

CLEARFIELD PLANNING COMMISSION MEETING

March 5, 2014

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

PRESENT: Norah Baron Commissioner
Becky Brooks Commissioner
Randy Butcher Commissioner
Joel Gaerte Commissioner
Kathryn Murray Commissioner
Timothy Roper Commissioner
Robert Allen Alternate Commissioner
Robert Browning Alternate Commissioner
Michael LeBaron Council Liaison

ABSENT: Michael Millard Alternate Commissioner

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

VISITORS: Robert Goupios, Georgie Goupios, Lon Stalsberg, Koral Vasquez,
Anthony Vasquez, Wendy Osborn, Harold Osborn, Drew Steward, Keri
Benson, Charles Provow, Brenda Provow

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF THE AGENDA

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

APPROVAL OF MINUTES FROM FEBRUARY 5, 2014 PLANNING COMMISSION MEETING

Chair Peterson requested the minutes be tabled until the April 2, 2014 meeting.

Commissioner Murray moved to table the minutes of February 5, 2014 until the April 2014 meeting. Seconded by Commissioner Butcher. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

ELECTION OF VICE CHAIR FOR 2014

Commissioner Brooks nominated Commissioner Roper as Vice Chair of the Planning Commission. Commissioner Roper accepted the nomination. Commissioner Gaerte moved to close the nominations. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

Commissioner Roper was elected as Vice Chair for the 2014 calendar year upon the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

PUBLIC HEARING ON CUP 1402-0001 AND CONTINUATION OF A FORMER APPLICATION CUP 1204-0002, A REQUEST BY ROBERT GOUPIOS FOR A CONDITIONAL USE PERMIT FOR BEEHIVE DAYCARE A COMMERCIAL DAYCARE FACILITY IN THE B-1 (BUFFER ZONE) ZONING DISTRICT LOCATED AT 573 NORTH 1000 WEST

Scott Hess said the application was a continuation of CUP 1204-0002. He said staff recommendation was to approve as conditioned. He said the parking circulation and access had been revised as requested with the approval of the last Conditional Use Permit (CUP). Mr. Hess said the outdoor play area and fencing were installed. He said one condition of approval that had not been accomplished from CUP 1204-0002 was the consolidation of the lots.

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

PUBLIC COMMENT:

Wendy Osborn, Clearfield, said she didn't want the daycare. She said her property provided the chain link fence on the north side of the playground. Ms. Osborn asked what equipment would be on the playground and how many children would be at the daycare. She was told there could be up to 105 children at the daycare. She said she could already hear the children at Holt Elementary, but that's fine. She was not okay with the daycare. Ms. Osborn said the daycare added noise and traffic and it currently was impossible to get out of her driveway. She said the fence was not done because the north end needed to be vinyl to complete the fenced area.

Brenda Provow, Clearfield, said she lived to the west of the Gouprios property on 1050 West. She was concerned with the number of children and the noise they would make. She had frustrations with the entire property because the building wasn't put in like it said it was going to be put in and there were deceitful things that went on. She was concerned that in the future the back lots would be rezoned and the driveway on the west side of the property would be opened and used because of the amount of traffic.

Charles Provow, Clearfield, said he did not want anything more going on with the dentist office. He said it was a total lie. Mr. Provow said he moved into his house with an idea of something quiet. He didn't want to hear 105 screaming maniacs in front of his house. He said traffic would

be totally insane trying to get 105 people in and out of the lot. Mr. Provow said Mr. Goupios didn't inform the neighbors and that he built stuff and then the neighbors were stuck. He said so many things in the building were illegal. He doesn't see how it would work as smoothly and quietly as Mr. Goupios intended. Mr. Provow said he needed quiet and not a commercial spot across from his house. He said he didn't want to live with it and he shouldn't have to live with it and no one else would want to live with it either.

Brenda Provow stated the daycare on 300 North close to Main Street caused traffic problems and the daycare would cause traffic problems and it was already a busy street.

Commissioner Baron moved to close the public hearing at 7:24 p.m. Seconded by Commissioner Butcher. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

Chair Peterson asked the commissioners if they had any concerns regarding the staff report or items that had been discussed. Commissioner Butcher asked if the residents had or had not received notification within the last year. Chair Peterson asked Scott Hess to explain the notification process. Mr. Hess said Davis County generated a list for the applicant of all property owners within 300 feet of the subject property. He said a notice was prepared by City Staff and mailed to the property owners on the list ten days prior to the meeting. Robert Goupios said this was the second time the neighbors were notified of the conditional use permit for the daycare. He said there was a visit from the State and the square footage of the building allowed the daycare to have 80 children. Mr. Goupios asked what the issue was with the fence. He said the playground was placed where it was because it was the best location with the layout of the property. Mr. Goupios said the vinyl fence was not placed on the north property line because of the existing chain link fence. Wendy Osborn said she did not want to see the children and requested a six foot vinyl fence by her property. Chair Peterson asked if the daycare would operate with a staggered schedule with different numbers of children. Mr. Goupios explained all the children would not be at the daycare or on the playground at the same time.

Chair Peterson asked about the entrance on 1050 West. Mr. Goupios said the entrance on 1050 West was closed and would not be used by the daycare; it was for emergency vehicles only. Commissioner Butcher asked how the children got to the playground. Mr. Goupios said the children would go out the north door, down a pathway that was fenced on both sides. Commissioner Butcher asked if the gate was locked during the day to keep the children in and other people out. Mr. Goupios said the gates would be locked and they would do what was best for the children. Commissioner Butcher asked about the fence. Mr. Goupios said he would put a vinyl fence on the north property line. Scott Hess stated the chain link fence may or may not be on Mr. Goupios' property and could remain but a vinyl fence should be added on Goupios property line.

Harold Osborn was concerned he would be sued when the kids from the daycare get hurt climbing on his chain link fence. He said he would take the chain link fence down and Mr. Goupios could put up a fence, but he did not want responsibility for children being hurt. Chair Peterson asked the commissioners to state specific findings for why a condition for a vinyl fence

would be required. Commissioner Butcher said a vinyl fence along the north property line would help with the safety of the children. Chair Peterson said the Commission could not tell the Osborns to remove their fence. Commissioner Gaerte stated the issue was that liability lies with the owner of the fence. He said the fence must be there for the safety of the children. Chair Peterson stated the vinyl fence would help with safety, mitigated any liability, and made clear who owned the fence. Commissioner Gaerte agreed. Commissioner Roper said the fence on the north property line was there for protection of the children and the property owner. Mr. Goupios was concerned with the maintenance of the gap between the fences. Brian Brower, City Attorney, suggested the placement of the fence right up against the property line, but on the applicant's own property.

Chair Peterson reviewed the general standards for equivalent permitted uses. She said there were neighbors that were not in favor of the daycare; however, a daycare center was a conditional use in the B-1 (Buffer) zone. Chair Peterson said the Planning Commission must determine what could be mitigated as far as impact to the surrounding properties. She said one concern was with circulation on the site. She said the traffic pattern in the parking area could be seen in the aerial photo and she mentioned the access on 1050 West was not to be used, except in case of emergency. Chair Peterson said there was a proposal to remove some of the parking stalls. Several commissioners had driven in the parking lot and asked to have one stall removed to widen the turn. Commissioner Gaerte asked how many daycare employees there would be and if they would fill the parking lot. Chair Peterson stated parking met the requirements of City Code. Chair Peterson asked if removal of additional stalls was needed. Commissioner Roper said if one stall was removed the turn radius would be improved.

Chair Peterson said the neighbors were concerned with the traffic impact to 1000 West. Commissioner Roper asked if the daycare traffic would conflict with drop off at Holt Elementary. Commissioner Murray stated the parents would need to be educated for drop off. Chair Peterson said the traffic on 1000 West could not be controlled as part of this application/approval process, but the traffic on the property could. She said the entrance could be right in and right out. The commissioners agreed that signage for right out only should be installed. Commissioner Murray said a more substantial cable or chain should be placed to block at the access on 1050 West. Mr. Goupios said the dental office had been open since 2003 and there had not been any issues with the traffic. He said as drivers and adults we needed to be responsible. Chair Peterson asked Mr. Goupios if he would be opposed to painting a right out arrow on the drive approach. Mr. Goupios said they could do that. Chair Peterson said the intensity with the amount of people on the site would increase with the daycare. She said the 1050 West exit needed to be secured at all times.

Chair Peterson asked about the necessity to consolidate the lots. Scott Hess said he didn't know the reason for the lot consolidation, but the site configuration made it difficult to sell one lot without hindering the existing business. Chair Peterson said she did not see the need to address the removal of the lot lines. Brian Brower said the Commission could impose a condition that if a lot were sold the conditional use permit for the daycare could be revoked. He also recommended a change to condition of approval number one to state, "... Submitted Construction Documents shall be in *substantial* conformance with ..."

Chair Peterson reviewed the conditions of approval:

- 1- Add substantial, so construction documents shall be in substantial conformance.
- 2- Would be stricken.
- 3- Same
- 4- The building of a six foot fence along the north line on the Goupios property to match the existing fence. Concrete coping shall be located as close to the property line as possible while remaining on the applicant's property.
- 5- Entrance at the southwest side of the property onto 1050 West will be secured/closed at all times.
- 6- The southernmost stall on the west parking area to be striped for no parking.
- 7- A right out arrow to be painted at the southern lane out of the parking lot.

The citizens present were concerned the conditional use permit would be approved. Chair Peterson said approval would be given this evening. Brian Brower stated decisions made by the Planning Commission were subject to appeal. He said the conditional use permit was a land use application and in the B-1 Buffer zone the daycare was listed as a conditional use. He said City Code states the use was conditional and denying the conditional use would not be wise legally. Mr. Brower said all the Planning Commission could do was put conditions on the business to negate detrimental effects to the surrounding property owners and the community. He said the noticing issue could be reviewed and even if there was a problem a year and a half ago, that problem had been cured by Mr. Goupios' failure to exercise his rights under the former approved conditional use permit. Scott Hess addressed a question by a resident about the parking lot being on property zoned residential. Scott Hess stated that a parking lot was a permitted use in a residential zone and it was an accessory use to the dental/daycare use in the buffer zone. Chair Peterson said the building was located in a zone that allowed for the daycare but the daycare could not be placed where the parking was. She said a daycare was a conditional use by City Code and the Planning Commission could mitigate how it could operate, but not stop it from operating.

Chair Peterson asked if the conditional use permit was ready to move forward or if there were other issues that needed to be addressed before it was approved. She said the burden of the City Ordinance had been met when the notices were mailed and the citizens have been heard. All the commissioners wanted to move forward with the approval. Mr. Brower suggested the combination of the lots remain as a condition of approval. Commissioner Gaerte asked if the lots needed to be rezoned. Mr. Hess said rezoning would not be necessary because the parking lot, playground and landscaping were accessory uses to the businesses in the building. Mr. Brower said the lot consolidation made the parking area an accessory use. Chair Peterson said condition of approval number two should not be stricken.

APPROVAL OF CUP 1402-0001 AND CONTINUATION OF A FORMER APPLICATION CUP 1204-0002, A REQUEST BY ROBERT GOUPIOS FOR A CONDITIONAL USE PERMIT FOR BEEHIVE DAYCARE A COMMERCIAL DAYCARE FACILITY IN THE B-1 (BUFFER ZONE) ZONING DISTRICT LOCATED AT 573 NORTH 1000 WEST

Commissioner Gaerte moved to approve as conditioned, CUP 1402-0001, a conditional use

permit for Beehive Daycare, a commercial daycare facility in the B-1 (Buffer zone) zoning district located at 573 North 1000 West, based on the findings and discussion in the staff report with the following conditions:

- 1. The Conditional Use Permit is for a daycare center located at 573 North 1000 West. Submitted construction documents shall be in substantial conformance with the plans submitted for CUP 1204-0002 (renewal application 1402-0001), including the revised and approved site circulation plan.**
- 2. The lots shall be consolidated through Davis County prior to the issuance of a certificate of occupancy.**
- 3. 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.**
- 4. The installation of an opaque six foot vinyl fence with concrete coping at the north end of the playground area.**
- 5. The entrance/exit on the west (onto 1050 W.) will remain closed and only used in emergency instances through the installation and maintenance of a barrier to prohibit traffic.**
- 6. The existing exit on the east (onto 1000 W.) will be marked as a right turn only.**
- 7. Removal of the southernmost parking stall on the west side of the parking lot to allow for a better (larger) turning radius.**

Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

Commissioner Roper moved to take a five minute break. Councilmember LeBaron said he would meet with the residents to answer any questions they had regarding the daycare. Meeting resumed at 8:57 p.m.

PUBLIC HEARING ON CUP-SP 1402-0002, A REQUEST BY LON STALSBERG WITH ACE DISPOSAL FOR A CONDITIONAL USE PERMIT AND SITE PLAN REVIEW FOR A COMMERCIAL DISPOSAL STORAGE, SHOP AND YARD FACILITY IN THE M-1 (INDUSTRIAL MANUFACTURING ZONE) ZONING DISTRICT LOCATED AT THE CORNER OF 3RD STREET AND B STREET IN FREEPORT WEST

Scott Hess stated the subject property was in Freeport West and the conditional use permit (CUP) and site plan approval would be handled separately. He said the site plan was required because the development was on raw land and the CUP was because of the outdoor storage. Mr. Hess reviewed the staff report and stated the request was subject to design standards (Title 11 Chapter 18) which included the placement of the building on the site. He said the landscaping requirement in the M-1 zone was ten percent and appeared to have been met. Mr. Hess said walls longer than 20 feet require enhanced landscaping and Chapter 18 provided latitude for the Planning Commission to consider enhanced plantings or landscaping by the long monotonous walls or fences. He said City Code stated that chain link fencing shall not be permitted adjacent to a public right-of-way or in a required front yard. Mr. Hess said the property was three individual lots of

which one and one half would be used and improved. The site plan as currently drawn had a fence around the three lots which put the property adjacent to residential property. He said the Commission needed to determine the fence materials, height and location along B Street and 3rd Street. Mr. Hess said a six foot slatted chain link fence along the north and east sides of the lot was acceptable. He said if outdoor storage were adjacent to residential use it could not be stacked taller than six feet. Chair Peterson said when she considered outdoor storage she looked at service trucks differently than a stack of tires, raw storage materials or building materials. She didn't look at a vehicle taller than six feet as a nuisance. Mr. Hess said there were two areas of the code that discussed outdoor storage and it would be up to the Planning Commission to determine what mitigation would be required. He said there was a question about the environmental and safety regulations in reference to the storage of the dumpsters and port-a-potties. Mr. Hess said the items stored would be cleaned and ready to go. He said there would be a cleanout facility to wash out the dumpsters as needed.

Scott Hess said the drainage plan and storm water calculations for the retention area were being reviewed by the City Engineer. He said the east side of 3rd Street and the north side of E Street was not improved. He said recommendation from Scott Nelson, City Engineer, was as development occurred to complete asphalt improvements. Mr. Hess said the question became are sidewalks viable. Staff's opinion was that sidewalks should not be required on either 3rd Street or B Street because Freeport was not walkable. Mr. Hess said North Davis Fire District had completed a review and stated there were adequate fire facilities in the area. He said a sign package had not been submitted.

Scott Hess stated the findings of the conditional use permit (CUP). He said the impact for outdoor storage could be mitigated through appropriate screening of outdoor portions of the business. Mr. Hess said the development should assist in mitigating future detrimental impacts. He said the necessary improvements to existing infrastructure and utilities would be required which included at a minimum curb and gutter along B Street and 3rd Street. He said the proposed use had the potential to improve the area with new investment on a vacant piece of ground. Mr. Hess reviewed the site plan considerations stating the Planning Commission would consider whether sidewalks would be needed. He said the site provided the required eight parking spaces which would include at least one ADA compliant space. Mr. Hess said any security lighting would not pose any negative impact to the residential use south of the site. He said the proposed fencing plan was a six foot tall slatted chain link fence along the property perimeter. It was staff's recommendation to require the property owner to use a fence that was not chain link along B Street and 3rd Street with landscaping to break up the monotonous wall as required by Chapter 18. He reviewed the conditions of approval for the CUP.

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

PUBLIC COMMENT:

None

Commissioner Butcher moved to close the public hearing at 9:19 p.m. Seconded by

Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

Lon Stalsberg, owner of ACE Disposal, said he wanted xeriscaping and planned to place trees along the fence. He said the issue was the chain link fence and asked what his options were. Chair Peterson said a decision could not be made by the Planning Commission that was contrary to City Code and if he wanted to request a change to the ordinance he could do so. Mr. Stalsberg asked what type of fence he could install. Brian Brower, City Attorney, read from City Code the requirements for outdoor storage which stated the fence would be impervious to sight from any public street, right-of-way or adjacent property. He said a request for change to the land use ordinance would be reviewed first by the Planning Commission then go to the City Council for final approval. Mr. Stalsberg said he didn't like vinyl fencing but that was the cheapest fence he could find.

Scott Hess asked Mr. Stalsberg if the building could be moved to provide visual consistency with the surrounding buildings. Mr. Stalsberg said he could put the building on the west boundary line. Mr. Hess said the placement of the fence was around the complete property line. Mr. Stalsberg said the site needed to be enclosed and the building was a maintenance facility to maintain and wash trucks and wash dumpsters when needed. Chair Peterson asked if the building could be moved to have a 75 foot setback. Mr. Stalsberg said he could. There was discussion on the height of the items being stored and the height of the fence. The port-a-potties would need to be stored on the ground and not on a trailer. Chair Peterson asked the commissioners if there were a concern with a portion of the storage items being visible. Commissioner Roper said the trees would grow and create a barrier. Mr. Hess said the street tree ordinance called for two inch caliper trees planted at a regular interval. He recommended fencing two lots and leaving the third as a buffer. Chair Peterson said a chain link fence was allowed along the north and east side of the property. The commissioners agreed that a sidewalk was not necessary.

Chair Peterson proposed a change in the wording in the conditions of approval for the CUP. She recommended "Please note that" be removed from condition number three a. The recommendation was made for additions to the conditions of approval for the site plan to include; "Building will be moved to be in line with the building to the north" "Fence to follow the south property line of the center lot and the asphalt would be extended to include all fenced areas" Mr. Brower suggested the fence requirements in the City Code should be referenced. He said it could state the fencing plan shall meet the requirements of Title 11-13-12 (may not be chain link on the property lines that face the public right-of-way). Commissioner Murray said the trucks, dumpsters and port-a-potties wouldn't be permanent and didn't see a problem with stating they couldn't be stacked. Mr. Brower said there was concern that the port-a-potties would be stored on a trailer. Mr. Stalsberg said they would be placed on a trailer only when they were being delivered. Commissioner Butcher asked about the cleaning of the dumpsters and trucks. Mr. Hess stated there would be an oil/water separator similar to a car wash in the maintenance building. There was discussion on the dumpster and the necessity for an enclosure, it was determined the property being surrounded by fencing met that requirement.

APPROVAL OF CUP 1402-0002, A REQUEST BY LON STALSBERG WITH ACE

DISPOSAL FOR A CONDITIONAL USE PERMIT FOR A COMMERCIAL DISPOSAL STORAGE, SHOP AND YARD FACILITY IN THE M-1 (INDUSTRIAL MANUFACTURING ZONE) ZONING DISTRICT LOCATED AT THE CORNER OF 3RD STREET AND B STREET IN FREEPORT WEST

Commissioner Butcher moved to approve as conditioned, CUP 1402-0002, a conditional use permit for Ace Disposal for a commercial disposal outdoor storage, shop and yard facility in the M-1 (Industrial Manufacturing Zone) zoning district located at the corner of 3rd Street and B Street in Freeport West based on the findings and discussion in the staff report and with the following conditions of approval:

- 1) **This Conditional Use Permit is for outdoor storage of Ace Disposal Trucks, Ace Disposal Dumpsters both commercial and construction size, and port-a-potties.**
- 2) **The fencing plan should consist of a minimum of 6 foot high screening fence that may not be chain link and must meet Title 11-13-12 along 3rd Street and B Street and along the southern edge of the center lot, but may be chain link along the north and east property lines outside of the required front yard setback. Fencing shall be kept in good maintenance and repair.**
- 3) **The outdoor storage must be kept orderly and clean of debris and items not permitted by this permit approval.**
 - a. **No visibility or stacking of materials that exceed six feet high or the height of the lowest portion of the fence shall be permitted. The dumpsters cannot be stored with product in them. If this standard is documented to be violated, the revocation process for the CUP and Business License will be initiated. Disposal trucks, dumpsters and port-a-potties are taller than 6 feet, but are not “stacked items” so they are not subject to the same requirement. Port-a-potties may be higher than six feet but may not be stacked or must be stored on the ground.**
- 4) **The applicant shall provide as 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 Brooks. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

APPROVAL OF SP 1402-0002, A REQUEST BY LON STALSBERG WITH ACE DISPOSAL FOR A SITE PLAN REVIEW FOR A COMMERCIAL DISPOSAL STORAGE, SHOP AND YARD FACILITY IN THE M-1 (INDUSTRIAL MANUFACTURING ZONE) ZONING DISTRICT LOCATED AT THE CORNER OF 3RD STREET AND B STREET IN FREEPORT WEST

Commissioner Gaerte moved to approve as conditioned, SP 1402-0002, site plan approval for Ace Disposal for a new structure and land improvements in the M-1 (Industrial Manufacturing Zone) zoning district located at the corner of 3rd Street and B Street Freeport West, based on the findings and discussion in the staff report and with the

following conditions:

- 1) **The construction documents submitted for building permits shall be in substantial conformance with the documents submitted in this site plan approval, SP 1402-0002.**
- 2) **Site plan approval is subject to North Davis Fire District review and approval. The final plans for storage shall meet Fire Code and be to the satisfaction of the North Davis Fire District Fire Chief.**
- 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.**
- 4) **Building will be moved to be in line with the building to the north.**
- 5) **The required fencing along the south edge would be at the center lot and the asphalt would be extended to include all fenced areas.**
- 6) **Landscaping shall meet the required ten percent and trees will be placed along the south and west of the fenced area. Trees shall be a minimum two inch diameter caliper and no further apart than 25 feet.**

Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, Murray and Roper. Voting NO: None.

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

Scott Hess presented some draft zoning text amendment language for consideration by the Planning Commission. He had taken all call outs for payday lending establishments and changed it to non-depository lending establishments. Mr. Hess said recommended the addition of the definition for non-depository lending establishments as defined by State Code. He said some of the findings for regulations of the establishments were the predatory nature and discriminatory lending practices based on income. Mr. Hess said currently there were eight businesses that were recognized by the State of Utah as non-depository lending establishments. At the current population of Clearfield City the number allowed would be three. He said the businesses would be considered legal non-conforming and would be unable to relocate. He asked if three non-depository lending establishments were too few or too restrictive for Clearfield. He said the simplicity of the zone as written was well done. Commissioner Brooks said that three were enough and said there would never be only three in the City. Chair Peterson encouraged the commissioners to review the amendment and direct any changes requested to staff.

STAFF REPORTS

Scott Hess proposed to hold training for the commissioners on a Wednesday other than the regular scheduled meeting. He said there would be some training with the City Council on the Open Meetings Act. Mr. Hess said the training for the commissioners would give instructions on

how to utilize Title 11 and 12, what a Planning Commissioner could and could not do, and clarify various types of items discussed.

PLANNING COMMISSIONERS' MINUTE

Brian Brower – a left turn on a double yellow line is allowed.

Councilmember LeBaron - said he had been educated by Brian Brower and JJ Allen on the development agreement for Clearfield Station. He thanked the commissioners and staff for work on the project.

Commissioner Butcher – said he appreciated Chair Peterson and Brian Brower maintaining control of the meeting. He thanked Councilmember LeBaron for addressing the residents. He said he appreciated staff for what was done.

Commissioner Brooks - agreed with Commissioner Butcher.

Commissioner Gaerte – nothing

Commissioner Baron – echoed Commissioner Butcher. She said she won't be here for the June meeting.

Commissioner Roper – thanked everyone for the vote for Vice-Chair.

Commissioner Murray – nothing

Chair Peterson – welcomed all the new commissioners and appreciated the alternates being present at the meeting.

There being no further business to come before the Planning Commission, **Commissioner Gaerte moved to adjourn at 10:24 P.M. Seconded by Commissioner Butcher.**