

## CLEARFIELD PLANNING COMMISSION MEETING

July 2, 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  
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: Natalie Najera, Tracy Reed, David Reed, Ashlie DeVaughn, Cris Hawthorne, Denise Sly, Wendy Osborn, Pat Osborn, Kristyn Hansen, Emilee Draney, Lori Miller, Paul Ray, Robert Goupios, Marshall McKinnon, Keith Sorensen, Amber Huntsman, Charles K. Provow, Brenda Provo, Laurence Abel, Julio Otay, Ron Jones, Keri Benson, Becky Brooks

Pledge of Allegiance was led by Chair Peterson.

### APPROVAL OF AGENDA

Chair Peterson recommended revising the order of the agenda. She recommended the items be considered in the following order: item number 6, 7, 4, 8, 5, 9, 10 and 11. **Commissioner Browning moved to approve the agenda as amended. Seconded by Commissioner Baron. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.**

### APPROVAL OF MINUTES FROM MAY 7, 2014 PLANNING COMMISSION MEETING

**Commissioner Murray moved to approve the May 7, 2014 minutes as presented. Seconded by Commissioner Baron. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.**

### APPROVAL OF MINUTES FROM JUNE 4, 2014 PLANNING COMMISSION MEETING

Chair Peterson stated that the minutes of the June 4, 2014 meeting were not available for approval.

PUBLIC HEARING ON CUP 1406-0001 CATERPILLAR PRESCHOOL A REQUEST FOR A HOME PRESCHOOL LOCATED AT 103 SOUTH 525 WEST

Scott Hess said the conditional use permit (CUP) for a preschool facility was consistent with the City's land use ordinance. He said City ordinance allowed 22 children per day, with 11 children per class and two classes per day, one in the morning from 9:30 a.m. to 11:30 a.m. and one in the afternoon from 12:30 p.m. to 3:00 p.m. He said the pick-up/drop-off schedule would be provided to each parent to reduce the number of cars stacked in front of the home at one time. Mr. Hess said the property had fence on three sides with no fence along the north side of the rear yard. He said staff recommended fencing on the north property line. Mr. Hess said no public comment had been received to date. He reviewed the conditions of approval.

Chair Peterson asked Brian Brower, City Attorney, to review the rules for participation in the public hearings. She said public comment forms needed to be filled out prior to making comments. Mr. Brower said because of the number of public hearings on the agenda, comments would be limited to three minutes per individual. He said in order to conserve time and consideration of other applicants, limit the comments to issues or items that had not already been stated.

Chair Peterson declared the public hearing open at 7:15 p.m.

**PUBLIC COMMENTS:**

None

**Commissioner Allen moved to close the public hearing at 7:16 p.m. Seconded by Commissioner Millard. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.**

Emily Draney said she and Kristyn Hansen would run the preschool. She stated they had a pick-up/drop-off schedule to stagger the time for the parents. Ms. Draney said a fence would be installed in August. Commissioner Murray asked her if she was okay with adding the fence. She said she was. Commissioner Allen asked if she had pets. She said there were not any pets, trampolines or pools. Commissioner Allen asked staff if a pick-up/drop-off schedule worked. Mr. Hess said the impact would be low, but staggering pick-up/drop-off times was recommended and if there was a problem, the condition of approval could be enforced.

APPROVAL OF CUP 1406-0001 CATERPILLAR PRESCHOOL A REQUEST FOR A HOME PRESCHOOL LOCATED AT 103 SOUTH 525 WEST

**Commissioner Browning moved to approve as conditioned, CUP 1406-0001, a conditional use permit for a home preschool, Caterpillar Cove Preschool, located at 103 South 525 West (TIN: 12-59-0028) based on the finding and discussion in the staff report and with the following conditions:**

- 1) **This Conditional Use Permit is for a preschool located at 103 South 525 West.**

- a. **The preschool shall meet the provisions of the Land Use Ordinance, of not more than eleven children per class, with no more than two classes per day, for a maximum of four hours per class.**
  - b. **The applicant will submit a drop-off and pick-up schedule with staggered times proposed in order to mitigate traffic flow problems. Approval of the final drop-off/pick-up schedule shall be handled through an administrative review and approval by Staff.**
  - c. **Participants of the preschool must drop children off from the west side of 525 West with all preschool traffic facing south.**
  - d. **A fence shall be installed along the north rear property line.**
- 2) **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 Murray. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.**

PUBLIC HEARING ON FSP-1405-0003, CLEARFIELD STATION TOD FINAL SUBDIVISION PLAT REVIEW FOR PHASE 1 ON AN APPROVED MIXED-USE DEVELOPMENT LOCATED AT 1250 SOUTH STATE STREET

Scott Hess said the final subdivision plat was continued from the June meeting. He said there were changes that revolved around access to the site. Mr. Hess said the developer was unsuccessful in obtaining a right-of-way easement access for the northern entrance point. He said for this reason the road was shifted to the south to accommodate the necessary curve radius required for large trucks to turn into the development from State Street. He said small decorative rock walls would be placed around an open space which added more landscaping to the site. Mr. Hess said a 50 foot easement for a UTA transportation corridor had been released by UTA which allowed portions of the development to shift slightly north. He said North Davis Fire District worked with the developer to incorporate fire infrastructure. He said public works and engineering were concerned with water and sewer connections. Mr. Hess said one concern was sewer capacity in 1000 East. The developer had monitored the sewer flow. Mr. Hess said the final results of the tests had not been received but the developer might be required to upsize the sewer line. Mr. Hess reviewed the conditions of approval. The public hearing was opened at the June 4, 2014 meeting.

Chair Peterson asked for public comments.

There were no public comments.

**Commissioner Roper moved to close the public hearing at 7:30 p.m. Seconded by Commissioner Murray. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.**

Commissioner Allen asked if the main road in the development would be adequate for the entire subdivision. Scott Hess said the roadway width would be substantially wide enough for the entire development. Commissioner Allen asked about the comment from North Davis Fire District (NDFD) which required an approved turn around. Mr. Hess said it was a standard requirement from NDFD. Commissioner Allen asked about the six foot easement. Mr. Hess said the six foot public utility easements around each lot were for future utility use and would not be used for fire, infrastructure or additional asphalt.

RECOMMENDATION OF FSP-1405-0003, CLEARFIELD STATION TOD FINAL SUBDIVISION PLAT REVIEW FOR PHASE 1 ON AN APPROVED MIXED-USE DEVELOPMENT LOCATED AT 1250 SOUTH STATE STREET

**Commissioner Browning moved to recommend to City Council approval of FSP 1405-0003, Clearfield Station TOD final subdivision plat located at 1250 South State Street (TIN:12-066-0071, 12-067-0139) based on the discussion and findings in the staff report with the following conditions:**

- 1) The developer shall submit a final clean copy of the Final Subdivision Plat documents correcting all errors and omissions indicated by Staff Reviews.**
- 2) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer and Public Works Department. Developer shall demonstrate sufficient capacity in the City's sanitary sewer collection system in 1000 East and downstream to provide adequate service for the project; or, in the alternative, Developer shall improve (expand/upsized) the City's system to accommodate the Project.**
- 3) The final Fire Infrastructure design shall meet North Davis Fire District standards and be to the satisfaction of the Fire Marshall.**
- 4) Pursuant to the City Code § 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.**
- 5) No building permits shall be issued or construction of buildings or improvements may begin until after recordation of the final plat. Final plat recordation may come in phases for large tract development.**
- 6) All Final Subdivision Plat and Site Plan submittals shall be in substantial conformance with the approved Master Development Plan and Master Development Agreement.**

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

DISCUSSION ON SP 1406-0007, A REQUEST FOR SITE PLAN APPROVAL FOR CLEARFIELD STATION TOD PHASE 1 ON AN APPROVED MIXED-USE DEVELOPMENT AT 1250 SOUTH STATE STREET

Scott Hess said site plans controlled specific land uses on property such as landscaping, fencing and building location. He said the site plan for Clearfield Station was governed by the Master Development Plan (MDP), the Master Development Agreement (MDA) and Clearfield City Code. He said if a finding was not clearly specified in the MDP then Clearfield City code governed. Mr. Hess said City code required landscaped parking islands every 12 spaces. He said landscaping would be required for each phase, garbage dumpsters were required to be enclosed. He said there was small decorative fencing around the apartment complexes. Mr. Hess said the important fencing was the perimeter fencing around the development. He said the temporary UTA building was used for indoor storage and a permanent building was included in a future phase. Mr. Hess stated the sign package was not included with the site plan approval. He reviewed the conditions of approval. He said an additional condition could be added which stated the final approval of the site plan was conditioned upon on the City Council accepting the final subdivision plat.

Chair Peterson asked for discussion from the commissioners. Commissioner Browning asked if the temporary building was a replacement for the building currently on the site. Mr. Hess said the new building would replace the existing building and would be a prefabricated building set on a foundation. He said there would be 10 percent landscaping and ample parking. There were no concerns from North Davis Fire District. Commissioner Murray asked if the permanent UTA building would be in a flex building. Mr. Hess said the UTA storage building would be included in phase three within the proposed flex building. Commissioner Murray asked if a time limit could be given for the use of the temporary building. JJ Allen, Assistant City Manager, stated the MDA specified that the temporary building must be removed within five years. Commissioner Millard asked if the apartments had a purchase option. Amber Huntsman said the apartments were rental only. Mr. Hess said the MDA controlled the total number of units. Brian Brower stated that phase one allowed 168 units.

Chair Peterson asked if there were concerns about the design standards and the renderings that were provided. Amber Huntsman said there would be four color options and the exterior materials would be stucco and possibly hardi-board. Chair Peterson said the intent of the project was for a more urban feel and unique multi-family housing product than existed in the City. Commissioner Allen asked about the sizes of the apartments. Ms. Huntsman said there were three different unit types; the smallest unit was about 800 square feet. Commissioner Roper asked about the flow of traffic into Clearfield Station. Ms. Huntsman said the current access would be used until phase two was built out. She said the access would be used for both construction and access to the Clearfield Station parking area. Commissioner Allen asked about the fencing around the apartment complexes. Ms. Huntsman said the fence would be a decorative four foot wrought iron fence. Commissioner Allen asked about the school parcel. Ms. Huntsman stated the property would be maintained as UTA property until the school was built.

APPROVAL OF SP 1406-0007, FOR SITE PLAN APPROVAL FOR CLEARFIELD STATION TOD PHASE 1 ON AN APPROVED MIXED-USE DEVELOPMENT AT 1250 SOUTH STATE STREET

Commissioner Millard moved to approve SP 1406-0007, Clearfield Station site plan approval for Phase 1 on an approved mixed-use development on approximately 70 acres located at 1250 South State Street, based on discussion and findings in the staff report with the following conditions of approval:

- 1) The developer shall submit a final clean copy of the Phase 1 Site Plan documents correcting all errors and omissions indicated by Staff Reviews.
- 2) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer and Public Works Director.
- 3) The final Fire Infrastructure design shall meet North Davis Fire District standards and be to the satisfaction of the Fire Marshall.
- 4) There should be at least one covered parking space per residential unit. The design of the parking lot should meet City Code § 11-14-5F including landscaped parking lot islands at a minimum of every 12 stalls.
- 5) As per City Code § 11-13-23C, the developer should post a bond of 125% of the value of the landscape within each phase. Should the landscape not be installed prior to Certificate of Occupancy, pursuant to City Code § 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.
- 6) As per City Code § 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 recordation of the Final Plat.
- 7) No building permits shall be issued or construction of buildings or improvements may begin until after recordation of the final plat. Final plat recordation may come in phases for large tract development.
- 8) All Final Subdivision Plat and Site Plan submittals shall be in substantial conformance with the approved Master Development Plan and Master Development Agreement.
- 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) The site plan approval is pending City Council approval of Phase One final subdivision plat.

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

PUBLIC HEARING ON CUP 1406-0002, A REQUEST BY DAVIS MEDICAL INVESTMENTS (TANNER CLINIC) FOR CONDITIONAL USE PERMIT FOR A COMMERCIAL PARKING FACILITY LOCATED AT 1550 SOUTH 1500 EAST

Scott Hess said City Council enacted a temporary land use regulation against commercial parking within C-1 and C-2 zones. He said staff and legal counsel determined a formal request by the applicant was made prior to the temporary land use regulation. Mr. Hess said the conditional use permit was for a commercial parking facility within a C-1 zone. He said the request was for the demolition of two buildings which were adjacent to Tanner Clinic and approximately 100 spaces of surface parking were being proposed. Mr. Hess said impacts would be traffic, noise, light, storm water, and reduction of tax base. He said staff did not find negative traffic impacts. He said the area was surrounded by office and hospital uses and no further mitigation measures were anticipated to be required. Mr. Hess said staff recommended shielded light fixtures to reduce impacts from glare on Chancellor Gardens and surrounding properties. He suggested that the lighting plan be approved administratively. Mr. Hess said the surface parking increased the overall surface water drainage load on storm sewer infrastructure. He said site plan and construction documents for the landscaped area and storm water detention facility must meet City Code and be to the satisfaction of the City Engineer and Public Works Director. Mr. Hess said the reduction of tax base impact came from the removal of existing buildings and staff believed that the overall tax collected on those buildings was minimal; however, it was an important finding. He reviewed the conditions of approval.

Chair Peterson declared the public hearing open at 8:15 p.m.

PUBLIC COMMENT:

None

**Commissioner Murray moved to close the public hearing at 8:16 p.m. Seconded by Commissioner Millard. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.**

Keith Sorenson, architect, and Marshall McKinnon with Tanner Clinic were present to answer questions from the commissioners. Mr. Sorenson said the goal for the parking area was to have close to 110 parking spaces. He said the design had 107 parking spaces and was still within Clearfield City requirements.

Commissioner Millard asked if the project was presented earlier but wasn't approved. Scott Hess said Tanner Clinic approached the City prior to the temporary land use regulation. He communicated with Mr. McKinnon and had written record legitimizing the application. Scott said it met City Code under current ordinances. Brian Brower said staff's recommendation was that the application be considered under the ordinance that was still in effect. Mr. Brower consulted a land use attorney who concurred with the approach from staff because the applicant met with City staff prior to the discussion of the temporary land use regulation. Commissioner Allen asked if there were tenants in the buildings. Mr. McKinnon said the buildings were 60 percent occupied and in poor condition. Commissioner Murray asked if Tanner Clinic had an obligation to help the

tenants relocate. Mr. McKinnon said help would be given along with financial assistance. Commissioner Allen asked if demolition was part of the site plan. Scott Hess said a permit was required for the demolition of the buildings and tests were required for asbestos. Mr. McKinnon said the asbestos inspection had been completed and there were three metal sinks with asbestos that would be removed professionally but no other asbestos was noted.

Chair Peterson asked if the commissioners were okay with staff approving the lighting administratively. There were no concerns. Mr. Hess said the lighting code was simplistic and safety based. He said Tanner Clinic chose to light the parking lot.

APPROVAL OF CUP 1406-0002, A REQUEST BY DAVIS MEDICAL INVESTMENTS (TANNER CLINIC) FOR CONDITIONAL USE PERMIT FOR A COMMERCIAL PARKING FACILITY LOCATED AT 1550 SOUTH 1500 EAST

**Commissioner Murray moved to approve CUP 1406-0002, a request by Davis Medical Investments (Tanner Clinic) for conditional use permit for a commercial parking facility located at 1550 South 1500 East (TIN: 09-022-0057, 09-022-0022) based on discussion and findings in the staff report and with the following conditions:**

- 1) This Conditional Use Permit is for a Commercial Parking Facility located at 1550 South 1500 East. This Conditional Use Permit approval is intended for the sole use of the applicant as it relates to this application.**
- 2) 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.**
- 3) Light glare should be mitigated through the use of proper fixtures to reduce impacts to surrounding property owners.**
- 4) Storm water must be collected and detained in accordance with Clearfield City Codes and be designed and installed to the satisfaction of the City Engineer and Public Works Director.**

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

DISCUSSION ON SP 1406-0002, A REQUEST BY DAVIS MEDICAL INVESTMENTS (TANNER CLINIC) FOR SITE PLAN APPROVAL FOR A COMMERCIAL PARKING FACILITY LOCATED AT 1550 SOUTH 1500 EAST

Scott Hess reviewed the layout of the site plan. He said the drive access was off 1500 East and staff did not foresee any traffic impacts from the site. Mr. Hess said there were no changes to the vehicular and pedestrian traffic. He said any damaged or deteriorating concrete on the public sidewalk along 1500 East needed to be replaced. He said the project would provide approximately 107 parking stalls and the stalls must meet code. Mr. Hess said there should be landscaping islands at a minimum of every twelve stalls. He said additional surface lighting must

meet City Code and would be approved by City staff. He said a minimum of ten percent landscaping was required and may be used jointly as storm detention facilities but must be improved with landscaping and a viable irrigation system. Mr. Hess said the detention basin was on the west side of the property. He said the outflow was yet to be determined. Mr. Hess said the utilities provided to the buildings must be capped off and would be inspected at the time of the demolition. He reviewed the conditions of approval.

Chair Peterson asked about the ADA compliant parking spaces. Mr. Sorensen said that Tanner Clinic had two times the required ADA parking spaces within their existing parking lot. Brian Brower said Tanner Clinic had stated in a prior meeting that the required number of parking spaces and ADA parking spaces had been met with the expansion of the facilities without the additional parking area; however, for service of customers and employees the additional parking was being added. Mr. Sorensen said to be most effective, handicapped parking spaces needed to be close to building without physical barriers and Tanner Clinic was reluctant to have ADA compliant parking in the new parking area. Scott Hess said the total landscaping being provided was 16 percent but was not mentioned in the staff report.

APPROVAL OF SP 1406-0002, A REQUEST BY DAVIS MEDICAL INVESTMENTS (TANNER CLINIC) FOR SITE PLAN APPROVAL FOR A COMMERCIAL PARKING FACILITY LOCATED AT 1550 SOUTH 1500 EAST

**Commissioner Browning moved to approve SP 1406-0002, a request by Davis Medical Investments (Tanner Clinic) for site plan to consider additional parking area located at 1550 South 1500 East (TIN: 09-022-0057, 09-022-0022) based on discussion and findings in the staff report and with the following conditions:**

- 1) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer and Public Works Director.**
- 2) The final Fire Infrastructure design shall meet North Davis Fire District standards and be to the satisfaction of the Fire Marshall.**
- 3) Landscaping islands shall be provided at a minimum of every 12 stalls and be designed to meet requirements within City Code § 11-14-5F.**
- 4) Landscaping must be provided at 10 percent minimum. The storm detention facility may be included in the total landscaping calculation, but must be properly landscaped and irrigated per City Code § 11-13-23.**
- 5) No garbage dumpster or garbage dumpster enclosure may be kept on the property.**

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

PUBLIC HEARING ON CUP 1406-0005 A REQUEST BY KATHY ARMIJO ON BEHALF OF NO EXCUSE FOR ABUSE LLC, FOR A CONDITIONAL USE PERMIT FOR A BEHAVIOR, DRUG AND ALCOHOL TREATMENT FACILITY LOCATED AT 370 SOUTH 500 EAST UNIT 126 (TIN: 12-678-0209)

Scott Hess said behavioral drug and alcohol treatment facilities were not always conditional uses within City Code and this site had two behavioral drug and alcohol treatment facilities. Mr. Hess said the Police Department was contacted about calls specific to those two businesses. One business had been there for ten years and had received two calls; the other business had been there since 2009 and had received one call.

Mr. Hess said the Conditional Use Permit (CUP) was specifically for a behavior drug and alcohol treatment facility and the use was permitted with an approved CUP. He said the business would operate during normal daytime business hours. He said the applicant indicated the facility was staffed during the day and there would not be any 24 hour services provided on site. Mr. Hess said the property had access off 500 East, the commercial condominium complex was not completely rented out and the parking lot had ample space. He said there were no general parking, circulation and access concerns. Mr. Hess said the unpredictable nature of abuse and domestic violence created a need for victims to have 24 hour access and a 24 hour phone number would be provided for after hour needs, but the business would not be staffed 24 hours and would not provide any overnight stays. He reviewed the conditions of approval.

Chair Peterson declared the public hearing open at 8:47 p.m.

**PUBLIC COMMENT:**

Denise Sly, Clearfield, was concerned that this type of business kept ending up in her neighborhood. She said she had obtained a list from Community Development of entities in Clearfield City that were concerned with health and counseling and there were 59 and none of the residential youth group homes were mentioned. She said there were four current businesses operating at Lakeside Square. Ms. Sly's opinion was that there was more than a fair share in her neighborhood. She understood that this type of business was needed, but not all in one place.

**Commissioner Allen moved to close the public hearing at 8:52 p.m. Seconded by Commissioner Baron. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.**

Chair Peterson asked if there was an ordinance prohibiting clustering of this type of business. Brian Brower said there was not an ordinance at this time. He explained for the public's benefit, there were uses listed for each zone. He said the uses listed as a conditional use were essentially permitted, however it gave the Planning Commission an opportunity to place conditions to mitigate detrimental impacts on the neighboring residents and businesses. Mr. Brower said CUPs were not recommended to be denied, but conditions could be imposed.

Ashlie DeV Vaughn, administrative manager of No Excuse for Abuse (NEFA), said the business was an outpatient treatment center and had been in business since 1999. She said they had two

incidents with the police since 1999. She said all clients know the requirements. They do not operate during evening hours. She said referrals were received from the courts.

Commissioner Baron asked if the treatment was for domestic violence and not drug treatment. Ms. DeVaughn said they dealt with domestic violence and substance abuse. She said they had two licensed probation officers. She said the treatment was for the perpetrators but they provided a support system for the victims. Ms. DeVaughn said there were no prescriptions or medications on site. Commissioner Browning asked how the location was chosen. Ms. DeVaughn said they worked with the courts in the Davis and Weber County area. Brian Brower explained that court houses had representatives from various businesses like NEFA waiting in the courtroom for referrals from the judge. Commissioner Millard said his experience with this type of business was that the problem people stay away because they fail. Ms. DeVaughn said in the past three years NEFA had more graduating clients than those that failed.

Commissioner Allen asked about the need to be specific to the unit number. Chair Peterson said this type of business needed to be considered case by case to look at the impact on the neighborhood. Brian Brower said the City issued CUPs to the applicant, whereas a variance ran with the land. Commissioner Allen was concerned that a potential need to relocate to a larger unit required the applicant to return for a new CUP. Mr. Brower said that Utah Code on a CUP was not specifically attached to the land or the applicant. He said Clearfield City adopted a position that a CUP was attached to the applicant. Commissioner Millard asked if the Commission needed to consider clustering for this type of business. Commissioner Murray said the unit number needed to be added. Chair Peterson said the protection to the residents would give another review if the business decided to move units. Commissioner Browning asked what happened if a client failed a drug test. Ms. DeVaughn said it was reported to court immediately.

APPROVAL OF CUP 1406-0005 A REQUEST BY KATHY ARMIJO ON BEHALF OF NO EXCUSE FOR ABUSE LLC, FOR A CONDITIONAL USE PERMIT FOR A BEHAVIOR, DRUG AND ALCOHOL TREATMENT FACILITY LOCATED AT 370 SOUTH 500 EAST UNIT 126 (TIN: 12-678-0209)

**Commissioner Browning moved to approve as conditioned, CUP 1406-0005, a conditional use permit for a behavior, drug, and alcohol treatment facility located at 370 South 500 East, Unit #126 (TIN:12-678-0209) based on the findings and discussion in the staff report and with the following conditions:**

- 1) This Conditional Use Permit is for a Behavioral, Drug, and Alcohol Treatment Facility located at 370 South 500 East.**
  - a. The facility shall only operate during normal daytime business hours.**
  - b. The facility shall not provide 24 hour treatment or services to clients.**
  - c. The facility shall not provide overnight stays, or be staffed overnight.**
- 2) 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 Roper. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.**

PUBLIC HEARING ON ZTA 1406-0003 A REQUEST FOR A ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 3 TO PROPOSE AMENDMENTS TO THE DEFINITION OF "PARKS AND OPEN SPACE"

Scott Hess said as a point of clarification for Zoning Text Amendments (ZTA) which were effective City wide the notice requirements were for advertisement in the newspaper. He said most ZTAs weren't dealing with a particular parcel or parcels. He said any ZTA should be considered for Clearfield City as a whole. Mr. Hess said due to the heightened awareness of the issues that brought this ZTA forward, City staff provided a courtesy notice to residents within 300 feet of the Goupios dental building. Mr. Hess stated the notice list from the last Conditional Use Permit (CUP) was used. Mr. Hess said the proposed request added the following language to the ordinance: *"A park or open space may be used to satisfy outdoor recreation requirements for a daycare, on either the same or adjacent property as the daycare, which may be fenced and secured during daycare hours of operation."*

Mr. Hess said land use guideline number five in the General Plan stated that transitions between different land uses should be gradual and adequate screening and buffering were required to protect existing residential areas from more intense land uses. He said a commercial daycare was a more intense use than standard, permitted residential land uses. Mr. Hess told the commissioners to consider whether there was a way to maintain adequate buffering between land uses in this case and in other areas where parks or open spaces might become fenced and provided for the use of a daycare facility. He said as long as the ordinance met the criteria of the General Plan, then the amendment might be considered as following the land use guidelines. Mr. Hess stated no public comment had been received to date.

Chair Peterson reminded the commissioners that any proposed ZTA would be applied across the entire City and was not site specific. She explained that for comments during the public hearing, the item was a stand-alone item and was not being considered in relation to any previous application. She said all public comments must be directed toward the ZTA being applied to any parks and open space in the City.

Chair Peterson declared the public hearing open at 9:18 p.m.

**PUBLIC COMMENT:**

Wendy Osborn, Clearfield, said the definition of open space did not fall under open space when language was added to fence off open space; it was open or it was not. She said the daycare he was referring to was commercial and the open space was residential. Ms. Osborn said the appeal hearing conclusion was that it was not legal to allow a commercial daycare in a residential zone.

Brenda Provow, Clearfield, said the problem with the proposal was a fence placed around open space and left open at night was open for all types of crime. She said there was problem with the basement walkway and drug dealing down there, now there was a big space closed off it was a breeding ground for crime.

Tracy Reed, Clearfield, said she had three disabled children. She said when they moved to Clearfield nine years ago she inquired about construction and was told it would remain residential on the back side of the lot for the dental office. She said she was concerned about additional traffic and speed on 1050 West.

Cris Hawthorne, Clearfield, had comments which were read by Chair Peterson. She stated she would not like the extra traffic or the inconvenience.

Natalie Najera, Clearfield, had four disabled children. She said it had been safe but if the childcare was put there they would not be able to ride bikes or play outside. She said the street would no longer be safe if childcare was allowed there because there would be traffic coming in and out. She said one day a child would be hit.

Laurence Abel, Clearfield, wrote he was opposed.

Charles Provow, Clearfield, said the problem was the open door policy. He said if it was approved then every park would be affected. He was concerned control of parks would be gone. He lived behind the dental office and wanted the open space area to stay residential. Mr. Provow said the increased traffic would be dangerous for kids.

Paul Ray, Clinton, Utah State House of Representative representing the area, said the issue was not about a daycare. He said there was ambiguity in the City Code and the change would clarify the ambiguity. He said his involvement was because there were issues. He said the property was owned by an individual and Mr. Goupios was not taking a public area. He said the purpose was to clarify ambiguities in the law.

Lori Miller, Clinton, said the point of the language was to clarify the use that was imposed upon Mr. Goupios by taking his private property and making it public open space. She said the change clarified and allowed dual use for the property. She said the daycare was used only during the daytime. She said she didn't understand the difficulty.

Julio Otay, Clearfield, said a lot of the neighbors were not agreeing with the proposal. He said it was not acceptable to have the commercial business in the residential zone.

David Reed, Clearfield, the State Representative may have opened the door, but he would close it. He said Representative Ray was not present when there were 45 cops on his street with gang activity. He couldn't go to Mr. Goupios' park when he wanted because it was Mr. Goupios land.

Becky Brooks, former Clearfield resident, said she was not from the neighborhood with the dental building. She said based on the information, Clearfield City welcomed the substance abuse

businesses, the youth offenders, the used car lots, but not someone trying to open a good honest business, the ordinances made it impossible for the business to open. She said it didn't appear on paper that Clearfield City supported local businesses.

**Commissioner Murray moved to close the public hearing at 9:35 p.m. Seconded by Commissioner Allen. The motion carried on the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen, and Millard. Voting NO: None**

Chair Peterson stated the zoning text amendment was across all zoning districts and not relative to one specific piece of property. She said one item mentioned in the public comment was that the public open space was forced by the City and asked City staff for clarification. Scott Hess stated a site plan for additional parking for the dental office provided open space to the area as a benefit for the applicant receiving additional parking located on residential property. He said the ZTA applied for was to change the definition of open space. Mr. Hess said it included open spaces within condominium projects or homeowners associations, the risk was in public open spaces within privately held properties.

Robert Goupios, applicant, said comments were made by the neighbors about increased traffic. He said the dental business used 1000 West and there were no plans to use the gated exit on 1050 West, it was only for an emergency. Mr. Goupios said the request was for use of the open space during operational hours of the daycare. He said the majority of open space was still open and available to the public. He said the fenced open space was needed for the occupancy of the daycare as required by the State.

Chair Peterson reminded the commissioners the application before them was not a conditional use permit for a daycare, it was a ZTA on parks and open space areas in the City. Commissioner Baron asked if she could put a fence on a public park to meet daycare requirements. Brian Brower stated property controlled by the City or County could not be used for personal use. Mr. Brower said the example given by the applicant affected his property but the ordinance change would have a far broader reach than just for the applicant.

Chair Peterson said the change would allow a resident to fence a portion of property used by others. Commissioner Allen said for example, an apartment owner could purchase property adjacent to the apartment complex and it could be used by a daycare. Chair Peterson asked if it was a good fit across the City. She was concerned about the unintended consequences with the ordinance change. Commissioner Browning said the language impacted everything and he said it didn't solve any problems for the neighbors and it didn't do anything for the City. Commissioner Murray said it was not for the benefit of the City and was concerned about the unintended consequences. Commissioner Baron said she did not want the ordinance for the entire City.

Commissioner Allen said the ordinance didn't follow the General Plan and there should be a clean buffer zone. Chair Peterson was concerned that any business could ask for a change to benefit it. Commissioner Millard said he was not in favor of creating a cubby hole in the sense that the area was fenced during the day and after dark what would happen. He said parks were open because it minimized vandalism. He said open space needed to be open. Scott Hess said

there were several ways a ZTA was brought forward and any applicant could apply for a ZTA. Chair Peterson told the commissioners there were three options; the Planning Commission needed to recommend approval, denial, or approval with amendments to the City Council. Scott Hess said the City Council was scheduled to hear the item on July 22, 2014.

**Commissioner Browning recommended to the City Council, denial of ZTA 1406-0003. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen, and Millard. Voting NO: None**

DISCUSSION ON SP 1406-0004 A REQUEST BY MATT ROBINSON FOR SITE PLAN TO CONSIDER AN ADDITIONAL APARTMENT BUILDING AT ASPEN PARK APARTMENTS LOCATED AT 200 WEST 1700 SOUTH (TIN:12-065-0165). THE PROPERTY IS APPROXIMATELY 2.52 ACRES AND LIES IN THE RESIDENTIAL R-3 ZONING DISTRICT

Scott Hess said the applicant wanted recommendations from the Planning Commission on plans for an addition and improvements to the Aspen Park Apartments. Chair Peterson asked if changes to the existing structure would be considered with the new building. Mr. Hess said it was included with the site plan. He said there were some items that could be imposed on the existing as well as the new. Mr. Hess said the project as was proposed met the minimum requirements of the R-3 zone. Chair Peterson said the existing structure would need to be brought to current design standards in City Code §11-18 to have a cohesive color palette. Chair Peterson asked what site improvements related to the existing structure. Mr. Hess said site improvements would be a standard requirement. He said the site was unique to have available extra land within the R-3 zone for amendments to be made.

Matt Robinson said the plan was to upgrade the old building that was built in 1944; some of the same architectural designs would be incorporated in the new building. He said the requirements for storm water could be met. He said it was a challenge to make nice residential apartments with warehouses on one side and a recycling center on the other. Mr. Robinson said they wanted to preserve the trees and only needed to have one removed.

Chair Peterson was encouraged by the development and an applicant who wanted to make improvements to the property. She said something more attractive provided an increased quality of life. The commissioners were enthusiastic about the project and looked forward to seeing more details with the formal application.

STAFF REPORTS

Scott Hess said the Planning Commission was down three commissioners and desired to have the new commissioners soon. He said the first administrative site plan was received for an awning at Maverik on 1700 South. He said the application would be sent to JJ Allen for final approval.

Brian Brower commended the commissioners on all that was accomplished at the meeting. He read from State Code that a properly noticed public meeting was required for the zoning text

amendment and not a public hearing.

PLANNING COMMISSIONERS' MINUTE

Councilmember LeBaron – said the gravel driveway issue was finalized by Council and he congratulated the Planning Commission that gravel driveways were in the past. He said one change was made to the gravel driveway ordinance changing the depth from four inches of gravel to two inches. He thanked the commissioners for all they did.

Commissioner Millard – said it made sense to limit the number of similar businesses in one area and suggested having a zoning ordinance that would limit the number of abuse center businesses that could be in the same area. Brian Brower said if the City were to single out a particular type of business, justification must be shown on the effects caused by too many congregated together; it was more complicated than just making the request.

Commissioner Browning – Nothing

Commissioner Roper – Nothing

Commissioner Baron – said Burger King looked good. She said August would be her last meeting.

Commissioner Murray – Nothing

Commissioner Allen – said Happy 4<sup>th</sup> of July, enjoy the fireworks.

Chair Peterson – said it was difficult to listen to a resident with concerns about the consequences of having certain types of businesses near her home. She said the City needed to find some way to give the citizens a fighting chance to have a safer neighborhood and asked Staff to draft language for a zoning text amendment which limited the clustering of businesses such as the behavioral and drug type businesses.

There being no further business to come before the Planning Commission, **Commissioner Murray moved to adjourn 10:40 at P.M. Seconded by Commissioner Browning.**