

CLEARFIELD PLANNING COMMISSION MEETING

June 4, 2014

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

PRESENT: Becky Brooks Commissioner
Kathryn Murray Commissioner
Timothy Roper Commissioner
Robert Browning Commissioner
Robert Allen Alternate Commissioner
Michael Millard Alternate Commissioner

ABSENT: Norah Baron Commissioner
Michael LeBaron Council Liaison

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

VISITORS: Rita Painter, Clarence Painter, Bill Rielly, Dana Schlutter, A.N. Al Sadat, Focah Sadat, Dan Thompson, Laura Thompson, Jared Schofield, Ron Tubbs, John Monroe, Brady Juglen, James Wright, Stan Smith, Paula Smith, Curtis Beames, Teri Beames, Kris Gibson, Lezlee Monroe, M. Gaitee, Sam Chelemes, Chris J Chelemes, Mr. & Mrs. Ronnie Williams, Matt Bailey, Kent Bush, David Hansen

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF AGENDA

Chair Peterson suggested a few changes to the order of the agenda items to accommodate the citizens that had come to the meeting. She proposed that after item number eight the public hearing for item number 12 be heard, followed by items 10, 11 and 9. **Commissioner Browning moved to approve the agenda with the amendment to change the order of items nine and twelve. Seconded by Commissioner Murray. The motion carried upon the following vote: Voting AYE: Commissioners Brooks, Murray, Roper, Browning, Allen and Millard. Voting NO: None.**

APPROVAL OF MINUTES FROM MAY 7, 2014 PLANNING COMMISSION MEETING

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

DISCUSSION ON SP 1405-0001, SITE PLAN FOR LIFETIME PRODUCTS TO CONSIDER

THE ADDITION OF AN EXTERIOR SILO LOCATED AT BUILDING B-12 IN THE FREEPORT CENTER

Scott Hess stated the request was for a 12 foot diameter silo on a concrete pad. He said the site was located between building B-11 and B-12. Mr. Hess said two 60 foot tall silos were approved by Planning Commission in 2011. He said the requested silo was approximately 60 feet tall; City Code §11-13-11 allowed height limitation exceptions and silos used for product storage were classified as a similar structure. Mr. Hess said there were no traffic impacts and the site was away from vehicular traffic and pedestrian walkways. He said the proposal was an ancillary use to an existing industrial building and was not required to meet City Code §11-18 Design Standards. Mr. Hess stated the only condition of approval was that the construction documents submitted for building permits shall be in substantial conformance with the document submitted in the Site Plan approval, SP 1405-0001.

Commissioner Brooks asked if the request added a third silo to the existing silos. Mr. Hess said yes, the silo was adjacent to the existing silos. Commissioner Allen asked what was stored in the silo. Mr. Hess said it was plastic pellets for the injection molding process and it would be difficult to change the type of material in the silo. Matt Bailey, representing Lifetime Products and R.E. Bailey Construction, said R.E. Bailey Construction built the other two silos. He said Lifetime Products could not keep up with the product and needed the additional storage space. He said there were no hazardous materials stored in the silos.

APPROVAL OF SP 1405-0001, SITE PLAN FOR LIFETIME PRODUCTS TO CONSIDER THE ADDITION OF AN EXTERIOR SILO LOCATED AT BUILDING B-12 IN THE FREEPORT CENTER

Commissioner Brooks moved to approve as conditioned, SP 1405-0001, a site plan for Lifetime Product silo addition, based on the findings and discussion in the staff report.

Conditions of approval:

- 1) The construction documents submitted for building permits shall be in substantial conformance with the documents submitted in this site plan approval, SP 1405-0001.**

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

DISCUSSION ON SP 1405-0002, SITE PLAN REQUEST FOR A CHANGE OF USE FOR A CHURCH AT 225 NORTH MAIN STREET

Scott Hess said the last use of the building was a chiropractic office and historically it had been used commercially. He said with the site plan for change of use, the site would be brought into compliance with City Code. Mr. Hess said there was a single access driveway that serviced 225 and 245 North Main and there had never been a formal drive onto the site. He said a permanent access easement had been requested from the owner of 245 North Main. Mr. Hess said the

landscaping was currently deficient; raised planter beds would be added and the area between 225 and the property to the south would be improved. With the proposed improvements, the property would exceed the required ten percent landscaping. Mr. Hess stated that abutting properties on the north and south were commercial. He reviewed the conditions of approval.

Dan Thompson, property owner, was present. Commissioner Murray asked where the property line was on the west side of the building. Mr. Thompson said there was a partial fence that would be removed; planter boxes would be placed on the property line and the remaining property would be asphalted to complete the parking area. Scott Hess said the two property owners of 225 and 245 North Main would work out an easement agreement and the agreement would be recorded with Davis County.

APPROVAL OF SP 1405-0002, SITE PLAN FOR A CHANGE OF USE FOR A CHURCH AT 225 NORTH MAIN STREET

Commissioner Murray moved to approve as conditioned, SP 1405-0002, Site Plan approval for 225 North Main change of use, based on the findings and discussion in the staff report.

Conditions of approval:

- 1) **The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1405-0002. Construction Documents shall demonstrate full compliance with City Code and Standards, including, but not limited to the following:**
 - a. **A landscape plan will be submitted with the construction documents that include quantities and specify plant materials and will demonstrate that the plants are irrigated with an automatic irrigation system, pursuant to City Code § 11-13-23(E)**
 - b. **Mechanical equipment (either roof or ground mounted, shall be screened from public view).**
 - c. **One sign per street frontage Main Street will be permitted, pursuant to the standards established in City Code § 11-15-8(E).**
 - d. **The garbage dumpster shall be fully screened from view.**
- 2) **Site Plan approval is subject to North Davis County Fire District review and approval.**
- 3) **Should the landscape not be installed prior to Certificate of Occupancy, pursuant to Land Use Ordinance 11-13-23(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. *(This includes the installation of the irrigation system if applicable.)***

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

DISCUSSION ON SP 1405-0004, SITE PLAN REQUEST BY JENNMAR FOR ADDITIONAL

PARKING AREA AT 155 EAST 550 SOUTH

Scott Hess said with the SR193 construction the access to this particular property was cut off from the south side. He said the request was for additional parking. He said there were often cars parked on the street which had become a burden. Mr. Hess said Jennmar hoped the additional parking would mitigate safety concerns. He said there was a large detention pond to the south of the parking lot. He said landscaping surrounded the building and the site plan would reconfigure the detention pond and would take all the surface drainage from the existing and expanded parking areas. Mr. Hess said the plans were reviewed and approved by the City's Storm Water Manager, Dan Schuler. He said the change would create a better traffic flow. He stated the only condition of approval was that the construction documents submitted for building permits shall be in substantial conformance with the documents submitted in the site plan approval, SP 1405-0004.

Jared Scofield with Jennmar was present to answer questions from the commissioners. Commissioner Roper asked if the request was just an expansion of the parking. Scott Hess showed a map of the area and stated the new parking had a better design because it had separation from the frontage road. He said the amount of traffic by the building has been reduced with the construction of SR193. Chair Peterson said the road and parking on the road was an issue a few years ago and she was glad to see the improvements to the area. Commissioner Browning said it was great that Jennmar was willing to solve the problem. Commissioner Allen asked about lighting for the parking area. Mr. Scofield said lighting on the exterior of the building was adequate for the parking area.

APPROVAL OF SP 1405-0004, SITE PLAN REQUEST BY JENNMAR FOR ADDITIONAL PARKING AREA AT 155 EAST 550 SOUTH

Commissioner Brooks moved to approve as conditioned SP 1405-0004, a site plan for Jennmar parking lot expansion, based on the findings and discussion in the staff report.

Conditions of approval:

- 1) **The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1405-0004.**

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

Scott Hess stated the site plan indicated a proposed Jennmar building; however, that building was not part of the request just the parking.

DISCUSSION ON SP 1405-0005 A REQUEST FOR SITE PLAN APPROVAL FOR

EXTERIOR MODIFICATIONS TO TACO BELL AT 632 NORTH MAIN STREET

Scott Hess said the Taco Bell was located immediately off 650 North and Main Street. He said there were no changes in site design, just a refresh on the exterior of the building plus concrete for the addition of a walk-out freezer and pedestrian walkway between the building and the garbage dumpster. Mr. Hess said design standards required high quality materials and three colors per elevation, basically what major companies were doing in their buildings. He reviewed the conditions of approval.

Adam Naylor was representing Taco Bell. Commissioner Murray asked about landscaping and the ownership of property along 650 North. Scott Hess said the property adjacent to the sidewalk on 650 North was owned by Utah Department of Transportation (UDOT). Commissioner Murray said there were many weeds.

APPROVAL OF SP 1405-0005 A REQUEST FOR EXTERIOR MODIFICATIONS TO TACO BELL AT 632 NORTH MAIN STREET

Commissioner Murray moved to approve as conditioned, SP 1405-0005, Site Plan approval for Taco Bell located at 632 North Main Street, based on the discussion and findings in the staff report.

Conditions of Approval:

- 1) The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1405-0005.**
- 2) Approval is subject to any UDOT (Utah Department of Transportation) approvals that may be required for Main Street driveways.**
- 3) Approval is subject to North Davis County Fire District review and approval.**

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

PUBLIC HEARING AND DISCUSSION ON CUP 1405-0002 A REQUEST FOR A CONDITIONAL USE PERMIT FOR A CHURCH IN AN EXISTING STRUCTURE LOCATED AT 225 NORTH MAIN

Scott Hess said the request was for a church use in a C-2 zoning district. He said it was compatible with surrounding commercial uses and the interior would be remodeled to facilitate offices and prayer areas. Mr. Hess said the congregation was under 15 people and future growth was not expected. He said the site was fully developed with ample parking. Mr. Hess said there was a shared common driveway with 245 North Main. He said there was no record of an easement recorded against that property. Mr. Hess spoke with the property owner of 245 North Main who was willing to record an easement. He reviewed the conditions of approval. Brian Brower recommended amending condition number three to state, "Provide proof of recorded legal vehicle access (ingress/egress) to the property." Mr. Hess also recommended the addition of

condition number five, “No backing onto Main Street.” Mr. Brower asked if the striping of the parking stalls was part of the site plan. Mr. Hess said an inspection was made to assure the landscaping and parking area was completed prior to the certificate of occupancy. He recommended adding to condition number four, “Any missing or damaged asphalt and concrete must be repaired or replaced and the striping installed as per site plan approval SP 1405-0002.”

Brian Brower, City Attorney, said prior to beginning any public hearing comments, time would be limited to three minutes. He requested the citizens stay on topic and encouraged them to avoid restating opinions that had already been addressed.

Chair Peterson declared the public hearing open at 8:00 p.m.

PUBLIC COMMENT:

None

Commissioner Roper moved to close the public hearing at 8:01 p.m. Seconded by Commissioner Murray. The motion carried upon the following vote: Voting AYE: Commissioners Brooks, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

The applicant, Shiekh M. Ahmed, was present. Commissioner Allen asked when the building would be used during the week. Mr. Ahmed said there were two major activities, the Friday prayer and during the month of Ramadan there was a night prayer for one hour. He said the church had been meeting in a home. Commissioner Murray asked if the church would purchase the property. Mr. Ahmed said yes.

APPROVAL OF CUP 1405-0002 A REQUEST FOR A CONDITIONAL USE PERMIT FOR A CHURCH IN AN EXISTING STRUCTURE LOCATED AT 225 NORTH MAIN

Commissioner Brooks moved to approve as conditioned with the changes as discussed, CUP 1405-0002, a conditional use permit for a church in the C-2 (Commercial) zoning district located at 225 North Main Street, based on the findings and discussion in the staff report.

Conditions of approval:

- 1) **This Conditional Use Permit is for a church use located at 225 N. Main St. 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) **Provide proof of recorded legal vehicle access (ingress/egress) to the property.**
- 4) **Parking must be contained on-site, or applicant must provide an easement or use agreement from the adjacent property owner if parking is to be shared between the sites. Any missing or damaged asphalt and concrete must be repaired or replaced and the striping installed as per site plan approval SP 1405-0002.**
- 5) **No backing onto Main Street.**

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

PUBLIC HEARING AND DISCUSSION ON ZTA 1404-0003, ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 14 TO PROPOSE STANDARDS FOR GRAVEL PARKING AREAS WITHIN RESIDENTIAL ZONES

Scott Hess said he received a number of emails and phone calls regarding gravel driveways. The City Council directed staff and the Planning Commission to consider changes to the gravel parking ordinance that would allow gravel parking in some fashion. He said the objective was to establish a clear set of rules and guidelines that Code Enforcement could use. Mr. Hess said in November 2009 City Council passed Ordinance 2009-41 which changed City Code to require all off-street parking be on an impermeable surface effective January 1, 2015. He stated a recent article published in the City Newsletter generated a number of comments.

Mr. Hess reviewed the proposed changes. He said the intent was to provide the opportunity for residents to have clean, gravel accessory driveways. Mr. Hess said the intent was to provide installation guidelines. He said gravel parking areas within residential zones could be aesthetically pleasing and could be nuisance free, but that depended on how they were installed and maintained. Mr. Hess said condition of approval number four stated, "All new main residential driveways, approaches and parking spaces required by this Title shall be surfaced with an asphaltic or concrete or other hard surfacing pavement material." He said hard surface main driveways were required in new subdivisions. Mr. Hess said the ordinance needed to be explicit to keep gravel areas maintained, weed free, and fully contained on the parcel where they had been installed. He said as long as the ordinance could do that, then the code change met the goals of the Master Plan.

Chair Peterson continued the public hearing from May 7, 2014 at 8:13 p.m.

PUBLIC COMMENT:

Curtis Beames, Clearfield, proposed Clearfield City Ordinance 11-14-5 be removed and not be replaced or added upon. 1) He believed if the City enforced the existing ordinances it would take care of the nuisance problems and driveways. 2) He said there was an economic impact on the residents when they were asked to upgrade the gravel driveways. 3) He asked who would enforce the ordinance. He said Code Enforcement would go out looking for gravel driveways. Mr. Beames said the City didn't maintain all its property weed and garbage free. He believed the City shouldn't impose the restriction at all and if it didn't change he would move to strike it on the ballot. Mr. Beames asked when the elected officials decided there was a need to monitor everything the residents did. He said just take care of the ordinances already in place.

Kris Gibson, Clearfield, said she supported the comments made by Curtis Beames.

Lezlee Monroe, Clearfield, said Mr. Beames stated it beautifully.

John Monroe, Clearfield, said he lived in a homeowner association (HOA) area. He said there were some gravel driveways in the HOA and he was concerned with the cost. Mr. Monroe said many residents were not aware of what was going on with City ordinances and would be surprised in January when they were ticketed. He said Mr. Beames stated it perfectly.

Dana Schlutter, Clearfield, said if the City Council would not remove the ordinance as a whole, she asked for changes to the proposed ordinance if the wording was sent forward as is. 1) She asked to have it removed. 2) She asked to have "atop a weed barrier" removed and wanted a definition for durable borders. 3) She asked to have gravel included with hard surfaced parking. 4) Asked for a definition for all new main residential. 5) Asked for a definition to all new parking surfaces. 6) She asked to take away the words "legally and conforming", so it stated "Established gravel driveways."

Bill Reilly, Clearfield, echoed the statements so far. He wanted beautification in the City. He said fines should never be a misdemeanor. Mr. Reilly said he was trying to bring business to Clearfield City. He lived adjacent to an older subdivision and said the City was not maintaining the sidewalks but the City wants the residents to have well maintained gravel driveways.

David Hansen, Clearfield, said he was at the meeting when the mayor asked the gravel driveway ordinance be discussed and thought it was a dead issue. He appreciated the sign on his door knob. The only proposed ordinance change he agreed with was number one. He asked to have the remaining proposed changes stricken. He said it would cause financial burdens on residents. He said three inches was too thick and a weed barrier was useless. He would like to see the homes that met the criteria. He said the City should be an example in following the ordinances.

James Wright, Clearfield, asked to completely do away with the gravel parking ordinance. He said there were too many encroachments on the freedoms of residents. He said gravel looked wonderful and was manageable for his budget. He didn't want his rights and freedoms silently taken by those in power.

Sam Chelemes, Layton, wanted to speak on the Clearfield Station subdivision. He was told the public hearing for the subdivision would be discussed next.

Stan Smith, Clearfield, had issues with some of the specifications for gravel driveways. He would like a concrete driveway but could not afford it. He said the gravel from his driveway didn't go into the storm drain rather it was the gravel from the road. In his opinion the area where he lived was more rural than urban.

Ronnie Williams, Clearfield, agreed with what had been said. He walked around his neighborhood and said there were at least 25 houses that had gravel driveways. He said it would be upsetting to be in jail for 90 days. He said there were some properties that needed work. He said sometimes rewards worked better than punishment.

Chair Peterson read several emails that had been received.

Adonia Perham, Clearfield, asked the Planning Commission to vote no on City Code § 11-14-5. She said there was nothing wrong with a gravel driveway for parking.

Richard Fisher, Clearfield, said he was opposed to City Code § 11-14-5. He said as long as it was a gravel drive or parking area it should be okay to park on.

Tricia Bishop, Clearfield, said it was unacceptable to make it illegal to have a gravel driveway as a parking area. Her gravel driveway was installed in 2004 and they checked City Codes and gravel driveways were not illegal at that time. She said failure to comply being a Class C misdemeanor with a fine of \$500 was unacceptable. She asked to be grandfathered in with the gravel driveway as the cost to install a concrete driveway was not something she could afford.

Carrie Whitby, Clearfield, said they didn't support the ordinance. She said part of their driveway was gravel and well maintained. She said they did not have the income to pay a fine or change the driveway to cement. She asked that the ordinance not be put in place.

Christine Johns, Clearfield, said she was unaware of the ordinance until she received a flyer on her door. She recognized that Clearfield City wants to keep the City beautiful, but if weeds were maintained there should be no reason a homeowner should be able to choose gravel surfacing. She didn't see gravel or other crushed rock deterring from the beauty of a home.

Curtis Galbraith, Clearfield, said the cost to have a concrete pad for parking an RV was in the thousands of dollars. To pay that amount of money he would need to miss mortgage payments. He asked if the City wanted bank foreclosed homes all over Clearfield rather than a bit of gravel. He thought the ordinance was ridiculous.

Calvin A. and Marcene Riley, Clearfield, said they had gravel beside their driveway because concrete was overpriced and asphalt next to concrete would look tacky. They said they live on a fixed income and could not afford to consider either. They said driving around the City they had seen trashed driveways with weeds and grass growing in the cracks, junk cars, unkempt lawns and no sidewalks. They suggested cleaning up the City with more logical rules. They said their household was against ordinance 11-14-5 and included the names of their five children and spouses.

Commissioner Brooks moved to close the public hearing at 8:46 p.m. Seconded by Commissioner Roper. The motion carried upon the following vote: Voting AYE: Commissioners Brooks, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

Commissioner Browning asked for a point of order before the discussion started to assure the commissioners were all on the same page. He said City Ordinance 11-14-5 existed and if nothing was done before January 1, 2015, then the ordinance that required concrete driveways would be in effect. Brian Brower said City Council gave staff direction to draft language to change the ordinance to allow gravel driveways. He said there were methods available for residents to challenge a legislative action and have changes made. Commissioner Browning wanted the

citizens to know the intent of the Planning Commission was to be responsive to the issue of removing gravel driveways. Chair Peterson restated the ordinance was being changed at the request of the City Council. Brian Brower explained Clearfield City Council was the legislative body and passed laws for the City. The Planning Commission was an advisory body to the City Council. Mr. Brower said the ordinance being discussed was a land use ordinance and Utah State statutes indicated land use ordinances must be reviewed by the Planning Commission and then a recommendation would be given to the City Council. He said the City Council then makes the final decision and could accept or change the recommendation from the Planning Commission. Chair Peterson said the Planning Commission would make a recommendation to the City Council, a public hearing would be held at the City Council meeting on June 24, 2014 and then the final decision would be made.

Chair Peterson asked the commissioners for feedback on the proposal. Commissioner Allen asked if item number six of the proposed ordinance changes could be changed to "Existing established and non-conforming." Scott Hess stated in order for something to be legal non-conforming it had to have been legal at some point. Brian Brower explained the statement "legal non-conforming" was designed to say anything that was legal prior to July 1, 2014 was legal at some point. Commissioner Brooks said any gravel driveway installed before July 1, 2014 that was maintained would be legal. Mr. Brower said one gray area was the reference to durable borders and suggested the Planning Commission be specific in the requirement of durable borders and if an existing gravel driveway required a durable border. Chair Peterson said it was her understanding that the proposed ordinance change number four "all new main residential" would refer to the construction of a new home. Mr. Hess said the construction of a new house required a concrete driveway. Commissioner Brooks asked for clarification that the main driveway must be concrete or asphalt, the gravel regulations were for accessory driveways. Mr. Hess said yes except for legally established and conforming gravel driveways installed prior to July 1, 2014 or the effective date of the ordinance. Commissioner Browning said the language for the ordinance was taken from other cities. Mr. Hess said yes, but it was difficult to find standards for gravel driveways in surrounding cities because they were not allowed; parking was required to be on a hard surface. He said there were varying grades of gravel and it was difficult to establish standards. He said the ordinance needed to be written so it was enforceable. Mr. Hess said the ordinance relieved the burden and allowed the gravel driveway to continue to exist for anyone with an existing, maintained gravel driveway. He said Clearfield City was no longer rural and standards were needed to state what was acceptable and what was not.

Commissioner Millard said any accessory parking area installed after July 1, 2014 was required to be hard surface. Brian Brower said any new construction of a driveway that didn't exist before would need to meet the new standards. Commissioner Millard said offenders of the ordinance would be given a time frame to comply. His opinion was that it was a good ordinance; a standard needed to be set.

Commissioner Murray said the ordinance was passed in 2009 because people were not keeping gravel driveways in good repair. She said residents were given five years to replace gravel driveways because of the cost of concrete or asphalt. She said the new ordinance stated if you had a well maintained gravel accessory driveway it could be kept. Commissioner Murray said the

City set standards to judge which gravel driveways had not been maintained. She said many residents had said the City couldn't take away their freedoms but citizens don't have the right to encroach upon anyone else. There needed to be mutual consideration. She said those complaining the loudest appeared to be the ones that didn't want to have standards. She said this was a good change from what the City currently had.

Commissioner Roper said he had neighbors express their views on the gravel driveway issue. He said there needed to be standards and wanted better definitions included.

Commissioner Brooks said she had neighbors with well-maintained gravel driveways; others were poorly maintained or not maintained. She said as a single parent she worked and saved extra money so she could pour a concrete accessory driveway. She said it improved the marketability of her home and made the neighborhood look better. Commissioner Brooks said if residents were willing to spray weeds and maintain a gravel driveway she didn't have a problem. She said the City was moving in the right direction to not force residents to put concrete down, but knew residents would be glad they installed concrete.

Chair Peterson asked the commissioners if discussion at a future meeting was necessary or if a recommendation to the City Council could be made. The majority of the commissioners recommended working through the issues and making the changes tonight to present to the City Council.

The Planning Commission discussed the conditions of approval as presented in the staff report.

- 1) *Remove City Code § 11-14-5 B2 stating that gravel or crushed rock will no longer be permitted after January 1, 2015.* All agreed this should not change.
- 2) Changes were discussed to change the wording of the condition to: *"Any gravel or crushed rock installed for accessory parking in a residential zone after July 1, 2014 must be a minimum of four inches deep, compacted, placed atop a weed barrier, be maintained to be completely free of grass and weeds and contained with durable borders."*
- 3) It was determined to strike condition number three.
- 4) A minor change was made to have the condition state: *"All new main residential driveways, approaches and parking spaces required by this Title shall be surfaced with an asphaltic or concrete or other hard surfacing pavement material."*
- 5) Scott Hess stated that all new parking surfaces were inspected during the building permit process. The commissioners decided it could be deleted.
- 6) There was discussion on the height of the weeds prohibited by City Code and the commissioners determined gravel driveways needed to be free of weeds and corrected the condition to state: *"Legally established and conforming gravel driveways installed prior to July 1, 2014 may continue to be utilized so long as they are maintained and free of grass and weeds."*

Brian Brower spoke to Scott Hodge, Public Works Director, and asked his recommendation for the minimum depth required to compact a gravel driveway. Mr. Hodge said he would not recommend going below three inches and that was questionable with the standard being four inches. The commissioners decided to leave the minimum depth at four inches. Mr. Brower stated

Code Enforcement had plenty of work to do and unless the driveway looked bad they wouldn't check the depth. Chair Peterson reviewed the changes to the conditions of approval.

RECOMMENDATION ON ZTA 1404-00003, ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 14 TO PROPOSE STANDARDS FOR GRAVEL PARKING AREAS WITHIN RESIDENTIAL ZONES

Commissioner Murray moved to recommend approval of ZTA 1404-0003 to the City Council an amendment to Title 11, Chapter 14 to propose standards for gravel parking areas within residential zones, based on the findings and discussion in the Staff Report with the following conditions,:

- 1) Remove City Code § 11-14-5 B2 stating that gravel or crushed rock will no longer be permitted after January 1, 2015.**
- 2) Add provision as follows: Any gravel or crushed rock installed for accessory parking in a residential zone after July 1, 2014 must be a minimum of four inches deep, compacted, placed atop a weed barrier, be maintained to be completely free of grass and weeds and contained with durable borders.**
- 3) Stricken.**
- 4) Add provision as follows: All new main residential driveways, approaches and parking spaces required by this Title shall be surfaced with an asphaltic or concrete or other hard surfacing pavement material.**
- 5) Stricken.**
- 6) Legally established and conforming gravel driveways installed prior to July 1, 2014 may continue to be utilized so long as they are maintained and free of grass and weeds.**

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

PUBLIC HEARING AND DISCUSSION ON ZTA 1404-0001, ZONING TEXT AMENDMENT TO TITLE 11, C-1 AND C-2 COMMERCIAL PARKING REGULATIONS AND DEFINITION TO BETTER DEFINE COMMERCIAL PARKING LOTS

Scott Hess stated on April 22, 2014, the Clearfield City Council enacted a temporary land use regulation regarding parking lots and facilities which was applicable to all commercially zoned property within Clearfield City. The proposed ordinance changes were:

1. Amend the definition of "Commercial Parking" to require these types of facilities to be pay lots. The potential definition could read as follows: "A garage or parking lot used for commercial purposes and open to the public for a fee where vehicles may be parked for not more than five (5) days."
2. Amend the location of "Commercial Parking" to remove the use within B-1, C-1, C-2, C-R and D-R Zones (will be allowed in M-1, MU, PF Zones).

3. Add “Commercial Parking” as a pay parking lot use within the Mixed-Use MU Zone. The area immediately surrounding the UTA Transit station may be one that is viable for a commercial pay lot in the future. Other MU projects may benefit from the same allowance depending on uses and site specifics within those projects in the future.
4. Amend the definition of “Parking Lot” to require the facility to be provided specifically for a primary use or building on the same property as the parking will be located, as well as require that the use be entirely located within Clearfield City.
5. Add a provision to the language for off-site parking to include a requirement that uses must be located within Clearfield City as indicated below in italics: Alternatives To On Site Parking: For any new use, structure or building which must be located entirely within Clearfield City (*located entirely within Clearfield City*), required off street parking may be provided on other property not more than a two hundred foot (200') distance from the nearest point of the parcel, and shall not require persons to cross a public street. The planning commission may consider such alternatives through the site plan process. (*Off-site parking shall not be allowed for dwellings or to accommodate parking needs for property located outside Clearfield City*) (Ord. 2009-41, 11-24-2009)
6. Add “Parking Lot” as a use within the Permitted Uses of the PF zone for the case of parks, city buildings, or other city needs to assure that there is a legal established parking use within Public Facility Zones. The areas zoned PF may or may not be owned and maintained by Clearfield City.

Chair Peterson reopened the public hearing at 9:50 p.m.

PUBLIC COMMENT:

None

Commissioner Roper moved to close the Public Hearing at 9:51 p.m. Seconded by Commissioner Allen. The motion carried upon the following vote: Voting AYE: Commissioners Brooks, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

Commissioner Browning asked how the ordinance would affect Tanner Clinic. Scott Hess said staff determined representatives from Tanner Clinic had set up a meeting and presented sketch drawings prior to the enactment of the temporary land use regulation; therefore, it could file an application under the old ordinance. Commissioner Allen asked if the ordinance eliminated parking and ride lots. Mr. Hess said existing, legal park and ride lots would become legal non-conforming and future park and ride lots could apply for a PF (Public Facilities) zoning. Commissioner Allen asked about parking at Clearfield Station. Mr. Hess said the development of Clearfield Station could potentially require a multi-tiered parking structure. Chair Peterson said the primary goal of the City as called out in the General Plan and Vision 2020 was to maintain the few remaining commercial parcels and have developed something that would benefit Clearfield City.

RECOMMENDATION FOR ZTA 1404-0001, ZONING TEXT AMENDMENT TO TITLE 11,

C-1 AND C-2 COMMERCIAL PARKING REGULATIONS AND DEFINITION TO BETTER DEFINE COMMERCIAL PARKING LOTS

Commissioner Brooks moved to recommend approval of ZTA 1404-0001 to the City Council, an amendment to the Land Use Ordinance Title 11, C-1 and C-2 Commercial Parking Regulations and Definition, based on the findings and discussion in the staff report. Seconded by Commissioner Browning. The motion carried upon the following vote: Voting AYE: Commissioners Brooks, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

PUBLIC HEARING AND DISCUSSION ON ZTA 1404-0002, ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 5 TO PROPOSE STANDARDS FOR ADMINISTRATIVE SITE PLAN REVIEWS

Scott Hess said paragraph two on page two referred to a Site Plan Review Committee. He recommended, if the Planning Commission wanted to have a site plan review committee, the information in the staff report should be discarded and the City should move in that direction. Mr. Hess said a written response obtained from the Building Official, Public Works Director, City Engineer and Planner served as a committee without being codified. He said the Planning Commission would be made aware of the approvals, but should be kept separate from that discussion because the Planning Commission was the review body for an appeal. Mr. Hess said from discussion with Brian Brower it was suggested that the final decision level would be the Assistant City Manager. He said recommended procedure was that after an application was received it would be reviewed by the Zoning Administrator and then the Assistant City Manager would determine if the project was an administrative site plan or should be reviewed by the Planning Commission. He said a notice of determination letter would be sent to the applicant and he recommended a copy be sent to the Planning Commission Chair. Mr. Hess said at that point the ten day time clock for appeal would begin.

Scott Hess reviewed the changes that were requested in City Code § 11-5-3: Application Review Procedure:

B. Administrative Site Plan Review: The Zoning Administrator shall review all Site Plans eligible for administrative review. Administrative Site Plan reviews are subject to the Review Considerations as outlined in City Code § 11-5-3C.

Written determinations from the Zoning Administrator shall be sent to the Applicant, Planning Commission Chair, and City Departments for their records and review of the decision.

Site Plans eligible for Administrative Review must meet at least two of the following criteria:

1. Additions up to 10,000 square feet, or less than 10% of gross area of an existing building, whichever is less

2. Exterior modifications to multi-family residential, institutional, commercial, or industrial buildings that do not include additional residential units, or changes to access from state highways or approvals from state or federal agencies
3. Minor revisions to site plans previously approved by the Planning Commission that meet the standards of the zoning code, will not expand, intensify, or substantially change any approved site plan, landscape plan, or structure, and are consistent with the intent of the original approval
4. Exterior remodeling that affects color and materials, building design, location of utilities or other mechanical equipment within an existing or approved project that does not substantially change the appearance of the site or its structure
5. Changes in use requiring additional parking, where the proposed use will not cause increased impacts on existing infrastructure and public services, as determined by the Zoning Administrator, City Engineer, and Public Works Department, and the use is proposed in existing structures.

Chair Peterson liked the check and balance with the procedure. Mr. Hess said a zoning determination letter would be sent to the Planning Commission Chair. He said the decision could be appealed by the Chair or the applicant. Commissioner Browning said he was okay with how it was written. Mr. Hess said a staff report would be written and other documentation would be in the file. Chair Peterson said the administrative site plan made Clearfield more business friendly.

RECOMMENDATION FOR ZTA 1404-0002, ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 5 TO PROPOSE STANDARDS FOR ADMINISTRATIVE SITE PLAN REVIEWS

Commissioner Browning moved to recommend approval of ZTA 1404-0002 to the City Council, an amendment to the Title 11, Chapter 5 to propose standards for Administrative Site Plan reviews, based on the findings and discussion in the staff report. Seconded by Commissioner Roper, The motion carried upon the following vote: Voting AYE: Commissioners Brooks, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

DISCUSSION ON STANDARD FOR ANIMAL KEEPING WITHIN AGRICULTURAL ZONES

Chair Peterson asked for the discussion on this item to be moved to the July meeting. Scott Hess said he did some research on conditional use permits (CUP) for agricultural businesses. He said Layton City required a CUP but had never received an application for one. He asked the Planning Commission for direction because a formal application had not been received. He said the discussion was started because a resident asked City Council about agricultural businesses. Chair Peterson said if a resident wanted to apply for a change to the ordinance then it could be discussed, however, at this time she did not want to burden staff. The commissioners agreed to wait until an application was received.

PUBLIC HEARING ON FSP 1405-0003, A FINAL SUBDIVISION PLAT REVIEW FOR PHASE ONE ON AN APPROVED MIXED-USE DEVELOPMENT ON APPROXIMATELY 70 ACRES LOCATED AT 1250 SOUTH STATE STREET

Chair Peterson said a joint decision was reached by the applicant and staff to continue the discussion on the final subdivision review at the July meeting. Brian Brower stated that the submittal wasn't sufficiently complete for a full review. Scott Hess said the Phase 1 documents were reviewed by the Fire District and their concerns had been met in the preliminary review. The City Engineer and Public Works Department had questions that were not answered yet. Mr. Hess said the developer was unsuccessful in purchasing property to the north which required the turn radius to be moved south.

Chair Peterson declared the public hearing open at 10:25 p.m.

PUBLIC COMMENT:

Chair Peterson stated Sam Chelemes and Chris Chelemes had filled out the public hearing comment forms but due to the length of the meeting had left. There were no specific comments on the form.

Commissioner Allen moved to continue the public hearing to the July 2, 2014 Planning Commission meeting. Seconded by Commissioner Roper. The motion carried upon the following vote: Voting AYE: Commissioners Brooks, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

CONTINUATION OF FSP 1405-0003, A FINAL SUBDIVISION PLAT REVIEW FOR PHASE ONE ON AN APPROVED MIXED-USE DEVELOPMENT ON APPROXIMATELY 70 ACRES LOCATED AT 1250 SOUTH STATE STREET

Commissioner Allen moved to continue item to July 2, 2014, FSP 1405-0003, Clearfield Station, Final Subdivision Plat located at 1250 South State Street (TIN: 12-066-0071, 12-067-0139) based on discussion and findings in the staff report. Seconded by Commissioner Millard. The motion carried upon the following vote: Voting AYE: Commissioners Brooks, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

STAFF REPORTS

Scott Hess said training would be held possibly prior to the July 2, 2014 meeting on understanding land use law. He thanked Commissioner Becky Brooks for her service on the Planning Commission.

Brian Brower said training on open and public meetings would be done in conjunction with land use training. He said he regretted losing Commissioner Brooks and thanked her for her service.

PLANNING COMMISSIONERS' MINUTE

Commissioner Millard – told Commissioner Brooks good luck in the future.

Commissioner Murray – said thank you for your service and good luck to Commissioner Brooks

Commissioner Roper – echoed the remarks and thanked Commissioner Brooks for her service.

Commissioner Allen – thanked Commissioner Brooks and told her the grass wasn't greener on the other side.

Commissioner Browning – thanks and good luck to Commissioner Brooks

Commissioner Brooks – said this was her last meeting. She wished the best for the City and people of Clearfield. She said after living in Clearfield for 35 years she was building a new home in Farr West. Her home sold in two weeks.

Chair Peterson – thanked Commissioner Brooks for not being afraid to speak up and go against the grain and ask questions when she didn't agree. She was always concerned for the residents of Clearfield City.

There being no further business to come before the Planning Commission, **Commissioner Murray moved to adjourn at 10:33 P.M. Seconded by Commissioner Roper.**