

CLEARFIELD PLANNING COMMISSION MEETING

August 6, 2014

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

PRESENT: Norah Baron Commissioner
Kathryn Murray Commissioner
Timothy Roper Commissioner
Robert Browning Commissioner
Robert Allen Alternate Commissioner
Michael Millard Alternate Commissioner

ABSENT: Michael LeBaron Council Liaison

STAFF PRESENT: Brian Brower City Attorney
JJ Allen Assistant City Manager
Scott Hess Development Services Manager
Scott Hodge Public Works Director
Christine Horrocks Building Permits Specialist
Stacy Millgate Business License Official

VISITORS: John K. Ryan, Lee Schaffer, Sharon Hinckley, Rob Holbrook, Craig Hokanson, Marv Murri, John Hansen, Sandy Correa, Patricia A. Mauter,

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF MINUTES FROM JUNE 4, 2014 PLANNING COMMISSION MEETING

Commissioner Murray moved to approve the minutes of June 4, 2014 as written. Seconded by Commissioner Allen. The motion carried on the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

APPROVAL OF MINUTES FROM JULY 2, 2014 PLANNING COMMISSION MEETING

Chair Peterson stated the minutes would be available for approval at the next meeting.

APPROVAL OF AGENDA

Chair Peterson requested item number four be presented after item number eight. **Commissioner Roper moved to approve the agenda with the change as noted. Seconded by Commissioner Allen. The motion carried on the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.**

PUBLIC HEARING AND DISCUSSION ON FSP 1407-0001 AND SP 1407-0001 A REQUEST BY HAMBLIN INVESTMENT GROUP FOR A PRELIMINARY/FINAL SUBDIVISION PLAT AND SITE PLAN REVIEW OF A MULTI-FAMILY HOUSING SUBDIVISION LOCATED AT APPROXIMATELY 880 SOUTH 550 EAST

Scott Hess stated the development was on 1.64 acres and was west of 550 East. He said the proposed project was Kensington Place Phase 2 which would connect two existing townhome developments. Mr. Hess said Mr. Murri was requesting feedback on the proposal. He said the project required a site plan, preliminary subdivision plat, final subdivision plat, and a development agreement. He said the terms of the development agreement were needed due to non-compliance with the way the site plan was proposed and the current R-3 zoning code which included the setbacks, lot dimensions and the garage size. Mr. Hess said the proposed project had 20 foot rear yard setbacks. He said the Planning Commission had the option to hold all units to the required R-3 zone minimums and change the nature of the development in this area or recommend the development be allowed to be consistent with the surrounding development. Mr. Hess stated staff was not recommending an approval at the meeting.

Chair Peterson declared the public hearing open at 7:11 p.m.

There was no public comment.

Commissioner Murray moved to continue the public hearing to the September 3, 2014 Planning Commission meeting. Seconded by Commission Allen. The motion carried on the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

Marvin Murri representing the Hamblin Investment Group said it was their opinion that Kensington Place Phase 2 would be a better project if the proposed structures were similar to the existing adjacent developments. He said utilities were stubbed in the street and would tie the developments together.

Commissioner Murray asked how the new development was consistent if the other developments had four-plexes and the new development would have two seven-plexes and a six-plex. Mr. Murri said there were some four-plexes, but there were also buildings with eight and some with six in previous phases. Commissioner Murray was concerned about the landscaping requirement not being met. Chair Peterson said there was a provision that modifications could be made through the development agreement, but the percentage of required landscaping was not negotiable. Scott Hess said the minimums in the landscaping were required. Chair Peterson said the applicant wanted to know if the Planning Commission would accept a one car garage or if two car garages would be required. Chair Peterson said the other changes that could be allowed through the development agreement were the setbacks and the quality of materials as outlined in the design standards. Commissioner Browning said he didn't like exceptions and asked how common projects with a similar request were. Mr. Hess said it was uncommon as it was one of the few remaining parcels zoned R-3. Commissioner Murray asked if the existing Kensington Place and Brookshire Townhomes had two car garages. Mr. Hess said they did not. Commissioner Murray

asked about covered parking. Mr. Hess said the single car garage was considered covered parking. Mr. Murri said in the proposed development 13 of the 20 units would have three off-street parking spaces, one in the garage and two other spaces. He said the other seven units would have a single car garage with another parking space located next to the garage. Mr. Hess stated the development had adequate parking but the street width did not allow for on street parking.

Chair Peterson asked the commissioners for their opinion on uniformity versus upgrade to current code. Commissioner Roper said it made sense to keep it in line with the existing project and allow the exception. Commissioner Browning liked the uniformity. Commissioner Millard said he like uniformity with the surrounding developments because it was a small piece of property. Commissioner Murray said she was concerned with the one car garage because most families didn't have just one car. Commissioner Baron and Commissioner Allen agreed with what had been said for uniformity. Commissioner Allen asked about the homes. Mr. Murri said the homes were part of phase two and would be renovated and sold as single family residences. Chair Peterson wanted the development agreement to address the maintenance of the private roads. Scott Hess said it was a private street development and there were no sidewalks being proposed. He said an advantage of the development being phase two was the units were included with the existing homeowners association of phase one. Commissioner Allen stated that 550 East was in disrepair and asked when it would be repaired. Scott Hodge said signatures were received to dedicate the road right-of-way to have the road width close to code. He said the bids received were substantially higher than budgeted and the decision was made to rebid the project to start early next year.

PUBLIC HEARING AND DISCUSSION ON CUP 1407-0005, A REQUEST BY EL CHAMO AUTO REPAIR FOR A CONDITIONAL USE PERMIT FOR AN EMISSION AND INSPECTIONS BUSINESS LOCATED AT 325 WEST 1700 SOUTH, UNIT #7

Scott Hess stated for the record that the property was part of an illegal subdivision that needed to be resolved at a future date. He said safety inspections and emission testing fell under the definition of automotive repair and therefore required a conditional use permit (CUP). Mr. Hess said the bay used by the applicant was only for emissions and inspections and was not large enough to perform any automotive repair; therefore, a floor drain was not required. He reviewed the conditions of approval. Chair Peterson said condition number one referred to use of bay number seven and asked if it was necessary to call out the entire site for purposes of outdoor storage. Mr. Hess said the other businesses did not have permitted outdoor storage and any violations would be handled by code enforcement. Commissioner Allen said because of the setup of the bay, El Chamo would not have space for repair work. Mr. Hess said repair work was not allowed.

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

There was no public comment.

Commissioner Roper moved to closed the public hearing at 7:51 p.m. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

APPROVAL OF CUP 1407-0005, A REQUEST BY EL CHAMO AUTO REPAIR FOR A CONDITIONAL USE PERMIT FOR AN EMISSION AND INSPECTIONS BUSINESS LOCATED AT 325 WEST 1700 SOUTH, UNIT #7

Commissioner Browning moved to approve as conditioned deleting the last two sentences of condition number two, CUP 1407-005, a request for a conditional use permit for an emission and inspections business, located at 325 West 1700 South, Unit #7 (TIN: 12-243-0011) based on the discussion and findings in the staff report and with the following conditions:

- 1) **This Conditional Use Permit pertains solely to El Chamo, and is for emissions and inspections purposes only, in bay #7, identified as “El Chamo.”**
- 2) **Absolutely no automotive repair services beyond emissions testing and safety inspections shall be conducted.**
- 3) **No outdoor storage is permitted. This includes, but is not limited to, such items as materials, automobiles, automobile parts, or the like.**
- 4) **A minimum of two stalls shall be marked as parking for El Chamo. Parking stalls shall meet the minimum dimensions of City Code. The stalls shall be paved and signed, as appropriate.**
- 5) **The site shall be maintained in a neat and orderly manner and have no abandoned or leaking automotive parts except in a closed container for disposal.**
- 6) **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.**
- 7) **There shall be no overflow parking offsite (on the lots to the south or east, on the street, or otherwise).**
- 8) **For this Conditional Use Permit to be in full force and effect, the Conditions of Approval shall be acknowledged and accepted in writing by both the tenant/business owner and the property owner, as joint applicants.**

Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

PUBLIC HEARING AND DISCUSSION ON RZN 1407-0006, A REQUEST BY CLEARIFELD CITY AND CLEARIFELD CITY REDEVELOPMENT AGENCY FOR REZONE OF PROPERTY FROM RESIDENTIAL (R-3) AND COMMERCIAL (C-2) TO PUBLIC FACILITIES (PF) LOCATED WEST OF 888 SOUTH 2000 EAST (TIN: 09-302-0006, 09-021-0055)

Scott Hess stated Clearfield City and Clearfield City Redevelopment Agency owned two parcels

and indicated on the map which properties were being discussed. He said the Public Facilities (PF) zone was established to provide areas for the location and establishment of facilities which were maintained in public and quasi-public ownership and use. This zone was intended to provide immediate recognition of such properties upon the official zoning map of the City. Mr. Hess said Clearfield City and Clearfield City Community and Redevelopment Agency owned property that was currently zoned R-3 and C-2. He said in order to create consistency the Community Development Department along with the Executive Department requested the Planning Commission consider rezoning the City owned parcels to PF. He said there was no intended use change.

Commissioner Allen said the property was landlocked and asked if the property could be developed. Brian Brower said a portion of the land was conveyed to the City for a park and the long term plan was a park. Mr. Hess said there were stub streets but no desire to connect the areas at this time. Scott Hodge said there was a water line through the property. Mr. Hess said there were utilities across the properties. Chair Peterson said the rezones were a housekeeping item.

Chair Peterson declared the public hearing open at 7:59 p.m.

PUBLIC COMMENT:

Lee Schaffer, Clearfield, asked if the waterline would be replaced. Scott Hodge stated there was a 16 inch water line from SR193 that ran adjacent to the Sundowner Condos. He said there was a project planned to replace the 16 inch with an 18 inch water line. He said an easement needed to be secured before the work could be completed. Mr. Hodge said the water line was not part of the rezone request. Mr. Schaffer was concerned about lack of the water line into Summer Place when the line was replaced. Mr. Hodge said the existing water line would be left intact and the new line would be laid adjacent to the existing line. He said the line would be tested then connections would be made. Mr. Hodge said there might be one day when the subdivision was without water when the connections were made. He said the new water line would be made of material with longer life and valves would be added. Mr. Schaffer asked the time frame for the water line project. Mr. Hodge stated the project was budgeted and the project would move forward after the easement had been secured.

Commissioner Millard moved to close the public hearing at 8:04 p.m. Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

RECOMMENDATION OF RZN 1407-0006, A REQUEST BY CLEARIFELD CITY AND CLEARFIELD CITY REDEVELOPMENT AGENCY FOR REZONE OF PROPERTY FROM RESIDENTIAL (R-3) AND COMMERCIAL (C-2) TO PUBLIC FACILITIES (PF) LOCATED WEST OF 888 SOUTH 2000 EAST (TIN: 09-302-0006, 09-021-0055)

Commissioner Millard moved to recommend to the City Council approval of RZN 1407-0006 a request by Clearfield City and Clearfield City Redevelopment Agency, for rezone of property from Residential (R-3) and Commercial (C-2) to Public Facilities (PF), located west of 888 South 2000 East (TIN: 09-302-0006, 09-021-0055) based on the discussion and

findings in the staff report. Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

PUBLIC HEARING AND DISCUSSION ON RZN 1407-0007; A REQUEST BY CLEARFIELD CITY AND CLEARFIELD CITY REDEVELOPMENT AGENCY FOR REZONE OF PROPERTY FROM MANUFACTURING (M-1) AND RESIDENTIAL (R-2) TO PUBLIC FACILITIES LOCATED AT 497 SOUTH MAIN STREET (TIN: 12-003-0094, 12-003-0168, 12-003-0169, 12-003-0097, 12-003-0198, 12-003-0197).

Scott Hess said the property consisted of the public works and parks shops and storage areas, and residential R-2 properties. He said the properties were separated by the road connecting Jenmar. Mr. Hess said the City requested the parcels be rezoned to Public Facilities (PF).

Scott Hodge said the rezone was for future improvements at the public works and parks shops. He said the plat approval for the overall site and site plan would be presented in the future. Commissioner Allen asked how the change would affect spring cleanup. Mr. Hodge said the nature of spring and fall cleanup could change in the future.

Chair Peterson declared the public hearing open at 8:10 p.m.

PUBLIC COMMENT:

Craig Hokanson, Clearfield, said he represented HHI Enterprises at 624 South Main. He was concerned that the roads were not wide enough to turn around and there was a constant stream of trucks backing down Main Street. He said the SR193 construction left Main Street in disrepair. Mr. Hokanson was okay with the rezone.

Commissioner Allen moved to close the public hearing at 8:14 p.m. Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

RECOMMENDATION OF RZN 1407-0007; A REQUEST BY CLEARFIELD CITY AND CLEARFIELD CITY REDEVELOPMENT AGENCY FOR REZONE OF PROPERTY FROM MANUFACTURING (M-1) AND RESIDENTIAL (R-2) TO PUBLIC FACILITIES LOCATED AT 497 SOUTH MAIN STREET (TIN: 12-003-0094, 12-003-0168, 12-003-0169, 12-003-0097, 12-003-0198, 12-003-0197).

Commissioner Murray moved to recommend to the City Council approval of RZN 1407-0007, a request by Clearfield City and Clearfield City Redevelopment Agency, for Rezone of property from Manufacturing (M-1) and Residential (R-2) to Public Facilities (PF), located at 497 South Main Street (TIN: 12-003-0094, 12-003-0168, 12-003-0169, 12-003-0097, 12-003-0198, 12-003-0197), based on the discussion and findings in the Staff Report. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

PUBLIC HEARING AND DISCUSSION ON RZN 1403-0005 A REQUEST FOR REZONE FROM C-2 (COMMERCIAL) TO C-R (COMMERCIAL RESIDENTIAL) LOCATED AT 938 SOUTH 2000 EAST (TIN:09-302-0008)

Scott Hess said on April 2, 2014 the Planning Commission held a noticed public hearing and discussed the project; however, no action was taken because the applicant just asked for feedback. He said the preliminary site plan was included with the staff report. He said the formal site plan, preliminary and final subdivision plats, and development agreement would be presented at a later date. Mr. Hess said the Commercial Residential (C-R) zone required 20 percent of the total floor area be commercial use. He said the City desired to maintain an easement on the property for a future east/west connector road. Mr. Hess said staff recommended Planning Commission recommend approval to City Council subject to approval of the development agreement. Brian Brower said he would recommend to the City Council the rezone of the property be held until the development agreement was approved so there was a contractual obligation to build a specific project. He said the recommendation before them was for the rezone, but encouraged the Planning Commission to discuss any concerns about the site plan or subdivision plat with the developer.

Chair Peterson noted that the applicant and City staff were present and no further public comment was taken.

Chair Peterson stated the requirement for 20 percent of commercial square footage needed to be met with the current standards. Commissioner Murray said the land configuration was an issue but she recommended commercial buildings along 2000 East so the project looked like commercial with a residential component and not residential with commercial. Commissioner Allen suggested lots one, two, three and four be designated as commercial. Mr. Hess said the C-R zone required the commercial portion of the project be constructed first and recommended two commercial buildings fronting 2000 East. Commissioner Millard asked what the "CA" area was on the plat. Mr. Hansen said it was a common area or open space that would be maintained by the homeowners association. Mr. Hess said there was a considerable amount of cut and fill for the property. He said it was an engineered concept plan and consideration was given to the amount of land to be moved but it was feasible or the developer would not be requesting the project. Mr. Hansen said it was a hard piece of property.

Commissioner Millard asked if commercial buildings on the frontage would be considered. Mr. Hansen said the plan was to hold the first four lots until the end of the project and hope the lots would be developed commercially. He said the location, the market and the topography restricted type of development on the property.

Chair Peterson asked the commissioners for specific recommendations to City Council. The commissioners agreed that commercial was preferred on the frontage along 2000 East (University Park Boulevard) and both sides of the street going into the development.

RECOMMENDATION ON RZN 1403-0005 A REQUEST FOR REZONE FROM C-2 (COMMERCIAL) TO C-R (COMMERCIAL RESIDENTIAL) LOCATED AT 938 SOUTH 2000 EAST (TIN:09-302-0008)

Commissioner Allen moved to recommend to the City Council as conditioned approval subject to approval of the development agreement, the site plan and the preliminary plat, final plat and commercial frontage along University Park Boulevard (2000 East), RZN 1403-0005, a request by John Hansen, on behalf of Thomas Rosenberg, for rezone from C-2 (Commercial) to C-R (Commercial Residential), located at 938 South 2000 East (TIN: 09-304-0008), based on the discussion and findings in the staff report. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen, and Millard. Voting NO: None

DISCUSSION ON POTENTIAL ZONING TEXT AMENDMENT REGARDING RESIDENTIAL DAYCARES AND PRESCHOOLS

Stacy Millgate, Business License Official, stated staff proposed changes to the agriculture and residential sections of City Code to change the classification of home daycares and preschools from a conditional use to a permitted use. She said the change required submission of additional documents for approval. Ms. Millgate listed the conditions that had been imposed on previous applicants for a daycare or preschool. She presented a table that compared home daycares and preschools in Clearfield City to other home daycares and preschool in other jurisdictions.

Commissioner Murray asked if complaints had been received from neighbors about home daycares or preschools. Ms. Millgate said neighbors had called with questions about the public notice; however, negative feedback had not been received. Scott Hess said with the change, the surrounding neighbors would not be notified. Chair Peterson spoke with a recent applicant and the feedback was that the Planning Commissioner was intimidating to stand before, the process was cumbersome and took a lot of time, plus complaints were not received from neighbors. She said a check list could be established of requirements for the business license. She said Layton City had a good list of requirements that followed State guidelines.

Ms. Millgate stated a regular home occupation business license fee was 75 dollars; a home daycare or preschool must pay 210 dollars plus the 200 dollar conditional use permit fee. Chair Peterson said the current requirements just added cost and time and she was in favor of the proposed change. She said the main concerns with the home daycares and preschools were the drop-off and pick-up schedule and the fence surrounding the property. She was concerned with daycares in an apartment complex where the open space for play was a shared area. Chair Peterson asked the commissioners if they wanted to move forward with amending the requirements for home daycares and preschool. The commissioners were all in agreement with amending the City Code. Chair Peterson requested daycares and preschools in apartment complexes be handled differently.

DISCUSSION ON POTENTIAL ZONING TEXT AMENDEMENT REGARDING MOBILE FOOD VENDOR STANDARDS

Stacy Millgate said on June 10, 2014 City Council amended the temporary business license period from 60 days to 180 days. She said at that time there was discussion on changing the regulations for temporary businesses and asked the commissioners for recommendations for City Code. Ms. Millgate gave them a spreadsheet that listed the requirements of other jurisdictions. Scott Hess said he liked Layton City's code which specified different types of users. He asked the commissioners what requirements should be included in the code or what would be most beneficial for Clearfield City. Chair Peterson asked if the different definitions made it easier for licensing. Ms. Millgate stated it might take time to adjust to different types, but thought it could be better to not lump all the businesses into the same category. She said one concern was with the requirement to relocate. Commissioner Murray was concerned about the food carts outside at some businesses. Ms. Millgate said a license wouldn't be required when the business operated a temporary food cart outside its established business. Scott Hess said another proprietor was required to obtain a license for a food cart. Commissioner Browning asked about food trucks. Ms. Millgate stated the license for a food truck was for six months and no address was tied to the license.

Mr. Hess said there were a lot of unintended consequences from the code changes made in 2009. He said the ice shack requested a change to the ordinance for temporary businesses, but because it wasn't a Title 11 zoning code it went directly to City Council. After that change City Council wanted specific standards for regulation of temporary business licenses. Chair Peterson asked staff to determine how to better classify the temporary businesses so the businesses were not lumped together. She directed staff to prepare language that would address the issues.

STAFF REPORTS

Scott Hess said there were two administrative site plans one for a pergola cover at the Maverik on 1700 South and the second was for new parking lot lighting at Burger King. He said the ordinance change for administrative site plan approval was made without changing the fee schedule but that would be corrected soon. He said the applicants were pleased with the quick turn around on the approval.

Brian Brower thanked Commissioner Baron for her service on the Planning Commission.

PLANNING COMMISSIONERS' MINUTE

Commissioner Allen – Nothing

Commissioner Murray – Nothing

Commissioner Roper – Nothing

Commissioner Browning – Nothing

Commissioner Millard – Nothing

Commissioner Baron - Nothing

Chair Peterson – thanked Commissioner Baron for her dedicated service. She would be missed and wished her the best.

There being no further business to come before the Planning Commission, **Commissioner Baron moved to adjourn at 9:33 P.M. Seconded by Commissioner Murray.**