

CLEARFIELD CITY PLANNING COMMISSION MEETING

September 10, 2014

7:00 P.M. – Regular Session

PRESIDING:	Nike Peterson	Chair
PRESENT:	Kathryn Murray	Commissioner
	Timothy Roper	Commissioner
	Robert Browning	Commissioner
	Robert Allen	Alternate Commissioner
	Michael Millard	Alternate Commissioner
	Michael LeBaron	Council Liaison
STAFF PRESENT:	Brian Brower	City Attorney
	JJ Allen	Assistance City Manager
	Scott Hess	Development Services Manager
	Stacy Millgate	Business License Official/CDBG
VISITORS:	Justin Wixom, Amber Huntsman, Craig Hokanson, John K. Ryan, Marvin Murri, Wendy Osborn, Miranda Osborn, Lori Miller, Koral Vasquez, Mark Stoker, Chuck Provow, Brenda Provow, Radene Stoker, Harold Osborn	

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF MINUTES FROM JULY 2, 2014 PLANNING COMMISSION MEETING

Commissioner Murray moved to approve the July 2, 2014 minutes as presented. Seconded by Commissioner Millard. The motion carried upon the following vote: Voting AYE: Commissioner Murray, Roper, Browning, Allen and Millard. Voting NO: None.

APPROVAL OF MINUTES FROM AUGUST 6, 2014 PLANNING COMMISSION MEETING

Chair Peterson said she would like to clarify remarks on page 16 of the minutes, under the Planning Commissioners' Minute, which stated "she said it was difficult to listen to a resident with concerns about the consequences of having certain types of businesses near her home. She said the City needed to find some way to give the citizens a fighting chance to have a safer neighborhood." She indicated that a recommendation to draft language for a zoning text amendment was directed towards staff in relation to limiting the clustering of businesses such as the behavioral and drug type businesses. Commissioner Browning stated those comments were being shown as part of the July 2, 2014 minutes. Chair Peterson apologized and said they were in fact part of the July 2, 2014 minutes that were just approved.

Commissioner Roper made a motion to reconsider approval of July 2, 2014 minutes with changes noted. Seconded by Commissioner Allen. The motion carried upon the following vote: Voting AYE: Commissioner Murray, Roper, Browning, Allen and Millard. Voting NO: None.

Commissioner Murray moved to approve the August 6, 2014 minutes as presented. Seconded by Commissioner Browning. The motion carried upon the following vote: Voting AYE: Commissioner Murray, Roper, Browning, Allen and Millard. Voting NO: None.

DISCUSSION AND POSSIBLE ACTION ON SP 1408-0003, A REQUEST BY JUSTIN WIXOM ON BEHALF OF MALNOVE INC. OF UTAH, FOR SITE PLAN APPROVAL FOR A SCRAP PAPER RECOVERY SYSTEM UPGRADE LOCATED AT BUILDING A-16F AT FREEPORT CENTER (TIN: 12-021-0026)

Scott Hess said staff's recommendation was to approve as conditioned, SP 1408-0003, a Site Plan for Malnove Inc. of Utah for a scrap paper recovery system upgrade, based on the findings and discussion in the staff report. He explained the Site Plan includes 2 new cyclones, located directly on top of existing equipment adjacent to building A-16 and the total height was approximately 51 feet from the floor grade of the building. He stated section §11-13-11 of the City Code made height limitation exceptions for such items as water tanks, ventilators, chimneys or other equipment usually required to be placed above the roof level and not intended for human occupancy. He also noted the Planning Commission had made findings for similar types of requests from businesses in Freeport Center.

Mr. Hess continued to review the considerations related to Site Plan review, stating traffic was not a concern, and location of the air handling equipment was outside the pedestrian walkways of the property and out of vehicular traffic areas, no off-street parking, unloading or surface lighting considerations were necessary. He stated the location was surrounded by other mechanical equipment, so screen planting was not a consideration, nor was landscaping or drainage a concern. He continued saying there should not be any impact on utilities. He said the air handling equipment was directly adjacent and above the existing air handling equipment, the visibility and impact should be minimal to surrounding properties. He stated the proposal was an ancillary building to an existing industrial building and section §11-18-3 of the City Code allowed for minor deviations to structures added to the site. Mr. Hess said the only conditions of approval for the item were the construction documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1408-0003.

Commissioner Allen inquired about the size of the cyclone. Mr. Hess said it was 14 feet as opposed to the 14 inches listed in the staff report. He also said it would have been a standard building permit but it was taller than the maximum allowed height of 45 feet in the Manufacturing zone; therefore, it was being brought before the Planning Commission for approval.

Commissioner Allen asked if it was now the tallest structure in Freeport Center. Scott said it was not, as the ones at Lifetime Products were 6 feet taller than this one, and there were three of them right by each other. Commissioner Allen asked if there were any restrictions since it was located next to Hill Air Force Base. Mr. Hess said it was outside of the flight zone area, so it was not considered. Commissioner Allen asked if there were going to be any issues during actual construction. Mr. Hess said he had not talked to them about the actual construction but said it should not take that long, so impacts would be minimal. Chair Peterson asked if the representative could address the board.

Justin Wixom, representative for Malnove, Inc. was present. He explained the cyclones would be brought in and assembled in sections, with part of it being located inside and some of it outside. Mr. Wixom said it was needed to handle more air flow, trapping more of the dust into the recycled paper baler, which provided them a return on their investment and helped with their air permit with the State.

APPROVAL OF SP 1408-0003, A REQUEST BY JUSTIN WIXOM ON BEHALF OF MALNOVE INC. OF UTAH, FOR SITE PLAN APPROVAL FOR A SCRAP PAPER RECOVERY SYSTEM UPGRADE LOCATED AT BUILDING A-16F AT FREEPORT CENTER (TIN: 12-021-0026)

Commissioner Millard moved to approve as conditioned SP1408-0003, a Site Plan for Malnove Inc. of Utah for a scrap paper recovery system upgrade, 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 1408-0003.**

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

DISCUSSION ON SP 1406-0007, A REQUEST BY MICHAEL CHRISTENSEN, ON BEHALF OF THACKERAY COMPANY, FOR SITE PLAN APPROVAL FOR ARCHITECTURAL REVIEW FOR CLEARFIELD STATION TOD PHASE I BUILDINGS LOCATED AT APPROXIMATELY 1250 SOUTH STATE STREET (TIN: 12-066-0071, 12-067-0139)

Scott Hess said the recommendation was to approve as conditioned SP 1406-0007, Clearfield Station Architectural Site Plan for phase one in an approved Mixed-Use Development on about 70 acres located at approximately 1250 South State Street, based on discussion and findings in the staff report. He indicated the site plan approval had already been granted for the building locations, landscaping, location of utilities, drainage, roads, and these were the architectural renderings of the buildings. He also stated the Clearfield Station Site Plan was regulated by both the Clearfield City Zoning Code as well as the Master Development Plan that has been adopted by the City. Mr. Hess said overall, the architectural renderings agree with much of the list provided in the MDP, and they generally conformed to Clearfield City Code, Chapter 18 Design Standards. He stated the MDP was designed to be flexible and provide options for the developer to come up with creative designs without being held strictly to any one material or color.

Mr. Hess said both the residential and flex business renderings showed modern designs with flat roofs and façade articulation. He said window glazing was provided on the flex business buildings that should wrap the buildings in order to avoid large blank walls fronting the main access road. He explained that maintaining an interesting façade around all sides of the buildings would be crucial due to the accessibility of the site. Mr. Hess said the entrances for the apartment buildings needed to be discussed with the applicant. He stated section 5.4 in the MDP addressed how the design of entrances should be unique, or provide opportunities to show where the entrances were located. Mr. Hess continued to say the Urban Industrial Character portion of the

MDP called for “predominately brick and steel buildings,” so increasing the percentage of brick or adding an element of steel or metal surface to the apartment buildings would complement the urban character. He said the overall EIFS and stucco were limited to 30 percent of the exterior on the residential structures.

Mr. Hess said the conditions of approval shall require the developer to show that the building renderings and construction documents were in substantial conformance with Section 5.4 of the Master Development Plan, which included a) maintaining façade articulation and architectural elements around all four elevations of each building within the development, b) development and identification of Base Articulation for the entrances of the apartment buildings to differentiate entrances from the rest of the building, c) Per MDP 5.5B ground floor units shall have an exterior access point to the unit, for all units along a street or main walkway, d) EIFS or stucco material is not to exceed 30 percent of the total exterior, e) Corners indicated in section 5.4.1E shall have treatments to emphasize their unique gateway locations within the development. He explained this section of the MDP and how it could be used with the buildings. Mr. Hess continued to explain the conditions of approval, which included: all other design elements described in MDP Chapter 5 applied to both residential and commercial structures, all final plan submittals shall be in substantial conformance with the approved Master Development Plan and Master Development Agreement, and 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. Mr. Hess presented the architectural rendering of one of the flex business buildings.

Commissioner Allen asked if the item was to approve the design of the buildings. Mr. Hess said it was for the architectural review and allowed the Planning Commission to review and make recommendations on the renderings.

Amber Huntsman, representative with Thackeray Garn, showed renderings for the flex buildings. She explained the four different color concrete panels and how they would be presented on each side of the buildings. She said the concrete would have stamped texture on it similar textures as seen on sound walls. Ms. Huntsman continued to explain the look of the store fronts, including the design for the windows. Commissioner Allen asked what other window design options had been considered. Ms. Huntsman said there was one that had less breaks in the windows, but it gave more character to have the additional breaks. Commissioner Allen expressed his concern about these buildings not being able to match the residential buildings within the project. Ms. Huntsman asked if the Commission would prefer to see less breaks in the windows or less windows all together. Commissioner Browning he works with UTA now and wanted to disclose this information. He asked if it was a classy project or is just another cookie cutter project.

Ms. Huntsman said the project was unique in that the development was the only one that had commercial, residential, and flex business space and that type of development was only found in two project sites: one in Clearfield and one in South Salt Lake. She indicated Tom Stuart Construction would be constructing the flex-industrial buildings. She said the project was a higher end project than what might be seen elsewhere. Ms. Huntsman said there were some challenges in developing the site and tying it all together since it encompassed 70 acres that included commercial, industrial, and residential buildings.

Chair Peterson said the windows were different and unique and she liked the renderings that way. Commissioner Murray asked about the difference between the colors called firestone and red. Ms. Huntsman said “firestone” was the name of the project and “colonial red” was the name of the color. Commissioner Murray asked what type of material would be used to create the black. Ms. Huntsman said it would be rippled metal. There was further discussion on what type of material would be used for each color. Commissioner Murray inquired about the stucco and Ms. Huntsman said the stucco would be used on tilt up concrete panels. She expressed her opinion that was a good material for industrial warehouse type buildings.

Commissioner Murray also asked about the criteria of “emphasizing unique gateway on different corners,” and wondered which corners fell within that category. Mr. Hess explained the site plan drawings and how the buildings were laid out. There was a lengthy discussion on the layout and where those unique buildings would be located, as well as what side of the buildings would include the rendering provided by Thackeray Garn. Ms. Huntsman said the unique corner buildings had a taller wall and the side of the building had a panel wall that stuck out slightly.

Commissioner Allen said the building was merely a square building with a piece slapped on to it, and not unique in character. Chair Peterson asked the commissioners if they believed the renderings met the standards. Ms. Huntsman added they were currently undecided on the color scheme, but proposed a specific color for the first two buildings in phase one. She added when it came time to constructing phase two, it would be decided whether the same color would be used or a different color scheme that would tie both phases together. Chair Peterson said she liked the flexibility of having the decision open so it could be looked at as each phase was constructed. Commissioner Roper said he would like to see the consistency throughout and didn’t see any problems with it.

Commissioner Millard said it was hard to develop a very fancy looking manufacturing building. Commissioner Murray asked for clarification on the placement of the colors on each building. Mr. Hess showed the commissioners where the particular buildings would be placed on the site. Commissioner Murray asked what side of the building will be visible from State Street. Ms. Huntsman explained the layout and said the colored portion of the building would be seen from State Street and there would be a landscaping buffer on the North side of the two buildings.

Commissioner Browning said he liked the idea but wanted it to be unique. Commissioner Millard, Commissioner Roper, and Commissioner Murray stated they liked the renderings. Commissioner Allen said he would like to see less window panes.

Chair Peterson directed the Commission to discuss the residential component of the project. Ms. Huntsman said there were four colors for the residential portion, which included: red, blue, yellow, and grey. She stated all of the building materials would stay the same on each building but colors would change. Chair Peterson inquired about the look of the back side of the buildings. Ms. Huntsman said it would be mirrored with the exception of the logo and possibly the building number. She explained a change was made to the material that was used on the third level, which would now include stucco. Chair Peterson asked what percentage of the building was stucco. Ms. Huntsman said that was currently being calculated and the renderings might need to be changed if it did not meet the minimum 30 percent requirement. Chair Peterson asked about design standards. Ms. Huntsman said corner treatments were still in the design phase and could be brought back to the Planning Commission at a future date, if it so desired.

Commissioner Browning asked what type of material would be used for the articulation of the entrances. Ms. Huntsman said there might be a square metal awning that would protrude out of the building where the brick met the stucco. Chair Peterson asked if the commissioners felt comfortable with what was presented and if the items were substantial enough. She asked if the commissioners wanted the developer to come back before moving forward. Commissioner Roper said he would like to see the stucco percentage but other than that he liked it. Commissioner Millard said he liked what he saw but would like to see the discussed items modified. Commissioner Murray also said she liked it but wanted to see what the developer was going to be doing for the entrances. She commented that she didn't like the yellow color scheme.

Chair Peterson directed the developer to modify the plans to as close to final as possible, which would provide the unique treatments on the corners, as well as a firm number on the percentage of stucco. Chair Peterson also asked to see responses on items A-E that were found in the staff report.

Mr. Hess said there was a call out in 5.5B of the MDP regarding the entrances, but it could be interpreted differently. Ms. Huntsman said the MDP section was not meant for the garden style apartments but it could be possible to construct them that way; however, there was a reason why the patios were enclosed which also provided more security. There was a discussion on having the units accessible through the patios or from the main entrance in the breeze way. Ms. Huntsman said the enclosed patios were more secure, provided more privacy, and tied into the type of units that were planned for the site. The commissioners recommended the items be addressed and brought back for review.

Commissioner Peterson said items A, B, D, and E, needed to be clarified. Commissioner Murray asked if the residential portion would be brought back or if the Commission was going to be reviewing the commercial portion as well. Mr. Hess said it might be good to get a face-on elevation of all four sides, even if it was just a CAD elevation. Commissioner Peterson said the item could be continued until Oct 1, 2014.

Commissioner Murray moved to continue SP 1406-0007 until October 1, 2014. Seconded by Commissioner Roper. The motion carried upon the following vote: Voting AYE: Commissioner Murray, Roper, Browning, Allen and Millard. Voting NO: None.

PUBLIC HEARING ON CUP 1407-0008, A REQUEST BY CRAIG CHAGNON, ON BEHALF OF CROWN CASTLE, FOR A CONDITIONAL USE PERMIT FOR AN EXPANSION IN HEIGHT ON THE PEPPER RIDGE WIRELESS COMMUNICATION TOWER IN THE C-2 ZONING DISTRICT LOCATED AT 1350 EAST 700 SOUTH (TIN: 09-020-0036)

Scott Hess said the recommendation was to move to approve as conditioned, CUP 1407-0008, a request by Craig Chagnon, on behalf of Crown Castle, for a Conditional Use Permit for an expansion in height as well as ground lease area for an existing monopole tower. He said section §11-13-19(I) of the City Code, set five specific review criteria for CUP requests for wireless communication towers, which included compatibility, collocation, screening, spacing, and negative impacts, also considered were yard requirements. He explained where the tower would be located in relation to the existing tower, and said the current height of 98 feet had not caused any problems. He stated the City had received a determination of no hazards letter from the

Federal Aviation Administration because the request was to raise the actual height of the tower. Mr. Hess said the request was to increase the tower height and install new equipment on top. He said some enhanced screening for the fence around the tower would be positive in that area since it was so close to the Canal Trail and a primary entrance to Clearfield City.

Mr. Hess stated the maximum height of the proposed tower was 111.5 feet, and it is just less than 145 feet to the nearest point of the Pepper Ridge Apartments. He said the standard called for a Conditional Use Permit to be approved if conditions were imposed, or could be imposed, to mitigate reasonably anticipated detrimental effects. He continued to say the requested collocation, height increase, and ground lease area increase on an existing monopole tower was equivalent to a permitted use. Mr. Hess said staff did not foresee any health, safety, or welfare issues at the site and there were no other unique impacts from it. He stated the request was not expected to create any additional impact or burden. Mr. Hess explained the proposed use did not limit the effectiveness of the General Plan and §11-13-19L of the City Code was reviewed.

Mr. Hess said the drawings received from AT&T showed the ground lease addition on the east side of the site; however, the new ground lease would be directly north of the existing site and was approximately 540 square feet. He stated he visited the site earlier and from the back of the generator at JPs Chevron to the current fence line measured 50 feet, so the pass through corridor would be 35 feet. He expressed concern about the fire department access between JPs and the new pad.

Mr. Hess said the conditions of approval stated the Conditional Use Permit was for an increase in height of an existing monopole wireless communication tower to a maximum of 111.5 feet, and an additional ground lease area of 540 square feet located at 1350 East 700 South, and the submitted construction documents shall be in conformance with the plans submitted for 1407-0008. He stated screening should be provided for the entire perimeter of ground lease equipment, including equipment and the area that was currently on the site. He added screening might be in the form of increased landscaping and vegetation, fence slats, or another screen fencing material; and 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.

Chair Peterson inquired about the screening being handled administratively. Mr. Hess said enhanced fencing would be easier to maintain. Chair Peterson asked the commissioners if they would feel comfortable allowing staff to handle the fencing material on the project. The commissioners agreed to allow staff to address that issue.

Brian Brower explained the public comment process and stated everyone would be limited to three minutes.

Chair Peterson declared the public hearing open at 8:31 p.m.

PUBLIC COMMENT:

None

Commissioner Murray moved to close the public hearing at 8:31 p.m. Seconded by Commissioner Roper. The motion carried upon the following vote: Voting AYE: Commissioner Murray, Roper, Browning, Allen and Millard. Voting NO: None.

Mr. Craig Chagnon, 3222 Holly Hawk Hill, Cottonwood Heights, Utah, was present to answer any questions from the commissioners. Commissioner Allen asked if there was the possibility of increasing the tower again in the future. Mr. Chagnon said it was not foreseen at this time. Commissioner Allen asked about the engineering for the tower. Mr. Chagnon said any time equipment was added to the tower structural review would be required.

Commissioner Allen asked about construction and how the crane would be used and where it would be set up. Mr. Hess said the construction time frame would most likely not take long and there should be no major impacts to anyone around the site. Commissioner Allen asked about the landscaping. Mr. Hess explained the landscaping and the fence line. Commissioner Roper stated anything landscaped wouldn't be owned by the applicant. Mr. Hess agreed. Mr. Chagnon said there was not much landscaping on the site and there might be a safety concern since there was a public walkway nearby; therefore, slat fencing might be the best thing to blend in with the surrounding environment. Commissioner Roper said the fencing would look nice. Chair Peterson asked if the fencing could be handled administratively. The commissioners agreed to the fencing being handled by staff.

APPROVAL OF CUP 1407-0008, A REQUEST BY CRAIG CHAGNON, ON BEHALF OF CROWN CASTLE FOR A CONDITIONAL USE PERMIT FOR AN EXPANSION IN HEIGHT ON THE PEPPER RIDGE WIRELESS COMMUNICATION TOWER IN THE C-2 ZONING DISTRICT LOCATED AT 1350 EAST 700 SOUTH (TIN: 09-020-0036)

Commissioner Browning moved to approve as conditioned, CUP 1407-0008, a request by Craig Chagnon, on behalf of Crown Castle for a Conditional Use Permit for an expansion in height on the Pepper Ridge Wireless Communication Tower in the C-2 (Commercial) zoning district located at 1350 East 700 South (TIN: 09-020-0036), based on the findings and discussion in the staff report and with the following conditions:

- 1) This Conditional Use Permit is for an increase in height of an existing monopole wireless communication tower to a maximum of 111.5 feet, and an additional ground lease area of 540 square feet located at 1350 East 700 South. Submitted Construction Documents shall be in conformance with the plans submitted for CUP 1407-0008.**
- 2) Screening should be provided for the entire perimeter of ground lease equipment, including equipment and area that is currently on the site. Screening may be in the form of increase landscaping and vegetation, fence slats, or another screening fencing material.**
- 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.**

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

PUBLIC HEARING ON CUP 1408-0005, A REQUEST BY ROBERT GOUPIOS, ON BEHALF OF BEEHIVE DAYCARE, FOR A CONDITIONAL USE PERMIT FOR A COMMERCIAL DAYCARE FACILITY LOCATED ENTIRELY WITHIN THE B-1 ZONE LOCATED AT 573 N 1000 W (TIN: 14-262-0005)

Scott Hess stated the recommendation was to approve as conditioned, CUP 1408-0005, a Conditional Use Permit for Beehive Daycare, a commercial daycare facility in the B-1 (Buffer) zoning district located at 573 North 1000 West. Mr. Hess provided a history of the parcels and indicated they had been consolidated and recorded as one parcel. He explained the fencing that ran between the two property lines. He stated the Site Plan had been amended to remove the fencing from the open space, which was located to the west of the existing building. He stated the daycare open space had been reorganized so it was all located within the property that was zoned B-1 and the open space would reside on the north and west side of the building. He said locations for daycares within the B-1 were listed as a Conditional Use Permit. Mr. Hess said the City had received a letter and an email from the State Child Care Licensing Department stating it would approve the configuration of the open space.

Mr. Hess said Site Plan approval was granted in 2005, which required 45 parking spaces to be used by occupants of the existing building and those who might want to utilize the parking for the open space. He indicated that number far exceeded the minimum requirement of 32 spaces. Mr. Hess said there was a drive access on 1000 West that was approximately 32 feet wide and there was another one on 1050 West, which was chained off and designated as emergency use only. He said the site was currently striped and there was a specific flow for traffic to accommodate the increase, which included a drop off zone that consisted of five spaces for dropping off children on the south side of the building. He also said there was a 60 foot radius turn around on the west side of the parking lot to accommodate returning to the exit on 1000 West. Mr. Hess said a staggered drop-off and pick-up schedule shall be provided to the City, as well as a plan for the parents to limit the number of cars entering the parking lot at any one time.

Mr. Hess stated the daycare would occupy the lower level of the building and the architect had included additional notes on the plans that indicated specifications for materials of additional separation between the two uses. He said a building permit was issued for the site for the finishing of the basement on May 16, 2012, after receiving Conditional Use Permit and Site Plan approval. He indicated the approval had since lapsed, and the building permit needed to have a final inspection prior to Certificate of Occupancy. He said the Building Official had stated the Certificate of Occupancy could be issued upon approval of the Conditional Use Permit.

Mr. Hess said one public comment was received via email and numerous phone calls were also received, but no other written comments were provided.

Mr. Hess stated the Conditional Use Permit was for a daycare center located at 573 North 1000 West, limited strictly to the portions of the property zoned B-1, formerly Lot 1 of Pond View Subdivision and submitted construction documents shall be in conformance with the plans submitted for CUP 1408-0005. He also said written approvals from the State of Utah shall be provided regarding the use and configuration of the open space located to the north of the building within the B-1 zone, as well as the outdoor play area shall be fully fenced, and located entirely within the B-1 zone. He continued to state the fencing, on the open space parcel to the

west, zoned R-1-8, shall be removed in order to facilitate full use of that property as a neighborhood park as approved in 2005.

Mr. Hess said no portion of the residentially zoned property to the west shall be used for operation of the commercial daycare facility, outside of parking and transportation as was previously approved for the site in 2005. Mr. Hess stated 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.

Commissioner Browning asked for clarification of the site plan that was included in the packet. Mr. Hess said the traffic flow design that was included in the packet was the traffic flow that was actually approved in 2012. Mr. Hess also discussed the area north and west of the building which would be used for the play area.

Commissioner Allen asked about the width of the property on the north side. Mr. Hess said it was about 16 feet wide and the actual width of the grass area was a little less since there was a stairwell that led to the bottom floor. Mr. Hess said the City did not have standards on regulating the open area for daycares, so that was why it turned to the State Child Care Licensing Department. Commissioner Allen expressed concern with the fire access. Mr. Hess said there were no occupancy standards on outdoor spaces.

Chair Peterson declared the public hearing open at 8:52 p.m.

PUBLIC COMMENT:

Wendy Osborn, Clearfield, said she was pleased to hear it had been figured out how to locate the use entirely on commercial property. She asked if there would be any more hearings after this approval. Chair Peterson said there would not be any more meetings.

Harold Osborn, Clearfield, said he was concerned about the gate on the northwest side of the property being used for kids accessing the residentially zoned property. He said he believed the State would require the gate be locked, so the kids couldn't wander out into the open space. Mr. Hess said the gate could be removed or permanently locked and the City could require a gate be installed on the southwest portion of the fence, which would limit the cross access. Mr. Osborn said the parking spaces were not to code and most of the trees were causing problems with the concrete and sidewalk on 1050 West.

Commissioner Millard moved to close the public hearing at 8:57 p.m. Seconded by Commissioner Murray. The motion carried upon the following vote: Voting AYE: Commissioner Murray, Roper, Browning, Allen and Millard. Voting NO: None.

Chair Peterson invited Mr. Goupios to comment on the item. Mr. Goupios declined to comment. Commissioner Roper asked if we could double-check on the parking spaces to see if they met Code. Mr. Hess said he would like Brian Brower, City Attorney, to weigh in on that matter. Mr. Brower said if the stalls were not in compliance the City should have the ability to go out and require them to be brought into compliance, even if they were approved in a previous Site Plan. Mr. Brower stated it would not be inappropriate to state the parking stall issue in the motion. Mr. Hess said he could go out and double-check the stalls to ensure they were up to Code. Chair Peterson asked if item number 7 could be included in the conditions to state parking

stalls shall be to City Code standards. Mr. Brower suggested being specific about the size of the stalls.

Commissioner Allen asked Mr. Goupios if the reason for the daycare was because the applicant had been unable to lease the basement. Chair Peterson said that question did not need to be answered since it was outside the scope of the item. Mr. Goupios did not answer the question.

Commissioner Millard asked if Mr. Goupios could address the issue of the gate. Mr. Goupios said it would be locked and only used in the case of an emergency. Chair Peterson asked if the commissioners had any concerns with the placement of the gate. Mr. Hess explained where the gates were currently located. He asked if the State required them to have more than one gate. Mr. Goupios said he was not sure if there was a requirement by the State for a gate and those gates were there when the State did the inspection. Mr. Goupios said the State told him the gates had to be locked. Commissioner Murray said if that was a concern then it would probably be better to remove the gate on the northwest side all together. Mr. Goupios said the kids would not be allowed on the west side and he did not see them using the gate to leave because the kids would be picked up on the south side of the building.

Commissioner Millard said he didn't think the City should require the removal of the gate but if Mr. Goupios felt like he wanted to do it for "neighbor relations" then that would be his decision. Mr. Goupios added the gate would need to be there to maintain the lawn and allow the mower access to the grass, but it would be locked since the State required it. Chair Peterson liked the idea of getting rid of the gate, but didn't feel comfortable overstepping the State's requirements since it was the agency that regulated the daycare.

Commissioner Browning asked about the square footage of the open space. Mr. Goupios said the gentleman from the State said there was far more than was needed but he was not sure on the exact amount. Mr. Goupios said the capacity for the daycare was 83 children; however, they would not all be outside at the same time. Mr. Hess explained the distance in the open space, and said there was around 1,500 to 1,600 square feet of open space and the State calculated it based on a certain amount of space per child and that was why the City requested an approval letter from the agency.

Chair Peterson reviewed the seven conditions of approval, which included the additional parking used by the commercial daycare will be subject to compliance with City Code length and width for parking stalls.

Mr. Hess said he and the Building Official could review the site before the Certificate of Occupancy was issued. Mr. Brower wanted to clarify item number 5, that no residentially zoned property will be used for the operation except for parking and transportation which was approved in the 2005 Site Plan.

APPROVAL OF CUP 1408-0005, A REQUEST BY ROBERT GOUPIOS, ON BEHALF OF BEEHIVE DAYCARE, FOR A CONDITIONAL USE PERMIT FOR A COMMERCIAL DAYCARE FACILITY LOCATED ENTIRELY WITHIN THE B-1 ZONE LOCATED AT 573 N 1000 W (14-262-0005)

Commissioner Murray moved to approve as conditioned, CUP 1408-0005, a Conditional Use Permit for Beehive Daycare, a commercial daycare facility in the B-1(Buffer) zoning

district located at 573 North 1000 West (TIN: 14-262-0005), based on the findings and discussion in the staff report and with the following conditions:

- 1) This Conditional Use Permit is for a daycare center located at 573 N 1000 West, limited strictly to portions of the property zoned B-1, formerly Lot 1 of Pond View Subdivision. Submitted Construction Documents shall be in conformance with the plans submitted for CUP 1408-0005.**
- 2) Written approval from the State of Utah shall be provided regarding the use and configuration of the open space located to the north of the building within the B-1 zone.**
- 3) The outdoor play area shall be fully fenced, and located entirely within the B-1 zone.**
- 4) Fencing on the open space parcel to the west zoned R-1-8 shall be removed in order to facilitate full use of that property as a neighborhood park as approved in 2005.**
- 5) No portion of the residentially zoned property to the west shall be used for operation of the commercial daycare facility, outside of parking and transportation as was previously approved for this site in 2005.**
- 6) 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.**
- 7) Additional parking used by the commercial daycare will be subject to compliance with City Code length and width standards for parking stalls.**

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

Chair Peterson asked if the group would like to take a 5 minute recess. **Commissioner Millard recommended the recess. Seconded by Commissioner Allen. The motion carried upon the following vote: Voting AYE: Commissioner Murray, Roper, Browning, Allen and Millard. Voting NO: None.** Chair Peterson said the meeting would resume at 9:30 p.m. She reminded the commissioners the meeting was open to the public, so discussion on all items needed to be limited until the meeting resumed.

Chair Peterson resumed the meeting at 9:32 p.m.

PUBLIC HEARING ON PSP 1407-0001, A REQUEST BY MARVIN MURRI AND JOHN RYAN, ON BEHALF OF HAMBLIN INVESTMENT GROUP, FOR PRELIMINARY SUBDIVISION PLAT FOR KENSINGTON PLACE PHASE TWO SUBDIVISION LOCATED AT APPROXIMATELY 880 SOUTH 550 EAST (TIN: 12-067-0109, 12-067-0145, 12-067-0144)

Scott Hess said staff would be looking at Preliminary Subdivision Plat, Final Subdivision Plat, and Site Plan during the meeting. He said there had been no major changes since the last time the item was presented to the Planning Commission in August. Mr. Hess explained how this project tied to the existing projects to the north and south and he presented the most recent plat to the commissioners. He said the new configuration removed some of the area from the existing lot on 550 East, to provide more open space for the townhomes, which allowed them to obtain

the full 25 percent of open space. He said the development was still showing some reductions in side yard and rear yard setbacks, as well as the proposed single car garage units, which were all included in the Development Agreement. Mr. Hess said staff was still supportive of creating a project that fit in with the surrounding neighborhood. He brought up a few points of clarification, such as the detention basin was too small, and the current storm collection systems ran along a quarter to half mile long surface ditch, which will require the storm water be piped into the main system. Mr. Hess said he didn't feel the project should be help up based on those specific improvements. He stated the conditions of approval for the Preliminary and Final Subdivision Plat were actually the same on the project.

Mr. Hess said the conditions of approval included: Approval of the development was contingent upon the approval and execution of a Development Agreement specifying building locations, setbacks, open space, road network, and parking requirements at a minimum. He also said a final clean copy of the Preliminary Subdivision Plat needed to be filed with the Planning Department, with all changes and redlines from Planning, Public Works, and Engineering corrected.

Mr. Hess continued the construction documents submitted for building permits shall be in substantial conformance with the documents submitted in the Preliminary Subdivision Plat approval, PSP 1407-0001; however, they would also include and address the following:

- a) The final engineering design submitted for site improvements shall meet City standards, including but not limited to storm drain, sewer, and culinary water drain improvements, and be to the satisfaction of the City Engineer.
- b) The final building plans submitted shall meet building safety standards and be to the satisfaction of the Building Official.
- c) The final building plans shall meet the minimum standards for building materials as established in R-3 Zone 11-9E-13(F). The final building plans shall be in substantial conformance with Chapter 18 Design Guidelines.
- d) The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. A minimum of 20 stalls must be covered. He stated staff indicated that the garages were considered a covered parking unit. An adequate number of stalls must meet ADA standards.
- e) Site circulation must be designed in such a manner that on site traffic flow is not impeded. Adequate paved markings and/or signage shall be provided and incorporated on the site. He said all of the roads within the development were private roads and there were no sidewalks.
- f) New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.
- g) A minimum of 25 percent landscaping shall be provided and meet the minimum standards set forth in §11-13-23 of the City Code. He said staff had not yet received landscaping documents, but the plans should be at least 25 percent.

h) Proposed signage must meet the Title 11, Chapter 15 standards of the City Code. Signs were not included as part of the Site Plan approval, so a separate review and approval would be required. He also said the plat approval was subject to North Davis Fire District review and approval; and 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.

Commissioner Allen asked if the developer accommodated enough ADA parking stalls. Mr. Hess said State Code was not defined on the matter, but there was an adequate number of parking stalls planned. He said the developer was proposing 55 spaces with 20 covered and they need 42.5 spaces; therefore, there would be an additional 13 spaces within the development.

Commissioner Allen asked about the insufficient cubic feet for the detention basin. Mr. Hess said the proposed plan was about half as much as needed, so the developer would need to correct the deficiency.

Brian Brower stated staff had been working with the developer on the Development Agreement. He said it was the City Council would consider approval of the Development Agreement; however, he would be happy to send it to any commissioner that might want to review it. He explained there were a couple of things that deviated from the City Code, as discussed previously. He said the units would have a minimum 1,200 square footage of finished floor area above grade and the current code required 1,500 square feet. He also said all of the units, pursuant to the Development Agreement, would have a one-car garage and one additional parking space. He said City Code required a two-car garage. He stated there were some deviations on the set-backs as well. He also said the Development Agreement required vinyl siding where siding was used and front elevations were required to be either 50 percent brick or 40 percent rock. Commissioner Allen asked to see a copy of the Development Agreement. Mr. Brower said he would send it out to each commissioner.

Chair Peterson declared the public hearing open at 9:51 P.M.

PUBLIC COMMENT:

None

Commissioner Millard moved to closed public hearing at 9:52 p.m. Seconded by Commissioner Allen. The motion carried upon the following vote: Voting AYE: Commissioner Murray, Roper, Browning, Allen and Millard. Voting NO: None.

Marvin Murri, 377 West Primrose, Farmington, Utah, was present to answer questions. Commissioner Murray asked what would happen if two-car garages were required. Mr. Murri said the units were designed to average over 1,300 square feet. He said all of them would be over 1,200 square feet and most of them were over 1,400 square feet. He said there was a single car garage and two additional off-street parking spaces for 13 of the 20 units, and that did not include guest parking. He stated the existing residences in phase one seldom used the guest parking because there was substantial off-street parking.

Mr. Murri said if two-car garages would reduce the square footage for living space and change the design of the entire project. Commissioner Murray asked if the number of townhomes would be reduced if two-car garages were required. Mr. Murri said if two-car garages were required the

development would change from a townhome design to a three-story condominium design. Commissioner Murray asked if units would be sold or rented. Mr. Murri said the intent was to sell the units. Commissioner Murray asked if two-car garages would help sell the units. Mr. Murri explained the preference of people and the additional cost of having a two-car garage. Chair Peterson said the proposed design was geared toward a particular set of people and what they would be looking for in a home.

Chair Peterson called out some changes to the conditions of approval. She said item number 1, which had already been discussed, had some changes in verbiage. She stated “review and acceptance” needed to be changed to “approval and execution” and she requested that “open space” be stricken since the call out was already being addressed with the entire project having 25 percent open space.

Mr. Hess presented a copy of the front elevations for the project and explained the parking set up since the parking issue has been discussed.

Chair Peterson reiterated the changes to the conditions of approval under item number 1 and number 3a, stating the improvements shall meet City standards, “including but not limited to storm drain, sewer, and culinary water drain improvements,” and be to the satisfaction of the City Engineer.

APPROVAL OF PSP 1407-0001, A REQUEST BY MARVIN MURRI AND JOHN RYAN, ON BEHALF OF HAMBLIN INVESTMENT GROUP, FOR PRELIMINARY SUBDIVISION PLAT REVIEW OF KENSINGTON PLACE PHASE TWO SUBDIVISION LOCATED AT APPROXIMATELY 880 SOUTH 550 EAST (TIN: 12-067-0109, 12-067-0145, 12-067-0144)

Commissioner Millard moved to approve as conditioned PSP 1407-0001, a request by Marvin Murri and John Ryan, on behalf of Hamblin Investment group, for Preliminary Subdivision Plat review for Kensington Place Phase Two Subdivision, a multi-family housing subdivision, located at approximately 880 South 550 East (TIN: 12-067-0109) based on the finding and discussion in the staff report and with the following conditions:

- 1) Approval of this development is contingent upon the approval and execution of a Development Agreement specifying building locations, setbacks, road network, and parking requirements at a minimum.**
- 2) A final clean copy of the Preliminary Subdivision Plat needs to be filed with the Planning Department, with all changes and redlines from Planning, Public Works, and Engineering corrected.**
- 3) The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Preliminary Subdivision Plat approval, PSP 1407-0001; however, they will also include and address the following:**
 - a. The final engineering design (construction drawings) submitted for site improvements shall meet City standards, including but not limited to storm drain, sewer, and culinary water drain improvements to the satisfaction of the City Engineer.**
 - b. The final building plans submitted shall meet building safety standards and be to the satisfaction of the City Building Official.**

- c. **The final building plans shall meet the minimum standards for building materials as established in R-3 Zone 11-9E-13(F). The final building plans should be in substantial conformance with Chapter 18 Design Guidelines.**
 - d. **The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. A minimum of 20 stalls must be covered. An adequate number of stalls must meet ADA standards.**
 - e. **Site circulation must be designed in such a manner that on site traffic flow is not impeded. Adequate paved markings and/or signage shall be provided and incorporated on the site.**
 - f. **New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.**
 - g. **A minimum of 25 percent landscaping shall be provided and meet the minimum standards set forth in 11-13-23.**
 - h. **Proposed signage must meet Title 11, Chapter 15 standards. Signs are not included as part of this Site Plan approval. Separate review and approval will be required.**
- 4) **Plat approval is subject to North Davis Fire District review and approval.**
 - 5) **The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.**

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

PUBLIC HEARING ON FSP 1407-0001, A REQUEST BY MARVIN MURRI AND JOHN RYAN, ON BEHALF OF HAMBLIN INVESTMENT GROUP, FOR A FINAL SUBDIVISION PLAT REVIEW OF KENSINGTON PLACE PHASE TWO SUBDIVISION, A MULTI-FAMILY HOUSING SUBDIVISION, LOCATED AT APPROXIMATELY 880 SOUTH 550 EAST (TIN: 12-067-0109, 12-067-0145, 12-067-0144)

Chair Peterson declared the public hearing open at 10:07 P.M.

PUBLIC COMMENT:

None

Commissioner Roper moved to closed public hearing at 10:07 p.m. Seconded by Commissioner Millard. The motion carried upon the following vote: Voting AYE: Commissioner Murray, Roper, Browning, Allen and Millard. Voting NO: None.

Scott Hess stated the conditions of approval mirrored the conditions that were approved in the previous item for the preliminary plat approval.

RECOMMENDATION OF FSP 1407-0001, A REQUEST BY MARVIN MURRI AND JOHN RYAN, ON BEHALF OF HAMBLIN INVESTMENT GROUP, FOR A FINAL SUBDIVISION PLAT REVIEW OF A MULTI-FAMILY HOUSING SUBDIVISION LOCATED AT APPROXIMATELY 880 SOUTH 550 EAST (TIN: 12-067-0109, 12-067-0145, 12-067-0144) THE PROPERTY IS APPROXIMATELY 1.64 ACRES AND LIES IN THE RESIDENTIAL (R-2) AND (R-3) ZONING DISTRICTS

Commissioner Murray moved to recommend approval of FSP 1407-0001, a request by Marvin Murray and John Ryan, on behalf of Hamblin Investment group, for a Final Subdivision Plat review of Kensington Place Phase Two Subdivision, a multi-family housing subdivision, located at approximately 880 South 550 East (TIN: 12-067-0109, 12-067-0145, 12-067-0144) to the City Council with the following conditions:

- 1) Approval of this development is contingent upon the approval and execution of a Development Agreement specifying building locations, setbacks, road network, and parking requirements at a minimum.
- 2) A final clean copy of the Preliminary Subdivision Plat needs to be filed with the Planning Department, with all changes and redlines from Planning, Public Works, and Engineering corrected.
- 3) The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Preliminary Subdivision Plat approval, PSP 1407-0001; however, they will also include and address the following:
 - a. The final engineering design (construction drawings) submitted for site improvements shall meet City standards, including but not limited to storm drain, sewer, and culinary water drain improvements to the satisfaction of the City Engineer.
 - b. The final building plans submitted shall meet building safety standards and be to the satisfaction of the City Building Official.
 - c. The final building plans shall meet the minimum standards for building materials as established in R-3 Zone 11-9E-13(F). The final building plans should be in substantial conformance with Chapter 18 Design Guidelines.
 - d. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. A minimum of 20 stalls must be covered. An adequate number of stalls must meet ADA standards.
 - e. Site circulation must be designed in such a manner that on site traffic flow is not impeded. Adequate paved markings and/or signage shall be provided and incorporated on the site.
 - f. New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.
 - g. A minimum of 25 percent landscaping shall be provided and meet the minimum standards set forth in 11-13-23.
 - h. Proposed signage must meet Title 11, Chapter 15 standards. Signs are not included as part of this Site Plan approval. Separate review and approval will be required.
- 4) Plat approval is subject to North Davis Fire District review and approval.

- 5) **The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.**

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

DISCUSSION ON SP 1407-0001, A REQUEST BY MARVIN MURRI AND JOHN RYAN, ON BEHALF OF HAMBLIN INVESTMENT GROUP, FOR SITE PLAN REVIEW OF KENSINGTON PLACE PHASE TWO SUBDIVISION, A MULTI-FAMILY HOUSING SUBDIVISION, LOCATED AT APPROXIMATELY 880 SOUTH 550 EAST (TIN: 12-067-0109, 12-067-0145, 12-067-0144)

Scott Hess said the Site Plan approval would be contingent upon the City Council's acceptance of the Final Plat approval as well as the Development Agreement. He stated the landscaping plan had not been submitted to staff; therefore, the landscaping must meet the minimum standards set forth in §11-13-23 of the City Code indicating the appropriate number of bushes and trees to be installed and staff would ask for that to be handled administratively.

Mr. Hess said item number 3 – garbage dumpster for this site must be screened, could also be handled internally, but a dumpster was not listed on the Site Plan. Mr. Hess said the developer might consider dumpster cement pads, but it was not required in the City Code. He stated items number 2A-H of the conditions of approval followed the Preliminary and Final Subdivision Plat approvals. Chair Peterson asked about feedback on the concrete dumpster pads within the complex. Commission Allen said he saw the point of asking for the concrete dumpster pads but didn't see a viable solution. Commissioner Murray said she believed the HOA (Homeowners Association) could take care of the dumpster. Commissioner Roper, Millard and Browning all agreed.

Chair Peterson reviewed amended language of conditions of approval to include item 1) Approval of this Site Plan is contingent upon the approval and execution of a Development Agreement specifying building locations, setbacks, private road network, and parking requirements at a minimum, as well as approval and execution of a Final Subdivision Plat approved by the City Council.

APPROVAL OF SP 1407-0001, A REQUEST BY MARVIN MURRI AND JOHN RYAN, ON BEHALF OF HAMBLIN INVESTMENT GROUP, FOR SITE PLAN REVIEW OF KENSINGTON PLACE PHASE TWO SUBDIVISION, A MULTI-FAMILY HOUSING SUBDIVISION, LOCATED AT APPROXIMATELY 880 SOUTH 550 EAST (TIN: 12-067-0109, 12-067-0145, 12-067-0144)

Commissioner Murray moved to approve as conditioned SP 1407-0001, a request by Marvin Murri and John Ryan, on behalf of Hamblin Investment group, for Site Plan review for Kensington Place Phase Two Subdivision, a multi-family housing subdivision, located at approximately 880 South 550 East (TIN: 12-067-0109, 12-067-0145, 12-067-0144) based on the conditions of approval as amended and findings in the staff report:

- 1) **Approval of this Site Plan is contingent upon the approval and execution of a Development Agreement specifying building locations, setbacks, road network, and parking requirements at minimum, as well as the approval and execution of a Final Subdivision Plat approved by the City Council.**
- 2) **The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1407-0001; however, they will also include and address the following:**
 - a. **The final engineering design (construction drawings) submitted for site improvements shall meet City standards and be to the satisfaction of the City Engineer.**
 - b. **The final building plans submitted shall meet building safety standards and be to the satisfaction of the City Building Official.**
 - c. **The final building plans shall meet the minimum standards for building materials as established in R-3 Zone 11-9E-13(F). The final building plans should be in substantial conformance with Chapter 18 Design Guidelines.**
 - d. **The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. A minimum of 20 stalls must be covered. An adequate number of stalls must meet ADA standards.**
 - e. **Site circulation must be designed in such a manner that on site traffic flow is not impeded. Adequate paved markings and/or signage shall be provided and incorporated on the site.**
 - f. **New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.**
 - g. **A minimum of 25 percent landscaping shall be provided and meet the minimum standards set forth in 11-13-23.**
 - h. **Proposed signage must meet Title 11, Chapter 15 standards. Signs are not included as part of this Site Plan approval. Separate review and approval will be required.**
- 3) **Garbage dumpsters for this site must be screened.**
- 4) **Site Plan approval is subject to North Davis Fire District review and approval.**
- 5) **The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.**

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

DISCUSSION ON POTENTIAL ZONING TEXT AMENDMENT REGARDING DAYCARE AND PRESCHOOL FACILITIES

Stacy Millgate stated proposed text amendments were originally presented to the Commission at last month's meeting. She said the current code classified those types of business as being allowed within a residential zone with a Conditional Use Permit. She said changes had been made to the amendments that would allow the uses as permitted and some additional language had been added to the supplementary regulations, which would help streamline the business license process.

Commission Allen said he had reservations in including the uses as permitted in an R-3 zone because of the density. Ms. Millgate indicated that property owners of apartments, which were located in the R-3 zone, were required to obtain property owners/managers signature as part of the business license application process. She also said there was a lengthy process the providers had to go through at the State level to become licensed providers. Chair Peterson stated that R-3 didn't necessarily indicate unit size or impacts. There was a lengthy discussion about individual rights and what a property manager might do in an R-3 zone. The commissioners indicated that they were comfortable with the standards as presented, and would support changing home daycares and preschools from a Conditional Use Permit to a Permitted Use.

DISCUSSION ON POTENTIAL ZONING TEXT AMENDMENT REGARDING MOBILE FOOD VENDORS STANDARDS

Stacy Millgate explained the standards for Mobile Food Vendors in cities surrounding Clearfield. She said amendments to the ordinance in 2009 had tightened up the restrictions quite extensively for the use and staff was recommending adding some language regarding location restrictions for those types of businesses to operate. She said the Legend Hills area was not currently listed in the drafted language, so discussions would need to be had on that matter. Councilmember LeBaron said the issue was brought to City Council earlier in the year and some of the concerns were to ensure those types of vendors were meeting certain design standards and the City was able to reduce the ability to cluster temporary businesses. There was a lengthy discussion about whether the City should limit temporary businesses that wanted to locate on the same lot.

The commissioners stated they were comfortable with restricting those types of uses to particular corridors, setting maintenance/cleanliness standards, and asked staff to prepare a map of the corridors for the vendors.

STAFF REPORTS

Scott Hess said there was nothing additional to report.

PLANNING COMMISSIONER'S MINUTE

Councilmember LeBaron - Nothing

Commissioner Millard - Nothing

Commissioner Browning - Nothing

Commissioner Roper - Nothing

Commissioner Murray - Nothing

Commissioner Allen - Nothing

Chair Peterson - Nothing

There being no further business to come before the Planning Commission, Commissioner Murray moved to adjourn at 10:55 P.M. Seconded by Commissioner Roper.