

CLEARFIELD PLANNING COMMISSION MEETING

February 5, 2014

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

PRESENT: Becky Brooks Commissioner
Joel Gaerte Commissioner
Timothy Roper Alternate Commissioner
Michael LeBaron Council Liaison

ABSENT: Norah Baron Commissioner
Randy Butcher Commissioner

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

VISITORS: Koral Vasquez, Anthony Vasquez, Robin Metcalf, Randell P. Metcalf,
Kathryn Murray, Ron Jones, Elaine Hill Thomas,

Pledge of Allegiance was led by Chair Peterson

APPROVAL OF AGENDA

Commissioner Gaerte moved to approve the agenda as presented. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Peterson, Brooks, Gaerte and Roper. Voting NO: None.

APPROVAL OF MINUTES FROM JANUARY 8, 2014 PLANNING COMMISSION MEETING

Commissioner Gaerte moved to approve the minutes of the January 8, 2014 meeting as written. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Peterson, Brooks, Gaerte and Roper. Voting NO: None.

PUBLIC HEARING AND DISCUSSION ON GPA 1401-0001: A REQUEST BY ROBIN METCALF FOR A GENERAL PLAN AMENDMENT TO CHANGE PROPOSED LAND USE DESIGNATION FROM COMMERCIAL TO RESIDENTIAL, LOCATED AT 252 SOUTH AND 256 SOUTH MARILYN DRIVE (TIN: 12-393-0001, 12-393-0002), A COMBINED 0.47 ACRES WHICH IS LOCATED IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Scott Hess said the three agenda items were for the same properties. He said the property owner requested a single family home on the site. Mr. Hess said that required a General Plan Amendment, a re-zone, and a plat vacation of two lots. He said all three were a recommendation to City Council because Planning Commission was not the land use authority in each case. Scott

Hess noted the General Plan amendment was only a map amendment. He said the property was currently master planned for commercial and the request was for a change to residential. Mr. Hess said the property was zoned commercial but had residential uses on three sides. He said in order for the property to become viable commercial property it would need to be combined with other commercial properties to the west. Mr. Hess said staff recommended approval of changing the land use designation from commercial to residential.

PUBLIC HEARING

Chair Peterson declared the public hearing open at 7:08 p.m.

PUBLIC COMMENT:

Elaine Thomas, Roy, said she owned adjacent property that was zoned commercial and was originally zoned residential. She wanted her property rezoned residential and desired to be part of the petition. She said the parcel she owned was vacant and she stated the property had no use or value for her and she would like her property zoned residential also.

Chair Peterson explained there were only two parcels that were being considered for rezone. She said there were other properties in the area that were zoned commercial but had a residential use. Those property owners were noticed because they were potentially impacted and were being given the opportunity to voice concerns. Chair Peterson said any other property owners would need to complete the application process.

Commissioner Roper moved to close the public hearing at 7:17 p.m. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Peterson, Brooks, Gaerte and Roper. Voting NO: None.

PUBLIC HEARING AND DISCUSSION ON RZN 1312-0003: A REQUEST BY ROBIN METCALF FOR A REZONE TO CHANGE EXISTING LAND USE FROM C-2 (COMMERCIAL) TO R-1-8 (RESIDENTIAL) ON TWO LOTS, LOCATED AT 252 SOUTH AND 256 SOUTH MARILYN DRIVE (TIN: 12-393-0001, 12-393-0002), A COMBINED 0.47 ACRES WHICH IS LOCATED IN THE C-2 (COMMERCIAL) ZONING DISTRICT

PUBLIC HEARING

Chair Peterson declared the public hearing open at 7:18 p.m.

PUBLIC COMMENT:

None

Commissioner Brooks moved to close the public hearing at 7:19 p.m. Seconded by Commissioner Gaerte. The motion carried on the following vote: Voting AYE: Commissioners Peterson, Brooks, Gaerte and Roper. Voting NO: None.

PUBLIC HEARING AND DISCUSSION ON VAC 1312-0004: A REQUEST BY ROBIN METCALF TO AMEND THE MANUEL SUBDIVISION TO COMBINE LOT 1 AND LOT 2, LOCATED AT 252 SOUTH AND 256 SOUTH MARILYN DRIVE (TIN: 12-393-0001, 12-393-0002), A COMBINED 0.47 ACRES WHICH IS LOCATED IN THE C-2 (COMMERCIAL) ZONING DISTRICT

PUBLIC HEARING

Chair Peterson declared the public hearing open at 7:20 p.m.

PUBLIC COMMENT:

None

Commissioner Gaerte moved to close the public hearing at 7:21 p.m. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Peterson, Brooks, Gaerte and Roper. Voting NO: None.

Chair Peterson asked the commissioners for recommendation on the three items. Commissioner Gaerte said it didn't make sense to keep it as commercial. He said it didn't face any major corridor; it appeared to be part of a residential subdivision. Commissioner Brooks said she was surprised the property was zoned commercial as it was surrounded by homes. Commissioner Roper said he agreed. Chair Peterson said residential seemed the best and highest use for the property.

RECOMMENDATION FOR GPA 1401-0001: A REQUEST BY ROBIN METCALF FOR A GENERAL PLAN AMENDMENT TO CHANGE PROPOSED LAND USE DESIGNATION FROM COMMERCIAL TO RESIDENTIAL, LOCATED AT 252 SOUTH AND 256 SOUTH MARILYN DRIVE (TIN: 12-393-0001, 12-393-0002), A COMBINED 0.47 ACRES WHICH IS LOCATED IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Commissioner Gaerte moved to recommend to the City Council approval of GPA 1401-0001, a request by Robin Metcalf for a General Plan Amendment to change proposed land use designation from Commercial to Residential, located at 252 South and 256 South Marilyn Drive (TIN: 12-393-0001, 12-393-0002), based on the discussion and findings in the staff report. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Peterson, Brooks, Gaerte and Roper. Voting NO: None.

Brian Brower, City Attorney, recommended an addition to the motion for the item number five, "subject to approval of GPA 1401-0001" and item number six, "subject to approval of RZN 1312-0003."

RECOMMENDATION FOR RZN 1312-0003: A REQUEST BY ROBIN METCALF FOR A REZONE TO CHANGE EXISTING LAND USE FROM C-2 (COMMERCIAL) TO R-1-8 (RESIDENTIAL) ON TWO LOTS, LOCATED AT 252 SOUTH AND 256 SOUTH MARILYN DRIVE (TIN: 12-393-0001, 12-393-0002), A COMBINED 0.47 ACRES WHICH IS LOCATED IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Commissioner Roper moved to recommend to the City Council approval of RZN 1312-0003, subject to approval of GPA 1401-0001 by the City Council, a request by Robin Metcalf for a rezone to change existing land use from C-2 (Commercial) to R-1-8 (Residential) on two lots located at 252 South and 256 South Marilyn Drive (TIN 12-393-0001, 12-393-0002), based on discussion and finding in the staff report. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Peterson, Brooks, Gaerte and Roper. Voting NO: None.

Chair Peterson told Robin Metcalf a letter from the City Engineer stated some requirements about recordation and improvements that needed to be made. Scott Hess said the Fire District sent a letter stating the fire flow and fire supply in the area were adequate. He said an engineer would provide an improvement drawing prior to the City Council meeting that showed storm water, sewer, culinary water, sidewalk, curb, gutter and any existing utilities on the property.

Chair Peterson said there were two conditions of approval for the plat vacation. Mr. Hess wanted the Planning Commission to consider the improvements and placement of a sidewalk on the property. He said there was a power pole that might require a creative sidewalk and if the sidewalk were installed at this point it would be the only sidewalk on the street. He said the developer/owner would have the option to put in the sidewalk or sign an improvement agreement with the City that allowed the sidewalk to be installed at a later date. Mr. Hess stated the agreement would typically be signed prior to occupancy. Robin Metcalf stated she preferred an improvement agreement. Mr. Hess said an escrow agreement and account would be established for curb and road cuts to install laterals to the site. Chair Peterson asked to have condition of approval number two amended by striking “or installation of sidewalk, curb, and gutter improvements . . . at time of building permit” from the last sentence. The last sentence would then state, “A signed and executed improvement agreement will be required.”

PUBLIC HEARING AND DISCUSSION ON VAC 1312-0004: A REQUEST BY ROBIN METCALF TO AMEND THE MANUEL SUBDIVISION TO COMBINE LOT 1 AND LOT 2, LOCATED AT 252 SOUTH AND 256 SOUTH MARILYN DRIVE (TIN: 12-393-0001, 12-393-0002), A COMBINED 0.47 ACRES WHICH IS LOCATED IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Commissioner Gaerte moved to recommend to the City Council approval of VAC 1312-0004, subject to approval by the City Council of RZN 1312-0003, a request by Robin Metcalf to amend the Manuel Subdivision No. 1 to combine Lot 1 and Lot 2, located at 252 South and 256 South Marilyn Drive (TIN: 12-393-0001, 12-393-0002), based on the discussion and findings in the staff report with conditions of approval 1) The final engineering design (Improvement Plans) shall meet City standards and be to the

satisfaction of the City Engineer, by meeting the requirements set forth in the letter dated January 23, 2014 and 2) Pursuant to the subdivision ordinance 12-4-5, an estimate of public improvements (as outlined in 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 recordation of the Final Plat. A signed and executed Improvement Agreement will be required. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Peterson, Brooks, Gaerte and Roper. Voting NO: None.

DISCUSSION ABOUT STANDARDS REGULATING ALL NON-DEPOSITORY INSTITUTIONS WITHIN CLEARFIELD CITY, AND POTENTIAL AMENDMENTS TO CITY CODE 11-13-29 PAYDAY LENDING ESTABLISHMENTS

Scott Hess asked for information and direction from the Planning Commission to bring forth a zoning text amendment specific to non-depository institutions. He asked for opinions on non-depository institutions which included payday lending, title lending, and any other financial business that was not FDIC insured. He said pawn shops were regulated separately. Mr. Hess said support was needed to state why one type of business would be regulated.

After discussion the following findings were made for non-depository lending institutions:

- 1) They are predatory.
- 2) Many were located near military bases and locations where there were low income residents.
- 3) The loans were designed to not be repaid and income was not verified to see if the applicant could afford the loan.
- 4) The interest rate could be 300 to 400 percent.
- 5) 60 percent of title loans lost the vehicle.
- 6) Title lending was same as a payday lending except the collateral with the title loan.
- 7) Not a fixed rate or an end date to the loan.
- 8) Interest only payments.
- 9) Preying on low income residents made it difficult for the resident to become a homeowner.

Chair Peterson asked staff to have a recommendation of text for the next meeting.

STAFF REPORTS

Scott Hess said the interviews for new Planning Commission members were held by the City Council February 4, 2014. He said there was a full agenda for March and the agenda might include revisions to portions of the General Plan. Chair Peterson was impressed with those that were interviewed for the Planning Commission vacancies.

PLANNING COMMISSIONERS' MINUTE

Chair Peterson – stated Clearfield City Planning Commission held the world record for the shortest vice-chair position. She said election of a new vice-chair would be on the March meeting agenda. She thanked Commissioner Jones for his work on the Planning Commission.

Commissioner Roper –congratulated Councilmember Jones and said it was great serving with him. He said he liked the new SR193 and said it was a great improvement to the City.

Commissioner Gaerte – thanked Councilmember Jones for his service and congratulated him on his new appointment to the City Council.

Brian Brower – said he echoed the comments regarding Commission Jones and looked forward to working with him in his new assignment.

Councilmember LeBaron – apologized to Councilmember Jones on a long first week as a member of the City Council. He said the completion of SR193 opened up a lot of economic development opportunities. He said once Clearfield Station was approved the Planning Commission would be busy.

Commissioner Brooks – said the street lights were all on along SR193. She said she read about a shuttle from the Frontrunner station to Hill Air Force Base twice a day starting in April. She said the article stated that Northrup-Grumman was moving from Falcon Hill.

There being no further business to come before the Planning Commission, **Commissioner Gaerte moved to adjourn 7:59 at P.M. Seconded by Commissioner Roper.**