

CLEARFIELD PLANNING COMMISSION MEETING

March 3, 2010

7:00 P.M. - Regular Session

PRESIDING:	Kenneth Jeppesen	Chairman
PRESENT:	Matt Hartvigsen	Commissioner
	Bill Moore	Commissioner
	Darren Carpenter	Commissioner
	Nike Peterson	Commissioner
	Matt Stones	Commissioner
	Ron Jones	Commissioner
	Jeff Hogg	Alternate Commissioner
	Doyle Sprague	Council Liaison
EXCUSED:	Randy Butcher	Alternate Commissioner
STAFF PRESENT:	Brian Brower	City Attorney
	Adam Lenhard	Community Development Director
	Kent Bush	Planning/Zoning Administrator
	Gregg Benson	Planner
	Christine Horrocks	Building Permits Specialist
VISITORS:	Robyn Whitmer, Kathryn Murray, Heather Quintana, Elisa Gray, Brian Robbins, Victoria (Eli) Smith, Lara Taylor, Denzel Taylor, John Chojnowski, Con L. Wilcox, Brad Jameson, Jon A. Braithwaite, Mike & Susie Hansing	

Pledge of Allegiance was led by Commissioner Jeppesen

APPROVAL OF MINUTES FROM FEBRUARY 3, 2010 PLANNING COMMISSION MEETING

Commissioner Peterson asked to have the second sentence in the second paragraph on page two changed to say, "Mr. Perry said typically, yes but sometimes a legal..." Commissioner Carpenter requested his comment at the end of the last paragraph on page three be clarified; it should be changed to say, "Commissioner Carpenter emphasized if it happened outside of the office, it wouldn't be Mr. Perry's responsibility." **Commissioner Hartvigsen moved to approve the minutes of February 3, 2010 as written with the exception of the two changes that have been discussed by Commissioner Peterson and Commissioner Carpenter, seconded by Commissioner Moore. All Voting AYE.**

PUBLIC HEARING TO GATHER INPUT TO AMEND THE GENERAL PLAN TO CHANGE LOT 14 OF WILCOX FARMS SUBDIVISION FROM COMMERCIAL TO RESIDENTIAL

Chairman Jeppesen declared the Public Hearing open at 7:05 p.m.

Con Wilcox, member of Wilcox Farms LC, said the Wilcox Farms Development started as a commercial subdivision in 1998. In the twelve years they have had good success. There is a good variety of businesses in the development. There are five lots remaining, two are east of the car wash, two are east of the Chinese restaurant and there is also Lot 14. Lot 14 borders the power corridor to the east and is the largest of the five remaining lots. Mr. Wilcox said they did a market analysis to know what they should do to finalize the development and what would be good for the existing businesses. A townhouse concept on lot 14 would place people within walking distance of the existing businesses. These will not be apartments. The subdivision has been zoned C-2 for the last 12 years. The request is only for lot 14 to be changed to residential.

Chairman Jeppesen asked how Mr. Wilcox was envisioning access. He replied access will be from 1600 South, through the Taco Time area and on 725 East just east of America First Credit Union. Commissioner Hogg asked how he defines townhome vs. an apartment. Brian Brower, City Attorney, advised the Commissioners that this is a General Plan amendment and recommended they stay away from talking about specific projects. This is about whether this property is best suited for residential or commercial purposes. Currently the General Plan includes a policy indicating that no more property will be rezoned for multi-family residential. The Planning Commission should focus on the general use and whether the best use for this property is commercial or residential. Commissioner Hogg said since the concern he is addressing is not part of what we are reviewing tonight and if there is a policy in the General Plan that no property will be rezoned for multi-family residential, then he would rescind his question. Brian Brower said there is a policy in the current General Plan. There is also a reference to revisiting that policy after the 2010 census is completed. However, the City Council could revisit that policy and change it at any time. The General Plan doesn't distinguish between types of residential or commercial. Mr. Brower said sometimes requests for changes to the General Plan are accompanied by a specific project, but he would encourage the Commissioners from a legal perspective to focus on the more general issue which is, what is the most appropriate use for the property: residential vs. commercial. Commissioner Hogg asked what other types of businesses Wilcox Farms has tried to attract. Mr. Wilcox said they have a no competition clause in their CC&R's. They have tried to be diverse; he then listed the types of businesses currently in the development. He further stated it has been a struggle lately with the economy and the development west in Syracuse. Chairman Jeppesen asked what the study said about the property to the north. Mr. Wilcox said that the property is agriculture and they want to finish up Lot 14 in the commercial development before doing anything else. Chairman Jeppesen said it is pertinent from a broader view; residential is out of place in the middle of a commercial area. Commissioner Carpenter asked if the rock crusher business would cause too much noise from a residential standpoint. Mr. Wilcox said the rock crusher is gone. He also said he would like to give some open space with the power corridor. Commissioner Peterson asked if the feasibility studies had

addressed the resale value of residential property adjacent to the power corridor. Mr. Wilcox said the power corridor is not really a deterrent. Chairman Jeppesen said it would depend. Some people like living along the power corridor with open space behind them. Some people may see it as a negative.

PUBLIC COMMENT:

None

Commissioner Carpenter moved to close the Public Hearing at 7:20 p.m., seconded by Commissioner Moore. All Voting AYE.

RECOMMENDATION ON GENERAL PLAN AMENDMENT

Commissioner Hartvigsen said he appreciates what Mr. Wilcox has done to bring commercial development into the City. Commissioner Hartvigsen said he hesitates to change this to residential because it will be an island in the middle of commercial development. He expressed his opinion that it is good to have residential within walking distance to support the businesses. He said the Planning Commission needs to decide if the Commission is willing to open that door or stick to the General Plan to preserve the commercial area knowing we are in tough economic times.

Con Wilcox said they have been actively marketing the property for 12 years. They have tried to get a big box. He said one of the challenges is their proximity to Freeport Center and the manufacturing area. He feels that Wal-mart went a mile west because there are more roof tops. There was some discussion with the property owner, Mr. Wilcox, regarding the size and makeup of the lots in the Wilcox Farms Subdivision as well as access issues for the subdivision. Commissioner Peterson said she doesn't see any frontage and feels that could affect its marketability. She asked if taking only the one parcel and making it residential would supply enough rooftops to encourage additional commercial to the area. Would changing just this one parcel to residential be enough to make or break whether or not a big box retailer would come? Commissioner Hartvigsen agreed with the comments of Commissioner Peterson. He said it would require very high density residential for it to support the businesses in the area. Chairman Jeppesen said the Commission needs to remember that amending the general plan is not just planning for the next year but there is a need to think about the next 10, 20 or 30 years.

Commissioner Stones asked what the acreage is on lot 15. He was told Lot 15 is 16 acres including the houses. Brian Brower said his earlier comments were made directed at their analysis primarily from a legal perspective and he didn't want his comments to sway the Commission one way or the other on its decision. Chairman Jeppesen said he felt it was taken the way Mr. Brower intended. Commissioner Hogg said across 1000 West on the Syracuse side there are a number of apartments. He asked Mr. Wilcox if he had noticed a flow of pedestrian traffic to the businesses. Mr. Wilcox said he lives there and sees a lot of pedestrian traffic.

Chairman Jeppesen said it needs to be considered as an all or nothing issue. A residential pocket by itself is odd. Commissioner Carpenter said there are still commercial lots that can be built on. Commissioner Hogg said the unknown part of the equation is lot 15. Councilmember Sprague said the City knows it want businesses but we must consider whether businesses are ever going to move there. Commissioner Hartvigsen said he feels that 12 years is a long time to wait to try to get some movement in the development, but it is in the best interest of the City to wait a while longer.

Commissioner Hartvigsen moved to send this request to amend the General Plan future land use designation of Lot 14 of the Wilcox Farms subdivision to the City Council with a recommendation of denial from the Planning Commission for the following reasons: 1) There is a need to wait and ride out the current economic conditions recognizing the developer is experiencing a hardship; 2) There is currently no other residential land use contiguous to the property and it would likely require high density residential use to support the businesses in that area to make a difference for the development; and 3) The General Plan recommends that the City not authorize further high density residential developments. Seconded by Commissioner Peterson. The motion carried upon the following vote: Voting AYE – Commissioners Hartvigsen, Peterson, Stones, Moore, and Jones. Voting NAY – Commissioner Carpenter.

PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW A VETERINARY CLINIC AT 780 SOUTH STATE

Chairman Jeppesen declared the Public Hearing open at 7:38 p.m.

Chairman Jeppesen asked for some information on the business. Lara Taylor with Clearfield Veterinary Clinic said they are currently in a strip mall and they have outgrown that facility. They plan to do some remodeling to the facility to put in some exam rooms. Currently there are eight employees. There are five technicians and two cleaning people. Ms. Taylor said she is a veterinarian as well as her father. The clinic is open Monday through Friday 8:30 a.m. through 5:30 p.m. and Saturday 8:30 a.m. to noon. They schedule four appointment slots every 15 minutes. Chairman Jeppesen asked how many animals are kept overnight. Ms. Taylor said they keep an animal overnight if it is on IV fluids, cats that are declawed are kept overnight and sometimes an animal is left when the owner can't get there to pick it up on time. So it is possible to keep an animal overnight maybe once or twice a week. The animals are sedated and given pain meds for the night.

Chairman Jeppesen asked if they have plans to clean up the outside of the building and if they could handle their garbage in two cans. Lara Taylor said they do plan to clean up the outside. She said they aren't sure where they would put a dumpster. Kent Bush said if they could find a place for a dumpster it would need to be screened. Commissioner Hartvigsen asked if there are kennels outside. Ms. Taylor said there are not outside kennels. They have locked cages and some dog runs

inside the building. Commissioner Hartvigsen asked if the animals make a lot of noise. Ms. Taylor said the most noise is before they are sedated before surgery. Commissioner Hartvigsen was concerned about dogs barking at night to disturb the neighbors. Ms. Taylor said most of the animals are sedated or sick. Commissioner Hogg asked if there is an employee that stays at night or are the animals left unattended. Ms. Taylor said doctors will come in and check on them and there is a cleaning crew there until about 10:30 p.m. The owners are given the option of going to the emergency clinic in Sunset where the animals can be monitored all night. Commissioner Carpenter mentioned the fenced area to the southeast corner of the building and asked if that area will be used for the animals. Lara Taylor said they are hoping to extend the fence to have a place to take the dogs to do their business but not have access to State Street. Commissioner Carpenter feels there could be a danger with the chain link fence and the children putting their fingers through when an animal was outside. His suggestion was vinyl fencing. Ms. Taylor said she understood. Commissioner Hogg asked if she was aware of the spay and neuter clinic close to this location. Ms. Taylor said they have a working relationship with them.

Commissioner Hartvigsen asked how many parking stalls are available. Ms. Taylor said there are two handicapped spaces in front of the building. They plan to remove a bike rack which will give them an additional space and there are four or five other stalls. Kent Bush said the striping is faded in the parking lot, but for the square footage of the building there is adequate parking. Commissioner Peterson mentioned the storm water retention area would need to be cleaned and maintained. Commissioner Hartvigsen asked if there is adequate lighting in the parking area. Lara Taylor said the business to the north is well lit and they will have lighting on the building. Commissioner Hartvigsen said they need to be considerate of the residents to the south. Kent Bush said the parking lot is to the north and there are no residences in that direction. Chairman Jeppesen asked if they planned to use the existing sign. Ms. Taylor said they feel the monument sign is adequate. Chairman Jeppesen reviewed with the Commissioners the conditions for approval, the fence, cleaning up the landscape including the storm drain, evaluation of the trash situation and parking lot stripes.

PUBLIC COMMENT

None

Commissioner Hogg moved to close the public hearing at 7:52 p.m., seconded by Commissioner Carpenter. All Voting AYE.

APPROVAL OF CONDITIONAL USE PERMIT FOR A VETERINARY CLINIC AT 780 SOUTH STATE STREET

Commissioner Hogg moved to approve this request for a conditional use permit for a veterinary clinic at 780 South State with the following conditions: 1) A 6' vinyl fence to be installed on the south end of the building running east to west; 2) The storm drain and retention pond be adequately cleaned up; 3) The trash situation be addressed within 3

months and 4) The parking stripes be resolved within 3 months and 5) The Planning Commission review in 3 months, seconded by Commissioner Peterson. All Voting AYE.

PUBLIC HEARING TO CONSIDER PRELIMINARY SUBDIVISION APPROVAL FOR
MADALINE SUBDIVISION AT 611 SOUTH 1000 WEST

Chairman Jeppesen declared the public hearing open at 7:54 p.m.

Brian Robbins said the current building on the property is Worldwide Packaging. They are proposing to subdivide the property into two lots. They will construct a new building under a different entity, KEB Partnership, in correlation with Worldwide Packaging. They will manufacture shipping containers and will have warehouse space in the new building. The new building will be to the south of the existing building. Mr. Robbins said the new building will be 50' X 300'. There will be offices in the front and there will be a section for storage and a section for manufacturing. Chairman Jeppesen asked if the new lot will be cluttered like the existing lot. Brian Robbins said if the parcel is subdivided they will put in an asphalt parking area, install curb and gutter and widen 1000 West in that section and put slats in the current fence, get the pallets down below 6' and landscape the property. In the current building they construct the shipping boxes and pallets. They have a contract with ATK for the shipping boxes and they want the boxes to be stored inside at all times. The main purpose of the new building is to focus on the shipping boxes. The pallets will be in the other building. The shipping boxes are plywood crates which are built to spec. Chairman Jeppesen asked what would be done with the property to the rear. Mr. Robbins said there will be a retention basin and they will put asphalt in the back for a loading dock. There is not a current fence and they plan to install a 6' chain link fence with vinyl slats on the south side of the property adjacent to the residential area. Commissioner Carpenter said there could be a noise factor and asked their hours of operation. Mr. Robbins said the work is done inside and they work from 7:00 a.m. thru 3:30 p.m. He said they plan to clean up the area and make it more attractive. Commissioner Hartvigsen asked where the curb, gutter and sidewalk would run. Kent Bush said there will be curb, gutter and sidewalk the entire frontage of both lots.

PUBLIC COMMENT

AGAINST:

Elisa Gray, Syracuse, was representing Heather Quintana who lives at 1102 West 700 South. The proposed building will be right behind her property. She has a half acre currently for sale which is residential property. Ms. Quintana's concern is if someone purchased her property for residential use, the noise from the building and the semi's coming in deeper into the lot may create noise so that the ordinance is not being met for those residential people. Ms. Gray asked if they had evaluated that. She said World Wide Packaging has a speaker system Ms. Quintana hears quite often when she is outside mostly in the summertime. Ms. Quintana's access is limited because she is confined to a wheelchair.

Brad Jameson, Clearfield, said he lives on the south side of 700 South across the street from Ms. Quintana. He works graveyard and can hear the intercom system. At night if his windows are open he can also hear the noise from Utility Trailer. He thinks the noise is an issue and would like to see more than a vinyl fence. He would like to see something like the concrete fence that Rocky Mountain Power has put around their transformers. The concrete fence blocks some noise from Utility Trailer. The streets are an issue. There has been a lot of growth in the area and the roads haven't changed. Even if the intersection of 700 South and 1000 West was widened and a turning lane installed to help alleviate congestion, the streets are not adequate. There is no shoulder on 1000 West. Mr. Jameson is not opposed to the project, but feels the streets are not adequate. He is not pushing for a sidewalk but would like to have a shoulder on the road. He would also like to have more of a sound barrier between their manufacturing property and residential property. Chairman Jeppesen said the Planning Commission does not have any jurisdiction on many of the issues Mr. Jameson raised except the noise and the curb.

Victoria Smith, Clearfield, said she quite often walks along 1000 West and would like to see a shoulder or sidewalk. She said her home is far enough away that the noise is not a factor and when she walks or drives by and the sound isn't an issue for her.

Jon Braithwaite, Clearfield, said he listened to the plan and feels it is pretty muddy. He would like to know exactly where the building is going and where the retention pond will be and what kind of mosquito abatement they will have on the retention pond because it will be in his back yard. Chairman Jeppesen said they will need to come back to the Planning Commission for a review of the site plan. He told Mr. Braithwaite the site plan review is not a public hearing and if he has concerns he should give them to city staff or one of the members of the Planning Commission. Mr. Braithwaite said there is definitely a noise problem with the intercom going all day long.

Councilmember Sprague said the speaker system seems to be the issue. Brian Robbins said there is not a plan for a speaker system in the new building and he suggested that the existing speaker be eliminated.

Elisa Gray said Heather Quintana's concern is that the semis will go deeper into the property. The noise is a problem now. It is not just the speaker system it is the other machinery as well. She said semis are loud. Chairman Jeppesen asked where the loading docks would be located. Mr. Robbins said the loading docks are on the back of the building. He said they don't use semis but rather large flat bed trucks, like a lumber truck. Commissioner Hogg said currently there is not a fence and a fence should help reduce the noise. He also feels they need to remove the speaker system. Kent Bush reminded the Planning Commission this is to subdivide the property, it is not a site plan approval and they cannot put conditions on the subdivision. Chairman Jeppesen said he understood but felt the concerns of the citizens needed to be heard.

Brad Jameson mentioned some commercial areas in neighboring cities have installed a concrete fence and he would like to see a concrete fence installed. He said no matter what steps are taken

it will be a noisy property.

Jon Braithwaite was concerned there will be increased truck traffic on 1000 West out of the building.

Elisa Gray suggested a traffic light be installed at the intersection of 700 South and 1000 West. Chairman Jeppesen said the Planning Commission has no power over her concern.

Victoria Smith gave some suggestions to avoid the traffic congestion.

Commission Peterson moved to close the public hearing at 8:23 p.m., seconded by Commissioner Carpenter. All Voting AYE.

APPROVAL OF PRELIMINARY SUBDIVISION FOR MADALINE SUBDIVISION AT 611 SOUTH 1000 WEST

Chairman Jeppesen said the issues that were discussed about the speaker system and the fence will need to be discussed at the site plan review. Kent Bush said the number of employees will not increase which will not increase the amount of traffic. It is just a different layout.

Commissioner Carpenter said he is concerned about the noise but he feels the project will be a benefit for all. Commissioner Hartvigsen commented that the General Plan shows the area as manufacturing. He feels that will be a difficult sale for residential.

Gregg Benson said he is on a transportation committee for the Council of Governments. 1000 West is on a list that shows it should be widened but the priority is way down on the list. The project for SR193 will be in before it is considered. Commissioner Carpenter suggested the citizens go to the City Council meeting to address their concerns because the City Council has more influence on the topics you have discussed. He encouraged them to address their concerns in the open public comment period. Commissioner Stones said noise is the biggest issue and anything the Planning Commission can do to help the citizens in that area should be done.

Commissioner Carpenter moved to approve the preliminary plat for the Madaline Subdivision at 611 South 1000 West, seconded by Commissioner Moore. All Voting AYE.

SCHEDULED ITEMS

APPROVAL OF FINAL SUBDIVISION PLAT FOR MADALINE SUBDIVISION AT 611 SOUTH 1000 WEST

Commissioner Peterson moved to recommend approval of the final plat for the Madaline Subdivision at 611 South 1000 West to the City Council, seconded by Commissioner Hogg. All Voting AYE.

APPROVAL OF SITE PLAN FOR MAXWELL ASPHALT AT BUILDING 3, FREEPORT CENTER

Robyn Whitmer said the building will basically used for storage for vehicles. They do not have any office space at this location. It is mostly storage for vehicles that are used out of town. Not all of the vehicles will be parked in the building. They plan to screen the fence in the back. Chairman Jeppesen asked what type of work would be done on the vehicles while they are at this location. Ms. Whitmer said only minor automotive repair will be done inside the building. Chairman Jeppesen said they can do minor work on the vehicles but any major work would need additional approval.

Commissioner Peterson moved to approve this request for site plan approval for Maxwell Asphalt at Building 3 in the Freeport Center, seconded by Commissioner Stones. All Voting AYE.

STAFF REPORTS

Kent Bush said he emailed some training information to the Commissioners. He said at the next meeting there could be the site plan review for the new building on 1000 West, and possibly a final subdivision approval. There will be a joint meeting with the City Council at 6:00 p.m. to talk about the rail stop property. It will be held on March 17th. Brian Brower said the meeting is tentatively planned to go from 6:00 p.m. to 7:00 p.m., if it runs late they will just push the start of Planning Commission back a few minutes.

PLANNING COMMISSIONER'S MINUTE

Commissioner Jeppesen – nothing

Commissioner Hartvigsen – asked about the meeting on the rail stop. He said there have been studies done and asked if this meeting would be a review of those studies. Councilmember Sprague said the City has hired a company to help design a plan of what the City might be willing to approve on the property. Adam Lenhard said the City has hired a consultant, Mike Kelly, to come with a concept plan of what the City thinks might be successful and desirable at the rail site. He said staff is putting together a survey for the City Council and Planning Commission members. The City wants to have a plan to present to UTA. The City is trying to be proactive by giving UTA options and trying to avoid the feeling that the City is against any type of transit oriented development. Commissioner Hartvigsen said he didn't see any feedback from the last discussion with UTA. Adam Lenhard said he didn't know what the representatives from UTA felt. However, he did speak with the developer a few weeks ago. The developer said it was a real wakeup call but they were still interested. The developer said they were hearing the City's perspective for the first time and the developers agreed that we should start with something smaller, do it well to see if it will be successful and then maybe take it to a larger scale.

Commissioner Hartvigsen asked how in depth of a study the City would be doing. Mr. Lenhard said he will send a copy of the contract detailing the process and what is included in the contract with Mr. Kelly.

Councilmember Sprague asked Brian Brower to explain what has been going on with the legislature as far as UTA is concerned. Mr. Brower said there was legislation that would give UTA further latitude relative to development of properties at or near their rail lines. There was not much opposition in the legislature to the bill. It will expand their flexibility and authorization to act as a developer or to act jointly with a developer. Staff had some concerns with that legislation and had lengthy telephone conversations with outside legal counsel regarding it. The legislation doesn't give UTA land use authority. However, it makes it possible for UTA to assist the developer with bonding then they will be more successful in getting the TOD developed.

Commissioner Moore – said there was an article in newspaper stating there are an increased number of people using the rail.

Commissioner Carpenter – nothing

Commissioner Peterson – nothing

Commissioner Stones – nothing

Commissioner Jones – nothing

Commissioner Hogg – nothing

Councilmember Sprague – nothing

Brian Brower said there is another piece of legislation concerning the definition of the family. The bill would restrict a municipality's ability to keep the number of unrelated persons allowed to reside in a dwelling unit below four. There is an exception if it is a city with a state university or a private university with an enrollment over 20,000, in which case they can allow three. When that legislation goes into effect, staff would likely present a proposal for the Planning Commission and the City Council to consider an amendment to our City ordinance to bring it into compliance with the new state statute.

There being no further business to come before the Planning Commission, **Commissioner Stones moved to adjourn at 8:56 P.M.**