

CLEARFIELD PLANNING COMMISSION MEETING

December 3, 2014

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

PRESENT: Kathryn Murray Commissioner
Timothy Roper Commissioner
Robert Browning Commissioner
Robert Allen Commissioner
Amy Mabey Commissioner
Michael Britton Alternate Commissioner
Brady Jugler Alternate Commissioner
Steve Parkinson Alternate Commissioner
Michael LeBaron Council Liaison

ABSENT: Michael Millard Commissioner

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

VISITORS: Jared Schofield, Jerry Shelton, Rob Holbrook, Don McKinnon, Vaughn Covington, Ruth Kjar, Brent Kjar, Darlene Yoshbaugh, Ricardo Vera, Jaime K.

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF AGENDA

Commissioner Mabey moved to approve the agenda as written. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Browning, Allen, Mabey, and Britton. Voting NO: None.

APPROVAL OF MINUTES FROM OCTOBER 15, 2014 PLANNING COMMISSION MEETING

Chair Peterson recommended adding that Commissioner Browning's comment on page ten was made in jest. **Commissioner Britton moved to approve the minutes of October 15, 2014 with the change as noted. Seconded by Commissioner Allen. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Browning, Allen, Mabey, and Britton. Voting NO: None.**

APPROVAL OF MINUTES FROM NOVEMBER 5, 2014 PLANNING COMMISSION

MEETING

Chair Peterson stated that Councilmember LeBaron was not present at the November 5, 2015 meeting and asked that the minutes reflect that Councilmember LeBaron was excused. **Commissioner Roper moved to approve the minutes of November 5, 2014 with the noted change. Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Browning, Allen, Mabey, and Britton. Voting NO: None.**

PUBLIC HEARING ON CUP 1411-0001, A REQUEST FOR A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION PERMIT WITHIN A HOME GARAGE FOR DOG AND CAT GROOMING LOCATED AT 116 EAST 2200 SOUTH

Scott Hess stated the Conditional Use Permit (CUP) was required because the garage was being used for the business. He said some concerns were additional noise and animal control on the property. Mr. Hess said staff recommended the business operate with a reasonable time schedule which mitigated noise impacts early in the morning or late in the evening and recommended the hours of operation 8:00 a.m. to 8:00 p.m. be proposed. He said staff also recommended that the animals be kept in a manner that controlled their ability to run from the property which included the requirement to keep them contained within the garage for the entire visit. Mr. Hess said the use was compatible with adjacent residential properties when the impacts were properly mitigated. He reviewed the proposed conditions of approval.

Chair Peterson disclosed that she was a friend of the applicant but had no financial interest in the business and was in no way impacted by the application. She said she was able to make a determination based on facts.

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

PUBLIC COMMENT:

None

Commissioner Mabey moved to close the public hearing at 7:12 p.m. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Browning, Allen, Mabey, and Britton. Voting NO: None.

Ruth Kjar, applicant, stated she had been grooming dogs for four years. She said she scheduled appointments at 9:00 a.m., 11:00 a.m. and 1:00 p.m. and usually had two dogs at a time. Ms. Kjar said she was mindful of safety and the animals were not allowed to roam. She said the business never operated on Sunday but she worked occasionally on Saturday.

Commissioner Murray asked if 9:00 a.m. to 5:00 p.m. would be acceptable. Ms. Kjar stated that 8:00 a.m. to 5:00 p.m. was a better time because some clients drop their animals off on their way to work. Commissioner Murray asked if the animals stayed in kennels. Ms. Kjar said the animals were sometimes brought in a kennel, but most of the time the animals were on a leash. She said

she had a bay of kennels for up to six animals if needed.

Commissioner Allen asked what she did with the hair. Ms. Kjar said the equipment she used vacuumed the hair as it was cut. Commissioner Roper asked about the use of the garage. Ms. Kjar said she had a heater to warm the garage during the winter and during the summer she used an air conditioning system. She agreed with the requirement to have a barrier to keep the animals in the garage or to keep the garage door down.

Commissioner Mabey asked if the dogs barked a lot. Ms. Kjar said the dogs were the noisiest when the owner was around and the dogs were usually there not more than two hours. Chair Peterson asked if she kept dogs overnight. Ms. Kjar stated she did not want to be a dog sitter and said she called animal control if the animal was not picked up.

Scott Hess asked if the business used a permanent space in the garage and limited the ability for overnight parking of vehicles within the garage. Ms. Kjar said absolutely not and indicated the equipment was pulled out for use and then put away. She said additional parking was available on an RV pad and customers were at her home for about ten minutes.

The commissioners discussed limiting the hours of operations and that boarding of animals would not be allowed. Ms. Kjar said she would not keep any animal over eight hours and the animals were not left unattended. After further discussion Brian Brower, City Attorney, recommended an addition to condition number two that said that no client animals shall be on the premises outside of business hours.

APPROVAL OF CUP 1411-0001, A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION PERMIT WITHIN A HOME GARAGE FOR DOG AND CAT GROOMING LOCATED AT 116 EAST 2200 SOUTH

Commissioner Murray moved to approve as conditioned, CUP 1411-0001: a request by Ruth Kjar for a home occupation permit within a garage for dog and cat grooming located at 116 East 2200 South (TIN: 12:494-0046) based on the findings and discussions in the staff report with the following conditions:

- 1) **This Conditional Use Permit is for a home occupation pet grooming use including utilization of the home's attached garage located at 116 East 2200 South.**
- 2) **The business shall operate only between the hours of 8:00 a.m. and 8:00 p.m. and no client animal shall be on the premises outside of business hours.**
- 3) **Animals being groomed shall be kept within the garage or residence for the entire length of their stay.**
- 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 Britton. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Browning, Allen, Mabey, and Britton. Voting NO: None.

PUBLIC HEARING ON CUP 1411-0002: A REQUEST BY RICARDO VERA FOR A

CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE REPAIR BUSINESS LOCATED AT 325 WEST 1700 SOUTH SUITE 6 (TIN: 12-243-0011)

Scott Hess said impacts of automotive repair that warranted mitigating conditions were environmental and nuisance related. He said to prevent contamination of the storm drainage system, fluids should not be allowed to leak onto the ground, and automotive parts/scrap should be disposed of in enclosed containers. Mr. Hess said no outdoor storage was applied for with the Conditional Use Permit (CUP) and there was not an area on the site designated for outdoor storage. He said an oil separator should be installed in any floor drains; however some suites within the structure did not have floor drains. He said hazardous liquids must be stored and contained in a manner consistent with North Davis Fire Department's review and approval.

Mr. Hess said there was concern with having inoperable vehicles that were awaiting repair stored in locations visible from both 300 West and 1700 South. He said conditions should be considered that limited the location and/or number of vehicles. Mr. Hess said staff recommended any inoperable vehicles be kept overnight remain within suite six. He said vehicles awaiting repair should reside within clearly marked parking stalls on site. He said each business in the building had approximately two and one-half parking spaces and he wasn't aware of any parking issues. Mr. Hess reviewed the conditions of approval and requested condition of approval number ten be added that no outdoor storage was permitted.

Chair Peterson declared the public hearing open at 7:39 p.m.

PUBLIC COMMENT:

Rob Holbrook, owner of Robb's Auto Crew, said he occupied half of the building. He was concerned with the number of automotive repairs businesses in the building. He said El Chamo had been soliciting his customers as they arrived. Mr. Holbrook said he had had parking issues with Vera and El Chamo. Chair Peterson asked what concerns he had with parking. Mr. Holbrook said the other businesses used more space than they should. Mr. Holbrook stated he rented half the building and had more parking spaces.

Steve Parkinson, Clearfield resident, asked what was currently being done for the overnight storage of vehicles. He noticed at times there were cars parked all over the property. He hoped that all businesses had the same requirement for parking.

Jaime K. said he was a friend of Ricardo Vera who was present at the meeting in order to translate for Mr. Vera and indicated that he had been at the building earlier in the day. He said the construction on the east side of the building caused some problems with the parking.

Commissioner Roper moved to close the public hearing at 7:45 p.m. Seconded by Commissioner Allen. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Browning, Allen, Mabey, and Britton. Voting NO: None.

Chair Peterson asked for clarification to condition of approval number six. Scott Hess recommended that "outdoors" be added so the condition would read, "Damaged and inoperable

vehicles shall not be stored outdoors on-site overnight....” Mr. Hess addressed the question of Steve Parkinson and stated Robb’s Auto Crew was established before the current conditional use permit requirement for automotive businesses. Chair Peterson asked if the parking issue was a civil matter between the businesses. Mr. Hess said it was. Brian Brower said consideration could be given to request that the building owner clearly delineate the parking spaces for each business.

Commissioner Allen asked staff if there were enough stalls for all businesses. Scott Hess said code required 2.5 spaces for less intensive uses and an automotive use was difficult to determine and not outlined in City Code. He said the new owner of the building might not have specified parking spaces in the lease agreements. Chair Peterson asked how many vehicles would be at the business each day. Mr. Vera said possibly two. Chair Peterson asked Jaime to explain to Mr. Vera that cars could not be parked outside overnight and that the cars for service would need to be kept inside his bay. She also indicated that all work done for his business must be done inside; however, during the day cars could be parked outside in designated stalls, but not overnight. Mr. Vera said he had two vehicles, a personal vehicle and one to tow the cars. Mr. Hess said an operable vehicle used for the business could be parked overnight.

Commissioner Browning left the meeting at 7:56 p.m.

Mr. Hess said if the vehicle was operable then the condition did not apply. He said the condition was intended to mitigate any inoperable vehicles from being parked outdoors for an extended period of time.

Commissioner Browning returned at 8:00 p.m.

Mr. Vera asked about the other automotive businesses and the number of cars allowed. Chair Peterson explained that the requirements for an automotive business were different a few years ago and there were more restrictive ordinances in place now. Chair Peterson said she would be recommending that the building owner be asked to properly mark parking stalls for each business and the building. Commissioner Mabey said the issue should be addressed with the property owner. Mr. Hess said he could communicate with the property owner and inform the owner that the number of vehicles on the property needed to be limited.

Brian Brower told the commissioners they needed to determine what detrimental impact was unique to an automotive repair use in comparison to other permitted uses in a commercial zone.

Chair Peterson reviewed the conditions of approval. Commissioner Allen asked if adding “suite six” to condition number two would clarify the condition. It would state, “Absolutely no automotive repair services shall be conducted outside of the building’s suite six service bays.” Changes to condition number four were suggested to state, “An oil separator is necessary for any floor drains, it shall be cleaned and in proper working order verified by the Public Works Department prior to the issuance of the business license...” Condition of approval number six should state, “Neither customer vehicles nor damaged nor inoperable vehicles shall be stored outdoors on-site overnight. Keeping of vehicles overnight inside suite number six is acceptable.” Commissioner Roper left the meeting at 8:18 p.m.

Chair Peterson asked for questions or comments on condition of approval number seven. Commissioner Murray was concerned because there were several businesses in the building and the parking spaces allowed per business was unknown and the parking spaces needed to be designated.

Commissioner Roper returned at 8:21 p.m.

Scott Hess said a site plan was not required with the conditional use permit and the lease could designate parking allowed. Brian Brower reminded the commissioners they needed to determine if the automobile repair use created more parking problems than permitted uses in the C-2 zone. He said if it did, then there was justification for a requirement to have a specific number of stalls. Commissioner Murray said Robb's Auto Crew's owner, Rob Holbrook, indicated there was a problem with the parking.

Chair Peterson said her opinion was that conditions were needed to mitigate parking problems and because of that concern a condition of approval needed to state the required number of parking stalls and that the stalls must be clearly marked. She said a standard could be set with this one business and with future uses the problem could be resolved. After some discussion Chair Peterson recommended an addition to condition number seven that three marked parking spaces were required for this business. The wording proposed: "Parking shall be clearly marked and delineated at three spaces for this use." Chair Peterson said staff proposed the addition of condition number ten "No outdoor storage is allowed."

APPROVAL OF CUP 1411-0002: A REQUEST BY RICARDO VERA FOR A CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE REPAIR BUSINESS LOCATED AT 325 WEST 1700 SOUTH SUITE 6 (TIN: 12-243-0011)

Commissioner Browning moved to approve as conditioned, CUP 1411-0002, a request by Ricardo Vera for a conditional use permit for an automotive repair business located at 325 West 1700 South, Suite 6, based on the findings and discussion in the staff report and with the following conditions:

- 1) **This Conditional Use Permit is for an automotive repair business for Vera's Auto Repair located at 325 West 1700 South, Suite #6.**
- 2) **Absolutely no automotive repair services shall be conducted outside of the service bays for suite six of the building.**
- 3) **The site shall be maintained in a neat and orderly manner and have no abandoned or leaking automotive parts except in an appropriate, closed container for disposal.**
- 4) **An oil separator is necessary for any floor drains, it shall be cleaned and in proper working order verified by the Public Works Department prior to the issuance of the business license. It may be necessary to install a cap on top of the sewer line.**
- 5) **Keeping of hazardous liquids and rags used to clean up spills shall be kept in accordance with North Davis Fire District's standards.**

- 6) **Neither customer, nor damaged, nor inoperable vehicles shall be stored on-site overnight. Keeping of vehicles overnight inside suite number six is acceptable.**
- 7) **There shall be no overflow parking offsite (on the surrounding lots, on the street, or otherwise). Three clearly marked parking spaces shall be designated for this use.**
- 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.**
- 9) **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.**
- 10) **No outdoor storage is allowed.**

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

PUBLIC HEARING ON GPA 1411-0003, A REQUEST BY EDWARD GREEN FOR A GENERAL PLAN AMENDMENT TO AMEND LANGUAGE WITHIN CHAPTER 4 AFFORDABLE HOUSING TO ALLOW FOR REZONES OF PROPERTY TO RESIDENTIAL R-2 AND R-3 WITH LIMITATIONS. THIS CHANGE WOULD BE EFFECTIVE ACROSS ALL APPLICABLE PARCELS OF PROPERTY WITHIN CLEARFIELD CITY

Scott Hess said Clearfield City General Plan, Chapter Four, Affordable Housing Element, contained language that limited the rezoning of property for two-family or multi-family dwellings. It stated, “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 in 2010 the City desired single family dwellings be constructed on the remaining vacant parcels.

Mr. Hess said the applicant requested the addition of, “or except when the subject property is larger than one acre and smaller than three acres, in which case it might be approved as an R-2 or R-3 zone project.” He said there were 244 parcels in the City that were between one and three acres. He said the wording didn’t capture the parcel owned by the applicant so that property would need to be subdivided. Mr. Hess said owners of parcels larger than three acres might subdivide so the property met the requirement.

Mr. Hess said staff recommended that the language in Chapter Four of the General Plan which limited rezones of new property to R-2 or R-3 be stricken altogether. He said a rezone was discretionary and not mandatory which allowed each application to be considered on its own merit rather than based on an acre size. Mr. Hess said it allowed flexibility for property owners as well as the City to develop parcels at the highest and best use.

Chair Peterson declared the public hearing open at 8:44 p.m.

PUBLIC COMMENT:

Steve Parkinson, Clearfield resident, asked what the proposal allowed that the existing options didn't. Scott Hess explained the other options and stated they were all mixed use. Mr. Parkinson said he liked the option to eliminate the last sentence.

Commissioner Allen moved to close the public hearing at 8:48 p.m. Seconded by Commissioner Mabey. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Browning, Allen, Mabey, and Britton. Voting NO: None.

The applicant was not present. JJ Allen, Assistant City Manager, explained the applicant created parameters that would help this project. He said City Staff was surprised at the number of parcels that would be included in the language proposed and decided there might be a better way to accomplish what the applicant desired. Brian Brower said staff discussed that if the Planning Commission and City Council were not opposed to this type of development an amendment to the General Plan was better for the City which allowed for each project to stand on its own merits. He said if the Planning Commission agreed with allowing some of these types of projects then change the General Plan, if not leave it as is.

Mr. Allen said the current General Plan didn't allow development of certain vacant parcels which were not viable commercial property. He said the amendment proposed by staff allowed the City Council and Planning Commission to at least have a discussion about a parcel and if there were a higher and better use, a decision could be made about rezone.

Commissioner Allen said his opinion was that residential development increased commercial development viability. He said he wasn't sure if he wanted to completely open up the potential for rezone of so many parcels to multi-family. Chair Peterson said the discussion needed to include what direction the General Plan should be taken. Mr. Hess said removing the last sentence in Chapter Four of the General Plan would let each parcel be approved on its own merit. Commissioner Browning said he had seen some good proposals but didn't want to turn Clearfield City into an R-2 zone. Commissioner Roper said that was why each property would be considered individually. Mr. Hess said that ultimately it was best to do comprehensive planning and have areas established within the City that could be rezoned multi-family and that a review of the General Plan map should be done during the overall update in 2015.

Chair Peterson said from discussion she had not heard any commissioner in favor of the applicant's proposal because of the unintended consequences. Commissioner Britton asked what the potential impact was if each rezone were addressed on its own merit. He understood it would open the door to more applications, but not to a mandatory rezoning. Mr. Brower said under the current General Plan staff would recommend denial of any rezone to multi-family. He said the change would allow a rezone to multi-family at the discretion of the Planning Commission and City Council.

Commissioner Murray said she was against the one acre to three acre proposal because it encouraged a developer to subdivide acreage solely to allow high density. She asked if the statement, "There are still approximately five acres..." would be removed. Mr. Hess said the

recommendation from staff removed the provision to not allow rezone to R-2 and R-3 which was the wording in the parenthesis.

Commissioner Mabey asked when the General Plan would be reviewed in 2015. Mr. Hess said the process would take most of the year. Commissioner Mabey was comfortable recommending denial and addressing the issue during the General Plan review. Commissioner Murray asked if the General Plan included Vision 2020. Mr. Hess said the two would be reviewed together and goals and strategies would align. He said if the wording was deleted it would allow rezoning until the General Plan was amended. Mr. Hess said if a rezone application was received it would not be an automatic approval but rather an opportunity to be reviewed.

Commissioner Roper said he was not comfortable with the one acre to three acre proposal but liked the staff recommendation. Commissioner Browning was favorable to staff's recommendation. Commissioner Allen said to leave the language until the General Plan was amended. Commissioner Britton was in favor of striking the sentence.

RECOMMENDATION GPA 1411-0003, A REQUEST BY EDWARD GREEN FOR A GENERAL PLAN AMENDMENT TO AMEND LANGUAGE WITHIN CHAPTER 4 AFFORDABLE HOUSING TO ALLOW FOR REZONES OF PROPERTY TO RESIDENTIAL R-2 AND R-3 WITH LIMITATIONS. THIS CHANGE WOULD BE EFFECTIVE ACROSS ALL APPLICABLE PARCELS OF PROPERTY WITHIN CLEARFIELD CITY

Commissioner Browning moved to recommend to City Council denial of GPA 1411-0003, as presented by the applicant and approval of the alternate recommendation from staff to delete the last sentence of the Affordable Housing Element of the General Plan. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners: Murray, Roper, Browning, and Britton. Voting NAY: Commissioners Allen and Mabey.

Chair Peterson asked the commissioners voting nay if they wanted to state their reason for voting nay. Commissioner Mabey said the change could be handled when the General Plan was amended during 2015. Commissioner Allen agreed with Commissioner Mabey and stated there wasn't enough information nor time to discuss what could be a different solution.

PUBLIC HEARING ON PSP 1411-0004: A REQUEST BY JARED SCHOFIELD OF JENNMAR FOR PRELIMINARY SUBDIVISION PLAT APPROVAL LOCATED AT APPROXIMATELY 155 EAST 550 SOUTH (TIN: 12-003-0164, 12-003-0236)

Scott Hess said Jenmar had the subject property under contract from Jerry Shelton. He said Jenmar expanded its parking lot earlier in the year and the storm water detention basin was designed with the intent of collecting the storm water from the new parcel. Mr. Hess said the only concerns from Public Works and the engineer were related specifically to the site plan. He said the only change to the preliminary plat was the street dedication and realignment of 700 South. Mr. Hess said staff recommended the street dedication plat be reviewed by the surveyor and any changes be made to the final subdivision plat to reflect the approved UDOT plat. He said the

existing structure owned by Jerry's Impact Machine conformed to all setbacks under the new lot configuration. He reviewed the conditions of approval. Mr. Hess said the conditions of approval for the preliminary and final subdivision plats were the same and discussion could run concurrently.

Chair Peterson declared the Public Hearing open at 9:23 p.m.

PUBLIC COMMENT:

None

Commissioner Browning moved to close the public hearing at 9:24 p.m. Seconded by Commissioner Allen. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Browning, Allen, Mabey, and Britton. Voting NO: None.

PUBLIC HEARING ON FSP 1411-0004: A REQUEST BY JARED SCHOFIELD OF JENNMAR FOR FINAL SUBDIVISION PLAT APPROVAL LOCATED AT APPROXIMATELY 155 EAST 550 SOUTH (TIN: 12-003-0164, 12-003-0236)

Chair Peterson declared the public hearing open at 9:25 p.m.

PUBLIC COMMENT:

None

Commissioner Allen moved to close the public hearing at 9:26 p.m. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Browning, Allen, Mabey, and Britton. Voting NO: None.

DISCUSSION ON PSP 1411-0004 AND FSP 1411-0004: A REQUEST BY JARED SCHOFIELD OF JENNMAR FOR SUBDIVISION PLAT APPROVAL LOCATED AT APPROXIMATELY 155 EAST 550 SOUTH (TIN: 12-003-0164, 12-003-0236)

Commissioner Allen asked if lot number one allowed for future building. Mr. Hess said lot one was fully developed and Jerry's Impact Machine would be limited for future expansion. He said lot two would be developed; a site plan would be submitted in the future but was separate from the current request. Commissioner Allen asked if the detention basin was offsite. Mr. Hess said that technically the detention basin was on-site because Jenmar owned both lots, but currently the Planning Commission was not considering any improvements.

Brian Brower asked if the reference to the street dedication plat should be listed as condition of approval number five. Mr. Hess said it should be a condition of approval that stated that the private street be shown as public per the UDOT street dedication plat.

APPROVAL OF PSP 1411-0004: A REQUEST BY JARED SCHOFIELD OF JENNMAR FOR PRELIMINARY SUBDIVISION PLAT APPROVAL LOCATED AT APPROXIMATELY 155 EAST 550 SOUTH (TIN: 12-003-0164, 12-003-0236)

Commissioner Allen moved to approve as conditioned PSP 1411-0004: a request by Jared Schofield of Jenmar for Preliminary Subdivision Plat approval located at approximately 155 East 550 South (TIN: 12-003-0164, 12-003-0236) based on findings and discussion in the staff report and with the following conditions of approval:

- 1) **The applicant shall correct the Plat to include all red-lines from Planning, Engineering, and Public Works Departments, including but not limited to necessary easements and other call-outs as required.**
- 2) **Pursuant to the City Code Subdivision Ordinance § 12-4-5, an estimate of public improvements (as outlined in City Code § 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any certificates of occupancy.**
- 3) **Pursuant to the City Code Land Use Ordinance § 11-13-23(C) and (D) Prior to obtaining any certificates of occupancy, the applicant either completes landscaping improvements or is subject to establishing an escrow account, as reviewed and approved by the City Engineer and City Attorney.**
- 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.**
- 5) **The private street shall be shown as public per the UDOT street dedication plat.**

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

RECOMMENDATION OF FSP 1411-0004: A REQUEST BY JARED SCHOFIELD OF JENNMAR FOR FINAL SUBDIVISION PLAT APPROVAL LOCATED AT APPROXIMATELY 155 EAST 550 SOUTH (TIN: 12-003-0164, 12-003-0236)

Commissioner Allen moved to recommend to City Council approval as conditioned FSP 1411-0004: a request by Jared Schofield of Jenmar for Final Subdivision Plat approval located at approximately 155 East 550 South (TIN: 12-003-0164, 12-003-0236) based on findings and discussion in the staff report and with the following conditions of approval:

- 1) **The applicant shall correct the Plat to include all red-lines from Planning, Engineering, and Public Works Departments, including but not limited to necessary easements and other call-outs as required.**
- 2) **Pursuant to the City Code Subdivision Ordinance § 12-4-5, an estimate of public improvements (as outlined in City Code § 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any certificates of occupancy.**

- 3) **Pursuant to the City Code Land Use Ordinance § 11-13-23(C) and (D) Prior to obtaining any certificates of occupancy, the applicant either completes landscaping improvements or is subject to establishing an escrow account, as reviewed and approved by the City Engineer and City Attorney.**
- 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.**
- 5) **The private street shall be shown as public per the UDOT street dedication plat.**

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

PUBLIC HEARING ON PSP 1411-0005: A REQUEST BY DON MCKINNON OF DAVIS BEHAVIORAL HEALTH FOR PRELIMINARY SUBDIVISION PLAT APPROVAL LOCATED AT APPROXIMATELY 836 SOUTH STATE STREET (TIN: 12-069-0001, 12-069-0002, 12-069-0003, 12-069-0004)

Scott Hess said the four properties owned by Davis Behavioral Health had three structures which were demolished and an existing three car garage remained on the southern portion of the fourth lot. He said the City contributed financially in the removal of the structures on the site as an economic development benefit. Mr. Hess said one of the conditions with the City's financial participation was that the four lots were combined into one. He said the only changes recommended by staff were the conditions added that the existing structure would be shown on the plat map and public utility easements be added to the lot's perimeter.

Chair Peterson declared the public hearing open at 9:36 p.m.

Public Comment:
None

Commissioner Mabey moved to close the public hearing at 9:37 p.m. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Browning, Allen, Mabey, and Britton. Voting NO: None.

PUBLIC HEARING ON FSP 1411-0005: A REQUEST BY DON MCKINNON OF DAVIS BEHAVIORAL HEALTH FOR FINAL SUBDIVISION PLAT APPROVAL LOCATED AT APPROXIMATELY 836 SOUTH STATE STREET (TIN: 12-069-0001, 12-069-0002, 12-069-0003, 12-069-0004)

Chair Peterson declared the public hearing open at 9:38 p.m.

PUBLIC COMMENT:
None

Commissioner Mabey moved to close the public hearing at 9:39 p.m. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Browning, Allen, Mabey, and Britton. Voting NO: None.

APPROVAL OF PSP 1411-0005: A REQUEST BY DON MCKINNON OF DAVIS BEHAVIORAL HEALTH FOR PRELIMINARY SUBDIVISION PLAT APPROVAL LOCATED AT APPROXIMATELY 836 SOUTH STATE STREET (TIN: 12-069-0001, 12-069-0002, 12-069-0003, 12-069-0004)

Commissioner Browning moved to approve as conditioned PSP 1411-0005: a request by Don McKinnon of Davis Behavioral Health for preliminary subdivision plat approval located at approximately 836 South State Street (TIN: 12-069-0001, 12-069-0002, 12-069-0003, 12-069-0004) based on findings and discussion in the staff report and with the following conditions:

- 1) **The applicant shall correct the Plat to include all red-lines from Planning, Engineering, and Public Works Departments, including but not limited to necessary easements and other call-outs as required.**
- 2) **Pursuant to the City Code Subdivision Ordinance § 12-4-5, an estimate of public improvements (as outlined in City Code § 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any certificates of occupancy.**
- 3) **Pursuant to the City Code Land Use Ordinance § 11-13-23(C) and (D) Prior to obtaining any certificates of occupancy, the applicant either completes landscaping improvements or is subject to establishing an escrow account, as reviewed and approved by the City Engineer and City Attorney.**
- 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.**
- 5) **The existing structure shall be shown on the plat.**

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

RECOMMENDATION OF FSP 1411-0005: A REQUEST BY DON MCKINNON OF DAVIS BEHAVIORAL HEALTH FOR FINAL SUBDIVISION PLAT APPROVAL LOCATED AT APPROXIMATELY 836 SOUTH STATE STREET (TIN: 12-069-0001, 12-069-0002, 12-069-0003, 12-069-0004)

Commissioner Browning moved to recommend to the City Council approval as conditioned FSP 1411-0005: a request by Don McKinnon of Davis Behavioral Health for final subdivision plat approval located at approximately 836 South State Street (TIN: 12-069-0001, 12-069-0002, 12-069-0003, 12-069-0004) based on findings and discussion in the staff report and with the following conditions:

- 1) **The applicant shall correct the Plat to include all red-lines from Planning, Engineering, and Public Works Departments, including but not limited to necessary easements and other call-outs as required.**
- 2) **Pursuant to the City Code Subdivision Ordinance § 12-4-5, an estimate of public improvements (as outlined in City Code § 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any certificates of occupancy.**
- 3) **Pursuant to the City Code Land Use Ordinance § 11-13-23(C) and (D) Prior to obtaining any certificates of occupancy, the applicant either completes landscaping improvements or is subject to establishing an escrow account, as reviewed and approved by the City Engineer and City Attorney.**
- 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.**
- 5) **The existing structure shall be shown on the plat.**

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

PUBLIC HEARING ON ZTA 1411-0006 A REQUEST BY CLEARFIELD CITY STAFF FOR ZONING TEXT AMENDMENTS AND CORRECTIONS WITHIN TITLE 11 LAND USE AND TITLE 12 SUBDIVISION REGULATIONS, SECTIONS 11-1-10, 1-9, 11-15-3, 12-1-7, 11-13-29A. THE ZONING TEXT AMENDMENT WILL CONSIDER SUPPLEMENTAL REGULATIONS AND A DEFINITION FOR A USE TITLED SWAP MEET. THESE CHANGES WOULD BE EFFECTIVE ACROSS ALL APPLICABLE PARCELS OF PROPERTY AND ZONES WITHIN CLEARFIELD CITY

Scott Hess reviewed the following changes:

11-1-10 Public Notice Table – Add Conditional Use Permit (CUP) Notice Requirements to the table.

11-9A, B, C, D, E, G, H Permitted Uses – Add Home Occupation (as allowed in City Code §11-16) to permitted uses to bring code reference in line with current practice.

11-13-29A Non-depository Lending – Add provision 3. “No non-depository lending establishment shall be located within 880 feet of any tattoo or body piercing establishment.” This was because tattoo or body piercing establishments have a proximity regulation from non-depository lending institutions.

11-15-3 Sign Regulations, Interpretation – Remove the call out to the “Board of Adjustment” and replace with “Planning Commission”

12-1-7 Subdivision Regulations, Exceptions to avoid hardships – Remove the call out to the “Board of Adjustment” and replace with “Planning Commission”

Scott Hess said a request was received for a swap meet within a vacant building. He said City Code did not have a definition that closely resembled swap meets and City staff determined swap meet was a use that should be defined. He recommended swap meet be listed as Conditional Uses in C-2 and M-1 zones.

He said the definition of swap meet was recommended to state:

Property where owner or lessee rents, lends or leases the premises to multiple persons for the use as an indoor open market place (without separate suites, offices, or rooms) to barter, exchange or sell goods. A flea market shall be considered a swap meet. Yard sales and garage sales at residences are not swap meets.

Mr. Hess said the swap meet supplemental regulations would be located in Title 11, Chapter 13 of the City Code and were recommended to state:

- A. License Required: It shall be unlawful for any person, firm, corporation or charity to hold a swap meet or flea market without having first obtained a business license.
 - 1. Daily Business License: A swap meet licensee shall have the right to issue daily business licenses to individual sellers on the swap meet licensee’s premises upon receiving the required daily license fee of one dollar (\$1.00), as determined in the Consolidated Fee Schedule, and the signed application required by this article. This fee shall be remitted to the city and shall be applied toward the city's added costs of printing application forms and policing swap meets for stolen goods. A licensee shall have the right to refuse to issue a daily business license to any applicant who does not have positive identification or who the licensee has reasonable cause to believe is attempting to sell stolen property.
- B. Restricted Items: No sale of firearms, pyrotechnics, ammunition, explosives, alcoholic beverages, food (except fresh produce), drinks, pornography, medicines, or illegal substances shall be made by daily sellers on the swap meet licensee’s premises.
- C. Report Required: It shall be the duty of every swap meet licensee to report to the police department any article he or she has reason to believe was stolen or lost, and found by the person attempting to sell it.
- D. Pawnbrokers and Secondhand Business: A swap meet licensee shall not conduct the business of a pawnbroker or secondhand dealer without having obtained the licenses required for such businesses as provided in this Title.

Chair Peterson declared the public hearing open at 10:01 p.m.

PUBLIC COMMENT:

None

Commissioner Mabey moved to close the public hearing at 10:02 p.m. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Browning, Allen, Mabey, and Britton. Voting NO: None.

RECOMMENDATION ON ZTA 1411-0006 A REQUEST BY CLEARFIELD CITY STAFF FOR ZONING TEXT AMENDMENTS AND CORRECTIONS WITHIN TITLE 11 LAND USE AND TITLE 12 SUBDIVISION REGULATIONS, SECTIONS 11-1-10, 1-9, 11-15-3, 12-1-7, 11-13-29A. THE ZONING TEXT AMENDMENT WILL CONSIDER SUPPLEMENTAL REGULATIONS AND A DEFINITION FOR A USE TITLED SWAP MEET. THESE CHANGES WOULD BE EFFECTIVE ACROSS ALL APPLICABLE PARCELS OF PROPERTY AND ZONES WITHIN CLEARFIELD CITY

Commissioner Allen moved to recommend approval of ZTA 1411-0006 to the City Council, Zoning Text Amendments and corrections within City Code Title 11 Land Use and Title 12 Subdivision Regulations, Sections 11-1-10, 11-9, 11-15-3, 12-1-7, 11-13-29A, Swap Meet Definition and supplemental regulations for Swap Meets, based on the findings and discussion in the staff report. Seconded by Commissioner Mabey. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Browning, Allen, Mabey, and Britton. Voting NO: None.

STAFF REPORTS

Scott Hess said the Planning Commission packet would not be printed unless requested. Commissioner Mabey requested a printed agenda. Commissioner Allen asked if changes were made if the commissioners could get an updated copy of the packet. Mr. Hess said there might be some minor changes to the agenda, but the changes would be noted at the meeting. Chair Peterson requested copies of the agenda on the dais.

PLANNING COMMISSIONERS' MINUTE

Commissioner Britton – Nothing

Commissioner Allen – Merry Christmas, good job 2014. Bring on the General Plan in 2015.

Commissioner Murray – Nothing

Commissioner Browning – Said it was fun to see the projects that were discussed completed.

Commissioner Roper – Wished everyone Happy Holidays and welcomed Commissioner Mabey.

Commissioner Mabey – Was glad to be a part of the Planning Commission.

Brian Brower – Hoped the new commissioners would keep coming back.

Councilmember LeBaron – Apologized for missing the November meeting. He said the City park in the southwest corner of the City had been named, Cornerstone Park. He wished the commissioners a Merry Christmas and thanked them for their service.

Chair Peterson – Welcomed Commissioner Mabey and said it was great to have a full dais. She asked staff if the sequence on the agenda could put the items requiring less discussion earlier in the meeting. Brian Brower stated it was not necessary to approve the agenda and the Chair had the latitude to discuss items in any order.

Chair Peterson said in 2015 she wanted discussion to bring City Code in line with State Code as far as holding public hearings for Conditional Use Permits (CUP). Scott Hess said the City Council wanted to be more transparent. Chair Peterson stated the reason she wanted discussion was the recent CUPs that allowed the public to voice opinion, but then when the decision was made they were given the impression their comments were ignored. She believed the public hearing had more of a negative impact than a positive. Councilmember LeBaron stated it gave him an opportunity to have discussion with the citizens after the decision and explain why and what happened. Brian Brower stated sometimes neighbors brought up concerns that added conditions to mitigate those concerns. Commissioner Roper said an example of that was tonight when the parking issue was mentioned. Chair Peterson said the discussion could continue at the January meeting. She wished everyone a Merry Christmas.

There being no further business to come before the Planning Commission, **Commissioner Roper moved to adjourn at 10:16 p.m. Seconded by Commissioner Mabey**