAN HOUSE, A RESTAURANT, AT 1020 WEST 300 NORTH

Valerie Claussen, Development Services Manager, said the request was for a change in use from business services to a restaurant. She stated the site was originally developed in 1988 and had undergone various uses and businesses. Ms. Claussen said the 2,190 square foot building was on a 0.65 acre parcel in a C-2 (Commercial) zone. The applicant indicated that no exterior changes were being proposed and application for necessary building permits would be completed. She said landscaping met the ten percent, there was adequate off-street parking, and the dumpster was screened. Staff recommended approval of the site plan for Asian House.

Chair Peterson reviewed the conditions of approval. Ms. Claussen said there was a deed restriction on the property, which was a civil matter and needed to be resolved.

APPROVAL OF SP 1302-0002, A SITE PLAN FOR ASIAN HOUSE, A RESTAURANT, AT 1020 WEST 300 NORTH

**Commissioner Baron moved to approve as conditioned, SP 1302-0002, site plan approval for Asian House Restaurant in the C-2 zoning district located at 1020 West 300 North, based on the findings and discussion in the staff report. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Stanger, Baron and Roper. Voting NO: None.**

PUBLIC HEARING FOR CUP 1302-0006, A REQUEST FOR A CONDITIONAL USE PERMIT FOR A RESIDENTIAL PRESCHOOL, OUR WONDERFUL WORLD PRESCHOOL AT 2075 SOUTH 800 EAST

Valerie Claussen said the request was a home occupation preschool. She said the findings for the general standards for a conditional use permit could be met. Ms. Claussen said a drop-off/pick-up plan was submitted and would be implemented. She said the proposal for the number of classes and the number of children did not exceed the City Code limits.

Chair Peterson asked the applicant, Felicity Wasserlein, if there would be an overlap of time with the classes. Ms. Wasserlein said there would be a break of one hour between the classes. Chair Peterson asked what the plan was to enforce the pick-up/drop-off plans. Ms. Wasserlein said she would inform parents in a planning meeting and she would also be outside with the children when they were picked up and dropped off.

Commissioner Jones arrived at 7:20 p.m.

Chair Peterson requested the motion include an addition to condition one that the classes would not overlap. Councilmember LeBaron said this home was in his neighborhood and there was plenty of room for the traffic pattern submitted.

**Commissioner Brooks moved to approve as conditioned, CUP 1302-0006, a conditional use permit for Our Wonderful World Preschool, a residential preschool located at 2075 South 800 East, based on the findings and discussion in the staff report with an amendment to condition one to state: “The preschool shall meet the provisions of the land use ordinance, of not more than eleven children per class with no more than two classes per day, which must be separated by at least one hour, for a maximum of four hours per class.” Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Jones, Stanger, Baron and Roper. Voting NO: None.**

Chair Peterson said the preceding item was a public hearing, however, the public hearing was not held and therefore the motion would not be binding. The recommendation was to rescind the motion and hold the public hearing to allow anyone that would like to speak for the preschool would be given the opportunity.

**Commissioner Stanger moved to rescind the motion for the home occupation preschool. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Jones, Stanger, Baron and Roper. Voting NO: None.**

Chair Peterson declared the public hearing open at 7:25 p.m.

PUBLIC COMMENT:

None

**Commissioner Jones moved to close the public hearing at 7:26 p.m. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Jones, Stanger, Baron and Roper. Voting NO: None.**

APPROVAL OF CUP 1302-0006, A CONDITIONAL USE PERMIT FOR A RESIDENTIAL PRESCHOOL, OUR WONDERFUL WORLD PRESCHOOL AT 2075 SOUTH 800 EAST

**Commissioner Brooks moved to approve as conditioned, CUP 1302-0006, a conditional use permit for Our Wonderful World Preschool, a residential preschool located at 2075 South 800 East, based on the findings and discussion in the staff report with an amendment to condition one to state: “The preschool shall meet the provisions of the land use ordinance, of not more than eleven children per class with no more than two classes per day, which must be separated by at least one hour, for a maximum of four hours per class.” Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Jones, Stanger, Baron and Roper. Voting NO: None.**

PUBLIC HEARING FOR CUP 1302-0009, A CONDITIONAL USE PERMIT FOR SIX FEET BELOW LLC, A TATTOO AND BODY PIERCING ESTABLISHMENT AT 20 NORTH MAIN

Valerie Claussen said the conditional use permit (CUP) was for a tattoo and body piercing establishment within the C-2 (commercial) zone. The existing establishment had a valid business license prior to February 12, 2013. Ms. Claussen said the CUP fell under the recently enacted text

amendment and the supplementary standards were met with this request. She said the general standards for a CUP could be made. Ms. Claussen said the hours of operation would be determined through the property owner and tenant lease agreement, stating violation of the commitment would initiate the revocation process. She said Six Feet Below would demonstrate compliance with the County Health Department prior to issuance of the City business license. Ms. Claussen stated one inquiry was received with concerns about loitering. Staff recommended approval of CUP 1302-0009 as conditioned.

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

**PUBLIC COMMENT:**

None

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

Commissioner Stanger asked if the revised ordinance would require the business to relocate in the M-1 (manufacturing) zone. Brian Brower explained that the City Council had approved the ordinance which allowed relocation of existing establishments if they met the separation requirements. Commissioner Brooks asked if loitering was a concern in the prior location. Chair Peterson asked Kian Kupfer about their hours of operation and loitering. Mr. Kupfer said the current hours of operation were from noon until 10:00 p.m. At the new location the hours would be 10:00 a.m. to 8:00 p.m. Mr. Kupfer said there had never been an issue with loitering. He said there was an issue with smoking in front of the current building, but the smoking area was moved to the rear or side of the building. Chair Peterson asked if there would be seating outside. Mr. Kupfer said there was seating inside in the lobby for about nine people. He said they have six tattoo stations.

Commissioner Stanger asked where the smoking would take place. Mr. Kupfer said the building owner had requested smoking be done behind the building or at the side. Commissioner Stanger said he would prefer the smoking take place in the rear rather than at the side of the building. Mr. Kupfer preferred the smoking area in the rear of the building. Chair Peterson said the Commission could add a condition that all smoking would be at the rear of the building. Brian Brower said the landlord had requested smoking be in the rear and he suggested referring to the lease with the landlord in the conditions of approval. Mr. Patterson, property owner, said it was in the lease agreement. Commissioner Stanger wanted smoking in the rear of the building to be enforceable by the City.

**APPROVAL OF CUP 1302-0009, A CONDITIONAL USE PERMIT FOR SIX FEET BELOW LLC, A TATTOO AND BODY PIERCING ESTABLISHMENT AT 20 NORTH MAIN**

**Commissioner Jones moved approved as conditioned, CUP 1302-0009, a conditional use permit for a tattoo and body piercing establishment, Six Feet Below, located at 20 North Main Street, based on the findings and discussion in the staff report. Also noted there will be a designated smoking area as noted in the lease agreement. Seconded by Commissioner Brooks.**

**The motion carried on the following vote: Voting AYE: Commissioners Jones, Brooks, Baron, Roper. Voting No: Commissioner Stanger.**

PUBLIC HEARING FOR CUP 1302-0014, A CONDITIONAL USE PERMIT FOR AA AUTO GLASS AN AUTOMOTIVE REPAIR USE AT 20 NORTH MAIN

Valerie Claussen stated this was the same site as the previous conditional use permit. This conditional use permit (CUP) was a request for an automotive use, specifically glass repair, in the C-2 (Commercial) zone. She said the general standards could be met as it was equivalent to a permitted use and was compatible with the surrounding commercial uses. Ms. Claussen said the conditions of approval included work done outside the building are not to affect traffic and/or access on Center Street and No outdoor storage is permitted of any materials. She said condition number three might need to be clarified.

Chair Peterson declared the public hearing open at 7:45 p.m.

PUBLIC COMMENT

None

**Commissioner Jones moved to close the public hearing at 7:46 p.m. Seconded by Commissioner Stanger. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Jones, Stanger, Baron and Roper. Voting NO: None.**

Scott Miller, owner of AA Auto Glass, said they had a drop box, which was standard for all glass shops. The box was against the rear of the building and used by suppliers for deliveries. He said the box was used daily and was approximately 8' X 2' X 5'.

Chair Peterson referenced conditions of approval number two and asked Mr. Miller what type of work was done outside the building. Mr. Miller said typically 98 to 99 percent of the work was done inside. They also did mobile work at the customer's home or business. Mr. Miller said sometimes a rock chip would be fixed in front of the building, but they usually pull the autos out of the sun to do the work. Chair Peterson explained that condition number two required all work to be done in the rear of the building or inside the building. Commissioner Jones asked if the drop box was secured. Mr. Miller said they hadn't had problems with theft. Commissioner Roper had safety concerns with school children opening the box and getting inside. Mr. Miller said a child would have a difficult time getting in the box. Chair Peterson said additional wording would need to be added to condition of approval number three to allow an exception for the drop box. Commissioner Jones said if the drop box was an industry standard there would not be the need to regulate the size.

Chair Peterson reviewed the conditions of approval. Ms. Claussen asked to have the last sentence of condition number four deleted.

**Commissioner Stanger moved to approve CUP 1302-0014 a conditional use permit for an automotive repair use, AA Auto Glass, located at 20 North Main Street, based on the findings and discussion in the Staff report, with the following conditions of approval: 1) This**

**conditional use permit is for an automotive glass repair use at 20 North Main Street, Suite B. 2) Any work that occurs outside the building should be conducted in the rear of the building such that access to the site from adjacent roads, particularly Main and Center Street, is not affected. 3) No outdoor storage is permitted, with the exception of the one drop box (which dimension in size is consistent with typical industry standard) located in the rear of the building. This includes, but is not limited to such items as materials, automobiles, automobile parts, windshields, other glass related products or the like. Violation of this is subject to initiating the revocation process of this Conditional Use Permit. 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. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Jones, Stanger, Baron and Roper. Voting NO: None.**

PUBLIC HEARING ON FSP 1302-0008, AN AMENDMENT TO THE FINAL NINIGRET FIELD SUBDIVISION PLAT LOCATED APPROXIMATELY 660 FEET NORTH OF 700 SOUTH AND WEST OF 1000 WEST

Valerie Claussen said this request was to split the eastern parcel of Ninigret Field Subdivision into two parcels. The property was just north of World Wide Packaging and it was anticipated that one parcel would be sold to World Wide Packaging. She said the parcels were subject to site plan approval at the time of development. Ms. Claussen said the engineer's approval letter was attached. Staff did not have any concerns and recommended approval. No public comment had been received to date.

Chair Peterson declared the public hearing open at 8:04 p.m.

PUBLIC COMMENT

None

**Commissioner Brooks moved to close the public hearing at 8:05 p.m. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Jones, Stanger, Baron and Roper. Voting NO: None.**

APPROVAL OF FSP 1302-0008, AN AMENDMENT TO THE FINAL NINIGRET FIELD SUBDIVISION PLAT LOCATED APPROXIMATELY 660 FEET NORTH OF 700 SOUTH AND WEST OF 1000 WEST

**Commissioner Jones moved to recommend to the City Council approval of FSP 1302-0008, an Amended Final Subdivision Plat, known as Ninigret Field Amended, based on the discussion and findings provided in the staff report. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Jones, Stanger, Baron and Roper. Voting NO: None.**

PUBLIC HEARING ON PSP 1302-0010 A REQUEST FOR A PRELIMINARY SUBDIVISION PLAT FOR DAVIS NORTH DENTAL CENTER CONDOMINIUMS, A FOUR UNIT OFFICE CONDOMINIUM AT 1500 SOUTH 1500 EAST

Valerie Claussen said the preliminary and final subdivision requests would be discussed together, but two separate motions were required. The request was for a condominium plat for an existing building located on the border of Layton and Clearfield. Ms. Claussen said the condo plat was reviewed by the city engineer who listed a few minor items for correction and by the building official who stated the building met the requirements for this request. She said unique to condo plats were private covenants and restrictions (CC&R's) required by code to be submitted to the City. The legal department would review the CC&R's to ensure certain elements were included. Staff recommended approval of the preliminary and the final condominium plats.

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

PUBLIC COMMENT:

None

**Commissioner Stanger moved to close the public hearing at 8:09 p.m. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Jones, Stanger, Baron and Roper. Voting NO: None.**

Commissioner Stanger asked about the access to the building and parking on the property. Valerie Claussen said the condominium plat was for ownership purposes and no site work would be done.

APPROVAL OF PSP 1302-0010, A REQUEST FOR A PRELIMINARY SUBDIVISION PLAT FOR DAVIS NORTH DENTAL CENTER CONDOMINIUMS, A FOUR UNIT OFFICE CONDOMINIUM AT 1500 SOUTH 1500 EAST

**Commissioner Brooks moved to approve PSP 1302-0010, a preliminary subdivision condominium plat know as Davis North Dental Center Condominiums, based on the discussion and findings in the staff report. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Jones, Stanger, Baron and Roper. Voting NO: None.**

PUBLIC HEARING ON FSP 1302-0011, A REQUEST FOR A FINAL SUBDIVISION PLAT FOR DAVIS NORTH DENTAL CENTER CONDOMINIUMS, A FOUR UNIT OFFICE CONDOMINIUM AT 1500 SOUTH 1500 EAST

Chair Peterson declared the public hearing open at 8:13 p.m.

PUBLIC COMMENT:

None

**Commissioner Jones moved to close the public hearing at 8:14 p.m. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Jones, Stanger, Baron and Roper. Voting NO: None.**

APPROVAL OF FSP 1302-0011 A REQUEST FOR A FINAL SUBDIVISION PLAT FOR DAVIS NORTH DENTAL CENTER CONDOMINIUMS, A FOUR UNIT OFFICE CONDOMINIUM AT 1500 SOUTH 1500 EAST

**Commissioner Jones moved to recommend to the City Council approval of FSP 1302-0011, a final subdivision plat, known as Davis North Dental Center Condominiums, based on the discussion and findings provided in the staff report. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Jones, Stanger, Baron and Roper. Voting NO: None.**

DISCUSSION ON SP 1302-0012, A SITE PLAN FOR A RESTAURANT, ROCKET FUEL COMMUNITY CAFÉ, LLC, LOCATED AT 329 NORTH MAIN STREET

Valerie Claussen said the site plan approval was required because it was a change of use from a gas station/convenience store to a restaurant/cafe. There were minor exterior modifications proposed. Staff was concerned with the former car wash building which was to remain on site but not used. Ms. Claussen said the design standards were applicable and materials used would need to meet the minimum standards of Title 11, Chapter 11B Section 12(D). She said the circulation of the site needed to be so that Main Street and 300 North streets were not affected. The construction drawings must show the site circulation with pavement marking or directional signs. Ms. Claussen said the parking lot needed repair. There were portions of the pavement shown on the plans to be improved. She said the site plan showed nine parking spaces, one stall would need to meet ADA requirements. The number of spaces would need to be determined and included as a condition. Ms. Claussen said the landscaping appeared to meet the ten percent requirement but the ten percent must be verified. She said the garbage dumpster must be screened as it was in disrepair. The fencing met the requirements at this time. She said the exhibits show signage but more detail was needed on the square footage and the details of the sign. Ms. Claussen said comments from the engineer were included in the agenda packet. She said reviews from the Fire District, Utah Department of Transportation, Health Department, and Department of Environmental Quality (DEQ) would be required. Ms. Claussen said the review considerations on pages six and seven outlined the specifics of the site. She said the site plan met code as conditioned.

Councilmember LeBaron asked if the tanks were still in the ground. Ms. Claussen said they were not. She had a tank release letter from DEQ dated December 2012. Councilmember LeBaron wanted to know if there were any leaking issues. The letter from DEQ stated contamination found at depths and locations were not considered to be a threat to human health or environment. Brian Brower, City Attorney, said there was a deed restriction placed by British Petroleum Products, North America (BP) that restricts certain types of uses. He said the restriction was a civil contractual agreement and the City would not enforce it, but staff wanted the commissioners to be aware there was a deed restriction.

Chair Peterson told Matt Jones and Joe O'Keefe owners of Rocket Fuel Community Café the conditions of approval were required to be completed prior to the opening of the business. Commissioner Stanger asked Ms. Claussen for additional information on the signage. She said the sign was a canopy and was under a different provision in the sign ordinance. Chair Peterson said when the applicant submitted for the sign permit, staff would determine if approval from the Planning Commission was required. Commissioner Roper asked what the plans were for the car wash. Mr. Jones said because of the deed restrictions the car wash could not be removed. The only work that would be done on the carwash would be on the exterior to match the main building. Mr. Jones said the car wash would be used for storage. Commissioner Stanger asked if the same standards would apply to the accessory building as the main building. Ms. Claussen said even though there were private deed restrictions on the property, the City didn't have to compromise it's minimum standards. There was discussion on the deed restrictions and what could or could not be done on the site. Mr. Jones said they planned to add to and not remove asphalt. The area where the tanks were removed was dirt and would require asphalt. He said the concern they had was with possibly needing to excavate. Mr. Brower said the contractual deed restriction documents indicated that any restricted activity on the property must have approval 30 days prior from BP.

There was discussion to add to the conditions of approval that the car wash was required to meet the design standards in the City ordinance. It was also discussed it needed to be determined that the site was environmentally compatible for restaurant use.

**Commissioner Jones moved to approve as conditioned, SP 1302-0012, Site Plan approval for a restaurant, Rocket Fuel Community Café, located at 329 North Main Street, based on the findings and discussion in the staff report including the addition of condition 1.i.: “the car wash is subject to the same design standards as the rest of the site, being secured and maintained,” and also that the reviews of the site are environmentally compatible for restaurant use. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Brooks, Jones, Stanger, Baron and Roper. Voting NO: None.**

#### STAFF REPORTS

Valerie Claussen said the text amendment for the tattoo establishments was approved last week. She said she received preliminary plans for the Clearfield Station. Ms. Claussen had sent a notice about the webinar from the National APA conference on April 13<sup>th</sup>. She told the commissioners they would not be disappointed. It begins at 8:00 a.m. and breakfast and lunch will be provided.

#### PLANNING COMMISSIONERS' MINUTE

Commissioner Stanger – Said it was his last meeting because he was moving to Clinton. He said he enjoyed his time on Commission.

Commissioner Baron – Said she is happy something was happening on 300 North Main.

Commissioner Roper – Said he lives in the area of 300 North Main also and was excited for that corner to be developed.

Councilmember LeBaron– Said the ordinance for tattoo establishments was approved and thanked Planning Commission for its input. He said there was a budget meeting and the budget was close to being balanced. He said thanks for letting him geek out (on environmental items).

Brian Brower – Said he appreciated Commissioner Stanger’s service and his contribution to the Planning Commission.

Commissioner Peterson – Thanked to Commissioner Stanger for his time on the Commission.

Commissioner Brooks – Said she was glad to hear about new businesses in Clearfield. She met with deputy fire chief who signed off on occupancy for Play Bills so it would be open soon.

Commissioner Jones – Said he appreciated Commissioner Stanger’s service and wished him good luck.

There being no further business to come before the Planning Commission, **Commissioner Stanger moved to adjourn at 9:03 P.M.**