

## CLEARFIELD PLANNING COMMISSION MEETING

November 5, 2014

7:00 P.M. - Regular Session

PRESIDING:            Nike Peterson            Chair

PRESENT:             Kathryn Murray           Commissioner  
                         Timothy Roper            Commissioner  
                         Robert Browning        Commissioner  
                         Robert Allen            Commissioner  
                         Michael Millard        Commissioner  
                         Michael Britton        Alternate Commissioner  
                         Brady Jugler            Alternate Commissioner  
                         Steve Parkinson        Alternate Commissioner

ABSENT:              Amy Mabey              Commissioner  
                         Brian Brower            City Attorney  
                         Michael LeBaron        Council Liaison

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

VISITORS:            Vern Hamblin, Jack Garcia, Nathan Rist

Pledge of Allegiance was led by Chair Peterson

### APPROVAL OF AGENDA

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

### APPROVAL OF MINUTES FROM OCTOBER 1, 2014 PLANNING COMMISSION MEETING

**Commissioner Allen moved to approve the minutes of October 1, 2014 as written. Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Browning, Allen and Millard. Voting NO: None. Commissioner Parkinson abstained from voting because he was not at the meeting.**

PUBLIC HEARING AND DISCUSSION ON CUP 1408-0002, A REQUEST BY ABRAHAM SANCHEZ ON BEHALF OF AMERICAN PAWN, INC., FOR A CONDITIONAL USE PERMIT FOR A PAWN AND SECONDHAND BUSINESS LOCATED AT 699 SOUTH STATE STREET WITHIN UNITS 699, 687, AND 683 (TIN: 12-004-0182)

Scott Hess said the pawn shop was formerly Star Pawn and had been in business since 2010. He said the name change and use of additional space in the building caused the need for the Conditional Use Permit (CUP). Mr. Hess reviewed the conditions of approval.

Chair Peterson declared the public hearing open at 7:14 p.m.

PUBLIC COMMENT:

None

**Commissioner Browning moved to close the public hearing at 7:15 p.m. Seconded by Commissioner Allen. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Browning, Allen, Millard, and Parkinson. Voting NO: None.**

Jack Garcia with American Pawn asked the commissioners if they had any questions. Commissioner Millard asked why there were multiple addresses. Scott Hess stated it legalized the entire building for use as a pawn business. He said he was aware of no calls or complaints about the business. Commissioner Millard disclosed that he was a law enforcement officer with Salt Lake City and worked with pawn shops. He was also a member of the Utah State Pawn Board. He said it was his opinion there was no conflict of interest in the matter because he was not connected to the request or the pawn shop specifically.

Commissioner Allen said he had no objections to the business. Commissioner Roper asked if the pawn shop would match the exterior to that of the other side of the building. Mr. Garcia said there were plans to paint the building and replace the degraded awnings. Chair Peterson stated the building needed to have a cohesive look. Mr. Garcia said they would eventually stucco the building. Mr. Hess said the awning signs would be handled through administrative approval. There was discussion on the definitions of consignment shops versus pawn shops and that staff would consider presenting amendments to the definitions to bring them in line with State Code.

Commissioner Parkinson asked where the outdoor display would be located. Mr. Hess said it currently occupied a parking stall. Commissioner Browning asked about the size of the outdoor display. Mr. Hess said it was about half of a parking stall. He said a precedent was set through a prior CUP approval for a pawn business which allowed outdoor display of 100 square feet. There was discussion about the size of an outdoor display at a retail store. Mr. Hess said the pawn items displayed were typically used as opposed to new items at a retail store. Mr. Garcia said the bike rack took over one-half of the parking stall. Mr. Hess said the outdoor display American Pawn currently had was acceptable. Commissioner Roper said the business needed to look professional. After discussion on the allowable size of the outdoor storage it was determined to use the amount listed in the proposed conditions of approval.

APPROVAL OF CUP 1408-0002, A REQUEST BY ABRAHAM SANCHEZ ON BEHALF OF AMERICAN PAWN, INC., FOR A CONDITIONAL USE PERMIT FOR A PAWN AND SECONDHAND BUSINESS LOCATED AT 699 SOUTH STATE STREET WITHIN UNITS 699, 687, AND 683 (TIN: 12-004-0182)

**Commissioner Allen moved to approve as conditioned CUP 1408-0002, a request by Abraham Sanchez on behalf of American Pawn, Inc., for a Conditional Use Permit for a Pawn and Secondhand business located at 699 South State Street within units 699, 687 and 683 based on findings and discussion in the staff report and with the following conditions:**

- 1) **This Conditional Use Permit pertains solely to American Pawn, and is for a pawn and secondhand business to be located at 699, 687, and 683 South State Street.**
- 2) **No Title Lending or Payday Lending is permitted for American Pawn.**
- 3) **No outdoor storage is permitted. This includes, but is not limited to, such items as materials, automobiles, pawned items, automotive parts, or the like.**
- 4) **Outdoor display of goods is limited to 100 square feet, and all outdoor displays must be put away within the enclosed structure at the end of business each day.**
- 5) **The site shall be maintained in a neat and orderly manner.**
- 6) **The garbage dumpster on site must be placed in an approved screened enclosure as required by Clearfield City Code § 11-11B-12B.**
- 7) **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.**
- 8) **For this Conditional Use Permit to be in full force and effect, the Conditions of Approval shall be acknowledged and accepted in writing by both the tenant/business owner and the property owner, as joint applicants.**

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

PUBLIC HEARING AND DISCUSSION ON ZTA 1410-0004, ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 11, ARTICLE E, DOWNTOWN REDEVELOPMENT ZONE (D-R) TO AMEND THE PURPOSE, COMMERCIAL AND RESIDENTIAL RATIOS AND UNIT SIZE

Scott Hess stated City Code § 11-11E Downtown Redevelopment (D-R) was designed to encourage redevelopment of vacant or under-utilized properties in the downtown area of Clearfield City. He said no property was currently zoned D-R. He said the zone was originally established to encourage multi-story mixed use development in the downtown area. Mr. Hess said a conceptual plan for desirable downtown development similar to the intent of the D-R zone had been submitted. He said the proposed plan required amendments to the existing D-R zone which appeared to be in the best interest of the community. Mr. Hess reviewed the changes to the D-R zone and said the proposed site plan met the intent of the code but people would likely be needed in the downtown area before commercial development was viable.

JJ Allen said there was an additional change suggested for City Code § 11-11E-1, Purpose section, and said the recommended wording from Brian Brower, City Attorney, was: “The purpose of the D-R downtown redevelopment zone was to provide for attractive, vibrant, and safe urban development or redevelopment along major commercial/transportation corridors and downtown areas in the city; to encourage the development of vacant or underutilized parcels of land; and to encourage the replacement, renovation, or rehabilitation of dilapidated or decaying structures.” Mr. Allen said the change allowed the use of D-R in other areas of the City that might be along main corridors as Clearfield City lacked a defined downtown area.

Chair Peterson recognized City Reorder, Nancy Dean, and requested the commissioners who had not been sworn in to come forward. The following commissioners were sworn in: Commissioners Murray, Millard, Parkinson, Allen, Jugler, Browning, and Britton.

Chair Peterson declared the public hearing open at 7:55 p.m.

#### PUBLIC COMMENT

None

**Commissioner Allen moved to close the public hearing at 7:56 p.m. Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Allen, Millard, and Parkinson. Voting NO: None.** Commissioner Browning was not present for the vote.

Mr. Hess said there were incentives for a developer in the CDRA area. He showed the areas for the D-R zone on the map. Mr. Hess said the D-R zone was established several years ago and currently there were no properties zoned D-R. He said development spurred development and the market would drive the type of building. He said mixed-use, multi-story buildings were usually self-regulated with parking and transit was not available to support a reduction in required parking for the proposed site plan.

Commissioner Millard was concerned with removing the minimum square footage requirement of the units. Mr. Hess said developers wouldn't invest in projects that were not sellable. He suggested that the market would dictate unit size. Clearfield City was not in a market situation in which housing was a premium market rate rent and was not so expensive that tiny units would likely be developed by a developer. The D-R zone required a development agreement which provided the City an opportunity to review the specifics of proposed developments.

Commissioner Parkinson was concerned that a development agreement was used rather than zoning ordinances. Mr. Hess said that in the future the requirements could get more specific. He said the zoning code was not thrown out entirely. He said Clearfield City could not be compared with what was built in other areas. Mr. Hess said the City had received feedback on some of the requirements. Commissioner Parkinson said he didn't want zoning by development agreement. JJ Allen said the D-R zone was added when there was no development and if the City expected development then changes were needed. He said the point was valid and when the project was started additional revisions to the D-R zone might be made.

Commissioner Millard said a minimum square footage should be established. Mr. Hess said he was okay with setting a minimum for a one bedroom. Chair Peterson said she was in favor of a minimum. There was discussion about the minimum square footage and the commissioners were in favor of keeping the minimum of 700 square feet currently established in the D-R zone.

RECOMMENDATION ON ZTA 1410-0004, ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 11, ARTICLE E, DOWNTOWN REDEVELOPMENT ZONE (D-R) TO AMEND THE PURPOSE, COMMERCIAL AND RESIDENTIAL RATIOS AND UNIT SIZE

**Commissioner Murray moved to recommend approval with amendments of ZTA 1410-0004, to the City Council an amendment to Title 11, Chapter 11, Article E, Downtown Redevelopment Zone (D-R) to amend commercial and residential ratios, unit size and development agreement requirements based on the findings and discussion in the staff report and with the following proposed changes:**

**11-11E-1: PURPOSE:** The purpose of the D-R downtown redevelopment zone is to provide for attractive, vibrant, and safe urban development or redevelopment along major commercial/transportation corridors and downtown areas in the city; to encourage the development of vacant or underutilized parcels of land; and to encourage the replacement, renovation, or rehabilitation of dilapidated or decaying structures.

**11-11E-4: APPROVALS REQUIRED:**

- C. Development Agreement:** A development agreement shall be required for all new development in the D-R downtown redevelopment zone. All applications for a rezone, preliminary plat, or site plan approval shall be conditioned upon final approval of the development agreement by the City Council.

**11-11E-5: REGULATIONS FOR RESIDENTIAL DEVELOPMENT:**

- A. Commercial Use Required:** Except as otherwise allowed through a development agreement in order to facilitate projects which, in the city's opinion, will encourage development of underutilized parcels and/or the replacement, renovation, or rehabilitation of dilapidated and decaying structures, the following requirements will apply: i) residential dwelling units shall not be permitted unless as part of a commercial development; and ii) nonresidential uses are required in the minimum habitable floor depth on the first story of all building frontage along a public street, including State Street and North Main Street.
- B. Floor Area:** Minimum unit size shall be no less than 700 square feet, average unit size, and mixture of bedroom units will be specified in the development agreement

**Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Murray, Millard, Roper, and Browning. Voting NO: Commissioners Allen and Parkinson.**

DISCUSSION ON POTENTIAL ZONING TEXT AMENDMENTS FOR TITLE 11 AND TITLE 12

Scott Hess reviewed the list of potential zoning text changes with the commissioners and said he wanted to start on the changes soon. He said a C-3 or M-2 zone could be a buffer zone type or flex business zone with better definitions for uses currently not considered by Clearfield City. The definition for pawn shops, consignment and secondhand stores would also be addressed.

DISCUSSION ON THE PRELIMINARY SITE PLAN FOR CLEARFIELD CENTER

Scott Hess said on the four to five story building the parking structure was below at the west side of the building and would be hidden from State Street. He said a concern was trying to fit a large number of parking stalls in the development. He said there was discussion on shared parking with the Davis County Health Department building. He said on street parking could not be considered as part of the required parking.

Mr. Hess said there currently was not a high demand on State Street for commercial space and more density of downtown residential would likely be required before commercial development would be viable. Commissioner Murray asked about the billboard and the pine tree. Mr. Hess said there was a possibility of a compromise with the billboard owner to relocate the billboard, but the pine tree would be removed.

Mr. Hess said a main entrance was proposed on the west side of the building because State Street was not as welcoming for those walking and cycling, but an east side entrance was still desirable. Commissioner Parkinson said the on-street parking was not practical with vehicles backing into the City right-of-way. There was discussion that the restaurant parking requirement was over-parked and could possibly be changed. JJ Allen said it was anticipated that an application would be received and the site plan or rezone could be on an agenda in December. He said there were still some details to workout with the site plan, but staff wanted to preview this development with the Planning Commission.

STAFF REPORTS

Scott Hess welcomed the new commissioners and said there were no administrative site plan approvals to report.

PLANNING COMMISSIONERS' MINUTE

Commissioner Parkinson – said when he opposed the motion it was because of the minimum size requirement, he agreed with everything else.

Commissioner Allen – said form based code required the commissioners to be more open.

Commissioner Murray – nothing

Commissioner Roper – welcomed the new commissioners.

Commissioner Browning – was concerned with the 100 square feet for the outdoor display for the pawn shop. He commented about the improvements to the hair salon on State Street.

Commissioner Millard – welcomed new members.

Chair Peterson – welcomed the new commissioners.

Councilmember Bush – said City Council overturned the decision of the Planning Commission on the General Plan Amendment and rezone for the Wilcox Farms lots. He continued Leckington Trucking Company, proposed buyer of the property, had since moved on to other property. He mentioned the PARAT Tax and stated it allowed additional money for beautification of the City. Mr. Bush thanked the commissioners for their work and said there would be some joint work sessions in the future. He also welcomed the new members.

JJ Allen – said he had contacted the developer of the site plan just reviewed, Clearfield Center, and the minimum square footage planned for the apartments was about 700 square feet.

There being no further business to come before the Planning Commission, **Commissioner Roper moved to adjourn at 9:16 P.M. Seconded by Commissioner Murray.**