

CLEARFIELD PLANNING COMMISSION MEETING

April 2, 2014

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

PRESENT: Norah Baron Commissioner
 Becky Brooks Commissioner
 Randy Butcher Commissioner
 Joel Gaerte Commissioner
 Kathryn Murray Commissioner
 Timothy Roper Commissioner
 Robert Allen Alternate Commissioner
 Robert Browning Alternate Commissioner
 Michael Millard Alternate Commissioner
 Michael LeBaron Council Liaison

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

VISITORS: Koral Vasquez, Blair Wall, Wayne Rasmussen, John Hansen

Pledge of Allegiance was led by Chair Peterson

APPROVAL OF AGENDA

Chair Peterson requested the approval of the minutes be addressed after item number ten and item number nine be heard as the first item. **Commissioner Brooks recommended to move the approval of the minutes before item number ten and to move item number nine as the first scheduled item. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.**

PUBLIC HEARING FOR FSP 1403-0004 A REQUEST BY NORTH DAVIS CABINET FOR AN AMENDMENT TO JNH SUBDIVISION TO SUBDIVIDE LOT 7, LOCATED AT 1651 SOUTH 300 WEST

Scott Hess explained the request was for an amendment to the JNH Subdivision to subdivide lot seven. He said the property was subdivided six years ago, signatures were obtained and then the plat was held and not recorded until August 2013. Mr. Hess said the division of lot seven into three lots would return the property lines as they were prior to the recording of the subdivision. He said nothing would change and there would not be any new construction or creation of non-conforming structures on the three lots.

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

PUBLIC COMMENT:

None

Commissioner Roper moved to close the public hearing at 7:07 p.m. Seconded by Commissioner Gaerte. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

RECOMMENDATION OF FSP 1403-0004 A REQUEST BY NORTH DAVIS CABINET FOR AN AMENDMENT TO JNH SUBDIVISION TO SUBDIVIDE LOT 7, LOCATED AT 1651 SOUTH 300 WEST

Commissioner Butcher moved to recommend approval to Clearfield City Council, FSP 1403-0004, a request by Cory Rasmussen, North Davis Cabinet, Inc. for an amendment to JNH Subdivision to subdivide Lot 7, located at 1651 South 300 West, based on the discussion and findings in the staff report. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

DISCUSSION ON SP 1403-0001, A REQUEST FOR SITE PLAN APPROVAL TO CONSIDER AUTOMOBILE SALES AND REPAIR, LOCATED AT 140 NORTH MAIN STREET

Scott Hess said the former use had been declared abandoned and the request was for site plan approval. There was also a request later in the agenda for a conditional use permit. He said the property had formerly been an automobile sales lot. Mr. Hess said the lot was completely developed with asphalt paving and two structures on the site. He said there would not be changes to the exterior of the buildings. He said a site circulation and parking plan was provided. Mr. Hess stated one parking space would be required to be marked ADA. He said there currently was not any landscaping on the site but the landscaping shown on the site plan met the ten percent landscaping requirement. He said the current site plan didn't show an enclosed dumpster which would be required to be behind a screened fence enclosure. Mr. Hess said there would be fencing installed to screen any potential outdoor storage. He said the City Engineer was reviewing the impact the property currently had to the storm water system. Mr. Hess said the property was fully asphalted and did not produce a major impact burden to the storm water system. He said staff would work with the owner for the best possible solution to the collection of the storm water. North Davis Fire District did not have any issues with the existing site and buildings. Scott Hess reviewed the site plan which showed a six foot chain link slatted fence to connect the existing buildings. He said the center portion of the lot was designated for customer parking and there were ten parking spaces for vehicles for sale. He continued there were two parking spaces for vehicles awaiting service and four spaces in the outdoor storage area for vehicles that were inoperable or being prepared to be sold. Mr. Hess stated the outdoor storage was not for vehicle parts or tires. He said the existing pole sign needed to be removed along with another pole on the site. He reviewed the conditions of approval.

Commissioner Murray asked if the dumpster would be behind the fence or within a separate

enclosure. Mr. Hess stated City Code required the dumpster be screened from view and could be placed behind the fence or in an enclosure. Commissioner Murray asked about the pole and the pole sign. Mr. Hess said both would be removed. Chair Peterson asked the commissioners if the site circulation, parking plan, landscaping and dumpster location could be handled administratively. There were no objections.

Chair Peterson said there were two recommended changes. Item 1d the addition at the end “No backing onto Main Street shall be permitted.” Item 5 change to “Site plan approval is subject to obtaining any necessary permits or approvals, including but not limited to a conditional use permit from Clearfield City as well as any necessary permits or approvals from UDOT.” Commissioner Murray asked if the removal of the second pole needed to be included with condition of approval number two. Mr. Hess said the site plan indicated both poles would be removed. Chair Peterson said a requirement for the removal of the second pole could be included with condition of approval number two.

APPROVAL OF SP 1403-0001, A REQUEST FOR SITE PLAN APPROVAL TO CONSIDER AUTOMOBILE SALES AND REPAIR, LOCATED AT 140 NORTH MAIN STREET

Commissioner Butcher moved to approve as conditioned SP 1403-0001, Site Plan approval for an automotive sales and repair business located at 140 North Main Street (TIN: 12-001-0002) based on the discussion and findings in the staff report with the following conditions of approval:

- 1) **The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1403-0001; however, they will also include and address the following:**
 - a. **The final engineering design (construction drawings) submitted for site improvements shall meet City standards and be to the satisfaction of the City Engineer.**
 - b. **Any final building plans submitted shall meet building safety standards and be to the satisfaction of the City Building Official.**
 - c. **The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted site plan drawings. A minimum of one parking stall must meet ADA standards.**
 - d. **Site circulation must be designed in such a manner that Main Street is not affected. Adequate paved markings and/or signage shall be provided and incorporated on the site. No backing onto Main Street will be allowed.**
 - e. **New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.**
 - f. **A minimum of 10 percent landscaping shall be provided and meet the minimum standards set forth in Clearfield City Code 11-13-23.**
 - g. **Proposed signage must meet Clearfield City Code Title 11, Chapter 15 standards. Signs are not included as part of this Site Plan approval. Separate review and approval will be required.**

- 2) **The pole sign currently located on the north of the property has been deemed to be abandoned, and must be removed. The additional pole immediately north of the access entry point shall also be removed.**
- 3) **If a garbage dumpster is desired, it must be behind screening as required by Clearfield City Code 11-18-4C2.**
- 4) **Site Plan approval is subject to North Davis Fire District review and approval.**
- 5) **Site Plan approval is subject to obtaining any necessary permits or approvals including but not limited to a Conditional Use Permit from Clearfield City, as well as any approvals of permits from UDOT (Utah Department of Transportation).**
- 6) **Should the landscape not be installed prior to Certificate of Occupancy, pursuant to Clearfield City Land Use Ordinance 11-13-23(B), (C) and (D) Final building permit approval is subject to the applicant establishing an escrow account, as reviewed and approved by the City Engineer and City Attorney.**
- 7) **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 Brooks. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

DISCUSSION ON SP 1403-0002, A REQUEST FOR SITE PLAN APPROVAL FOR EXTERIOR MODIFICATIONS TO AN EXISTING STRUCTURE LOCATED AT 210 EAST 700 SOUTH

Scott Hess said the request was for a 600 square foot awning over a wash bay on a 314,000 square foot structure. He said the wash bay was in the northeast corner of the property. It was a 20 feet by 30 feet awning covering an existing concrete pad. Mr. Hess reviewed the conditions of approval. He proposed a third condition stating, "The applicant must meet all federal, state and local environmental requirements."

APPROVAL OF SP 1403-0002, A REQUEST FOR SITE PLAN APPROVAL FOR EXTERIOR MODIFICATIONS TO AN EXISTING STRUCTURE LOCATED AT 210 EAST 700 SOUTH

Commissioner Gaerte moved to approve as conditioned, SP 1403-0002, Site Plan approval for NSC Properties LLC building addition based on discussion and findings in the staff report with the following conditions:

- 1) **The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1403-0002.**
- 2) **An approved oil/water separator must be installed and inspected by Clearfield City. Any additional required approvals from North Davis Sewer District must be granted prior to final inspection by Clearfield City.**
- 3) **The applicant must meet all federal, state and local environmental requirements.**

Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE:

Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

DISCUSSION ON SP 1403-0003, A SITE PLAN REQUEST TO CONSIDER APPROVAL OF THE EXPANSION OF OFFICE SPACE FOR HOLLY HAVEN APARTMENTS, LOCATED AT 1094 SOUTH 1000 EAST

Scott Hess said the request was for a small addition to an existing office for a multi-family developed apartment complex. He said the existing office was 360 square feet with a proposed addition of 456 square feet. Mr. Hess said the building was in the center of the site and would not negatively affect any internal setbacks or parking circulation. He said the addition would be a benefit for the residents. He said in the future this was the type of application that could be done by administrative site plan review.

Commissioner Murray said there were clothes lines on a cement pad and asked if the addition would be on the cement pad. She was also concerned about some large trees by the office and asked if the trees would be removed for construction. Mr. Hess said the addition included a laundry area but he didn't have an answer to her questions. Commissioner Roper asked if the siding would match the existing building. Mr. Hess said the entire building would receive new shingles and siding. Chair Peterson said the addition would be great for the apartment complex.

APPROVAL OF SP 1403-0003, A SITE PLAN REQUEST TO CONSIDER APPROVAL OF THE EXPANSION OF OFFICE SPACE FOR HOLLY HAVEN APARTMENTS, LOCATED AT 1094 SOUTH 1000 EAST

Commissioner Brooks moved to approve as conditioned, SP 1403-0003, site plan approval for Holly Haven Apartment building addition, based on discussion and findings in the Staff Report and with the following condition:

- 1) The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1403-0003.**

Seconded by Commissioner Gaerte. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

DISCUSSION ON SP 1403-0006, A REQUEST TO CONSIDER APPROVAL OF EXTERIOR MODIFICATIONS TO AN EXISTING STRUCTURE LOCATED AT 450 SOUTH STATE STREET

Scott Hess said in December a site plan for Title Max was approved; however, the sign package was not included. He said the signage plans showed a roof sign, which was not allowed by City Code. The request was for a modification to the building with the addition of a parapet. Mr. Hess defined a parapet wall as a fake vertical wall. He said the application had the vertical parapet wall close to the vertical brick wall of the building. Mr. Hess said the parapet wall was shown as six feet tall and would be of a long lasting material. He said technically the building met the design

standards of Chapter 18 of the Clearfield City Code. Mr. Hess said staff recommended approval under the condition that the wall run vertical as shown on submitted site plan drawings and the construction documents be submitted in substantial conformance to the site plan. Brian Brower asked Mr. Hess if the commissioners should ignore the roof as shown on the drawing submitted for the monument sign. Mr. Hess said yes, the parapet wall was not reflected on the drawing for the monument sign.

Chair Peterson asked the commissioners for discussion on the color and the placement of the parapet. The commissioners agreed the current colors, red, white and blue, were acceptable. Chair Peterson was concerned about seeing the top of the original roof that would be exposed, would the colors and materials match. After discussion on the height of the parapet it was decided to require the parapet to cover the old roof line when viewed from 450 South and State Street and the two roof lines should be visually consistent in color and material. Chair Peterson asked where the parapet should be placed. The commissioners agreed the parapet must go straight up from the wall and as close as possible to the existing vertical wall and to the satisfaction of the City Engineer and the Building Official.

Mr. Brower suggested condition number two have an additional sentence, "Parapet and any remaining visible existing roof line must be of matching building materials and colors." Commissioner Murray asked if the request for a minimum height on the parapet could be added. Mr. Brower suggested condition of approval number two could also have added, "The parapet must be constructed at a minimum of six feet in height and must be placed as close to the existing building walls as possible, subject to maintaining the structural integrity of the roof and to the satisfaction of the building official."

APPROVAL OF SP 1403-0006, A REQUEST TO CONSIDER APPROVAL OF EXTERIOR MODIFICATIONS TO AN EXISTING STRUCTURE LOCATED AT 450 SOUTH STATE STREET

Commissioner Butcher moved to approve as conditioned, SP 1403-0006, site plan approval for exterior building modifications, located at 450 South State Street, based on the discussion and findings in the Staff Report with the conditions of approval as noted with additions to condition number two to state, "Roof line and parapet must be of same color and material to maintain visual consistency. The parapet must be a minimum of six feet in height and placed as close to the vertical wall as structurally possible and approved by the Building Official." Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

PUBLIC HEARING ON CUP 1403-0001, A CONDITIONAL USE PERMIT TO CONSIDER AUTOMOBILE SALES AND REPAIR LOCATED AT 140 NORTH MAIN STREET

Scott Hess said the conditional use permit was for automobile sales, vehicle repair and a small amount of limited outdoor storage, which included the vehicles that were inoperable or awaiting repair. He reviewed the parking layout and traffic circulation plan and recommended no more

than fifteen vehicles be kept on site at any time. That would allow ten vehicles for sale and five vehicles awaiting repair. Mr. Hess said the vehicles for repair could be parked in unmarked stalls in the outdoor storage area behind a screening fence as shown on the submitted site plan. He said a condition of approval could be added that the only repair allowed was for those vehicles to be sold on site; plus, no advertising for repair on the site would be allowed. Mr. Hess said vehicles awaiting repair met the outdoor storage requirements and should be stored in the fenced outdoor storage area. He suggested adding condition of approval number six that advertising for automobile repair was prohibited.

Brady Hess, owner, was present. Commissioner Butcher was concerned with customer parking. Scott Hess reviewed the parking areas for vehicles for sale, customer parking, employee parking and vehicles waiting for repair and stated the number of customer parking spaces exceeded the required amount. Commissioner Butcher said the customer parking could easily be used for vehicles for sale. Brian Brower said the following could be added to condition of approval number two, "In no case shall inventory for sale be parked in the five designated customer parking stalls."

Chair Peterson declared the public hearing open at 8:21 p.m.

PUBLIC COMMENT

None

Commissioner Brooks moved to close the public hearing at 8:22 p.m. Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

Chair Peterson reviewed the changes discussed to the conditions of approval.

APPROVAL OF CUP 1403-0001, A CONDITIONAL USE PERMIT TO CONSIDER AUTOMOBILE SALES AND REPAIR LOCATED AT 140 NORTH MAIN STREET

Commissioner Gaerte moved to approve as conditioned, CUP 1403-0001, Conditional Use Permit approval for an automotive sales and repair business located at 140 North Main Street based on the discussion and findings in the Staff Report with the following conditions:

- 1) **This Conditional Use Permit is only for motor vehicle sales and repair of vehicles to be sold on the sales lot, located at 140 N. Main St.**
- 2) **No more than 15 cars for sale or to be serviced shall be kept onsite. The entire inventory must be able to be parked on site and cannot overflow onto adjacent roads or parcels. 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. In no case shall inventory for sales and repair be stored in the five customer designated stalls.**

- 3) **An approved oil/water separator must be installed and maintained by the applicant. The oil/water separator must be reviewed and approved by Public Works prior to any onsite automobile repairs.**
- 4) **Vehicles awaiting repair may only reside on the sales lot for 48 hours. Should inoperable vehicles reside on the property longer than that, they will be considered outdoor storage and must be parked on hard surface behind an appropriate screening fence. This is the only type of outdoor storage that is allowed by this approval. Any additional storage of vehicle parts, wheels, or other items must be reviewed and approved by the Planning Commission.**
- 5) **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.**
- 6) **No advertisement for commercial vehicle repairs will be permitted.**

Seconded by Commissioner Butcher. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

PUBLIC HEARING ON RZN 1403-0005, A REQUEST FOR REZONE FROM C-2 (COMMERCIAL) TO C-R (COMMERCIAL RESIDENTIAL) LOCATED AT 938 SOUTH 2000 EAST

Scott Hess stated the property had some site constraints which included grade challenges. He said the request was for a rezone from C-2 (Commercial) to C-R (Commercial Residential) which was a mixed use zone pursuant to a development agreement. The General Plan showed the property as mixed use. Mr. Hess said generally the C-R zone allowed commercial and residential. He said the City's original intent for C-R zoning was probably for vertical mixed use with commercial on the ground floor with residential above but the ordinance was not specific and a horizontal mixed use project could be justified. Mr. Hess said the C-R zone allowed ten dwelling units per acre if 20 percent of the total ground floor area of the project was commercial. He said the conceptual plan provided had two commercial lots in the front and thirty twin homes in the back. Staff determined it was best to discuss the rezone along with the preliminary subdivision plat or site plan with the Planning Commission. He said the discussion should be about what the commissioners expected to see from a commercial standpoint with the development and what type of commercial would be acceptable.

Chair Peterson asked the applicant, John Hansen, how he wanted the Planning Commission to proceed. She said they could have a discussion and make a recommendation to the City Council or it could be tabled or they could have discussion without any action taken. Mr. Hansen said he would like discussion and feedback from the commissioners. He said the property was an irregular seven acre parcel. He said the property had been for sale as commercial for over ten years with only one inquiry. Mr. Hansen said there were physical constraints with a 50 foot drop from north to south on the property. He said they wanted to build patio or twin homes. Mr. Hansen had some pictures of potential commercial building elevations. He said the buildings would be all brick or stone on the front. Mr. Hansen asked the commissioners if Clearfield City

could support the mixed use.

Chair Peterson declared the public hearing open at 8:40 p.m.

PUBLIC COMMENT:

None

Commissioner Gaerte moved to close the public hearing at 8:41 p.m. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

Chair Peterson asked the commissioners opinion on the rezone and development. Commissioner Butcher said he would rather have single family dwellings and he was fine with the percentage of commercial, but said more would be better. Commissioner Gaerte said the frontage and shape of the property was irregular for commercial use. His opinion was that no one would drive past the front buildings to the rear for commercial. He said the C-R zone was a good way to use the entire site. Commissioner Brooks liked the examples Mr. Hansen showed of other commercial projects he had completed, but she was opposed to multi-family within the C-R zone. She liked the commercial portion and said she didn't want any more multi-family developments in Clearfield. Commissioner Baron agreed with Commissioner Brooks but understood why the twin homes would work best on the property. She said overall she liked the idea. Commissioner Roper said his concerns were with the housing. He had no issues with the commercial portion but was concerned with the land locked property to the west. Scott Hess explained the property west of TRW was owned by Clearfield City. He said the road alignment shown on the concept drawing needed to be shifted to line up with the road alignment that the City had planned on that property under a land lease to expand parking for the TRW building for future use. Commissioner Murray asked what type of twin homes would be built. She saw some twin homes in Perry that were very nice and she wanted a high-quality development. She said the best use with the topography was the C-R zone.

Brian Brower read from the General Plan, "There are still approximately five acres of undeveloped high-density residential property in the City; therefore, current policy is that no additional property will be rezoned for the development of two-family or multi-family dwellings, except as part of an approved R-3R, MU, C-R, or D-R Zone project." He said the policy stated the rezone must be part of an approved project. Mr. Brower said the conceptual design provided was not an approved project. He said the C-R Zone indicated a development agreement may be required for all new development in the C-R zone. Mr. Brower recommended the Commission request more information and a binding development agreement for a specific type of project. Chair Peterson said she would be more favorable to an owner occupied, higher quality project. Mr. Hansen thanked the Planning Commission for their feedback and indicated he would bring a more complete project back to the Commission. No action was taken at this time at the request of the applicant.

Chair Peterson asked for a recess to allow the Commissioners time to review the two sets of minutes for approval.

Commissioner Murray moved to take a recess and reconvene at 9:15 p.m. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

The meeting reconvened at 9:20 p.m.

APPROVAL OF MINUTES FROM FEBRUARY 5, 2014 PLANNING COMMISSION MEETING

Commissioner Brooks moved to approve the minutes of the February 5, 2014 as written. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

APPROVAL OF MINUTES FROM MARCH 5, 2014 PLANNING COMMISSION MEETING

Commissioner Butcher asked on page three on the second line changed to read, "...105 people in and out..." and on page four, line four asked for a change so the sentence read, "Commissioner Gaerte stated the issue was that liability lies with the owner of the fence." Brian Brower asked for clarification on page six to the sentence that began the third line from the bottom. Chair Peterson suggested the sentence be changed to: "Mr. Hess said walls longer than 20 feet require enhanced landscaping per Chapter 18." Mr. Brower asked for clarification on page nine in the motion, condition number two changes added to state "... must meet Title 11 Chapter 13 Section 12 along ... but *the fence* may be chain link..."

Commissioner Gaerte moved to approve the minutes of March 5, 2014 with the amendments as noted in the discussion. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

PUBLIC HEARING FOR ZTA 1303-0003, ZONING TEXT AMENDMENT TO TITLE 11 REGARDING ALL NON-DEPOSITORY ESTABLISHMENTS WITHIN CLEARFIELD CITY AND POTENTIAL AMENDMENTS TO CITY CODE 11-13-29 PAYDAY LENDING ESTABLISHMENTS

Scott Hess said the zoning text amendment changed the title of Payday Lending Establishments to Non-depository Lending Establishments. He said the revised ordinance was the same as the Payday Lending Establishments with the following changes:

1. Change "Payday" to "Non-Depository" throughout the ordinance.
2. References to the date February 1, 2012 were changed to May 1, 2014.
3. The definition for Payday Lending Establishments was removed and the definition for Non-Depository Lending Establishment was added.
4. The definition was "Non-Depository Lending Establishment: Any business or financial institution subject to regulation by the State of Utah Department of Financial Institutions, which do not take deposits. These include, but are not limited to, payday lenders, title lenders, check cashers, and deferred deposit loan lenders as set forth in Utah Code

Annotated Title 7, Chapter 23 and 24. Non-depository lending establishments shall be subject to additional regulations set forth in Chapter 13 of this title.”

5. Paragraph B2) Relocation of Existing Business: “...shall *only* be allowed...”

Chair Peterson declared the public hearing open at 9:33 p.m.

PUBLIC COMMENT:

None

Commissioner Butcher moved to close the public hearing at 9:34 p.m. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

Commissioner Brooks said the amendment looked good. Commissioner Murray asked if the population requirement needed to be met with a potential relocation of an existing non-depository lending establishment. Scott Hess stated the population requirement was not considered with a relocation because the business was an entitled legal non-conforming business within the City. Commissioner Murray asked how many non-depository lending establishments were in the City. Mr. Hess said there were seven recognized on the State registry. Brian Brower said the City could benefit by allowing the businesses to relocate especially if it were to facilitate redevelopment or if the business were locating to a new development.

RECOMMENDATION ON ZTA 1303-0003, ZONING TEXT AMENDMENT TO TITLE 11 REGARDING ALL NON-DEPOSITORY ESTABLISHMENTS WITHIN CLEARFIELD CITY AND POTENTIAL AMENDMENTS TO CITY CODE 11-13-29 PAYDAY LENDING ESTABLISHMENTS

Commissioner Brooks moved to recommend approval to Clearfield City Council, ZTA 1303-0003, Zoning Text Amendment to Title 11 regarding all non-depository lending establishments within Clearfield City, amending City Code 11-13-29 Payday Lending Establishments, as well as all applicable definitions and references with the changes as noted. This zoning text amendment is effective across all commercial zones in Clearfield City. Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

DISCUSSION ABOUT STANDARDS FOR ANIMAL KEEPING WITHIN AGRICULTURAL ZONES AND POTENTIAL AMENDMENTS TO CITY CODE TITLE 11, CHAPTER 8, TO CONSIDER ALLOWING GREATER FLEXIBILITY FOR ANIMAL KEEPING WITHIN AGRICULTURAL PROPERTIES

Scott Hess said City Manager, Adam Lenhard, requested a comparison with surrounding cities on animal keeping standards. He defined animal keeping as the keeping of animals for pleasure or production that were of a farm nature, large animals such as horses, cows, sheep, goats or small animals such as pigs, fowl, or pigeons. Mr. Hess said a resident with property on 300 North

requested the possibility to have an agri-business. The resident said the City was too restrictive. Mr. Hess explained the number of animals allowed under current code. He said the resident desired options such as keeping a pair of mature animals, plus their offspring rather than just two goats and was willing to pay for a yearly business license.

Mr. Hess asked if the commission wanted to open the remaining parcels of agriculturally zone property for increased intensity agricultural business. Commissioner Brooks asked how much agricultural property was in the City. Mr. Hess said it would affect a few dozen parcels. He said more than an acre of ground was needed for a horse to eat, live and thrive off the land unless the horse was fed in addition to grazing. Chair Peterson asked the commissioners for their opinions, yes or no for further discussion with the applicant. Commissioner Butcher said no, but he was willing to listen. Commissioner Gaerte said he leaned toward no, but would be willing to negotiate further discussion. Commissioner Brooks said no, Clearfield was no longer rural. Commissioner Baron said no. Commissioner Roper said he wasn't sure and was open to hear more. Commissioner Murray said no. Chair Peterson said no, it was contrary to the City's vision. She said Clearfield was unique with an abundance of one acre agricultural lots because of the power corridor. Chair Peterson said the amount of animals allowed currently was a cost burden to the City due to animal control enforcement calls.

STAFF REPORTS

Scott Hess thanked Commissioner Butcher for his service and wished him well.

PLANNING COMMISSIONERS' MINUTE

Commissioner Murray – Wished well to Commissioner Butcher.

Commissioner Roper – Wished Commissioner Butcher well.

Commissioner Baron – Good luck to Commissioner Butcher in his future adventures.

Commissioner Brooks – Thanked Commissioner Butcher for his help and mentoring. She said he had been very helpful in learning her role as a commissioner.

Commissioner Gaerte – Thanked Commissioner Butcher for his service.

Commissioner Peterson – Thanked Commissioner Butcher for his service on the Planning Commission and for his time as Vice-Chair. She wished him well.

Brian Brower – Told Commissioner Butcher he would be missed. He stated there was an appeal filed on the conditional use permit by the neighbor of Mr. Goupios. He cautioned the commissioners because the determination of the conditional use permit approval had been stayed, to continue to treat the conditional use permit as a pending matter and not to discuss the project outside of a public meeting.

Councilmember LeBaron – Said during April UTA began transit service from Clearfield Station to Hill Air Force Base. He thanked Commissioner Butcher for his service and said he would be missed and wherever he went would be better for it. He wished him good luck in his future.

Commissioner Butcher – Said he enjoyed six plus years on the Planning Commission. He said he received good mentoring from Chair Peterson and he had learned a lot. He thanked staff.

There being no further business to come before the Planning Commission, **Commissioner Butcher moved to adjourn at 9:58 P.M. Seconded by Commissioner Gaerte.**