

CLEARFIELD PLANNING COMMISSION MEETING

October 20, 2010

7:00 P.M. - Regular Session

PRESIDING:	Nike Peterson	Chair
PRESENT:	Matt Stones	Commissioner
	Randy Butcher	Commissioner
	Joel Gaerte	Commissioner
	Barbara Perry	Alternate Commissioner
	Brandon Stanger	Alternate Commissioner
	Doyle Sprague	Council Liaison
EXCUSED:	Darren Carpenter	Commissioner
	Ron Jones	Commissioner
UNEXCUSED:	Bill Moore	Commissioner
STAFF PRESENT:	Brian Brower	City Attorney
	Adam Lenhard	Community Development Director
	Gregg Benson	GIS Coordinator
	Christine Horrocks	Building Permits Specialist
VISITORS:	Mark Thayne, H. M. Argyle, Lola Mae Taylor, Glen Taylor, Cliff Mock, Krista Hailey, Favio Mejia, Liz Mejia, Antonia Allen, Jessica Allen, Jazmine Allen, Ernest Allen, Dan Gardner, Kathryn Murray, Dwayne Matheson, Cesar Martinez, Saul Nuñez	

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF MINUTES FROM SEPTEMBER 15, 2010 PLANNING COMMISSION MEETING

Commissioner Stone moved to approve the minutes of September 15, 2010 as published, seconded by Commissioner Gaerte. All Voting AYE.

Minutes for the October 6, 2010 meeting were not available for approval.

PUBLIC HEARING TO CONSIDER AMENDMENTS TO TITLE 11 FOR LANDSCAPE SUPPLY YARD AND OUTDOOR STORAGE

Chair Peterson declared the public hearing open at 7:00 p.m.

PUBLIC COMMENT:

Dan Gardner, Clearfield, said he has been to Dwayne Matheson's site and likes what he is doing because he is bringing business into the community. He knows the code requires a lot of landscaping but he doesn't see landscaping on the City's property across the street. He felt he shouldn't have to do as much as the City was requiring him to do. He will run a good business recycling materials so the material is not sent to the landfill. Mr. Gardner said he supports a minimal amount of landscaping.

Mark Thayne, West Point, said he wanted to speak in favor of the soils business. He said there has been a great improvement on this site. The business started in 1997; the site has change substantially in the past year. He said they are looking for a solution to work together with the City on the site. He said they want to meet the ordinance and work in conjunction with the City and other businesses. He believes the site is a great location in the City. The services Mr. Matheson provides are needed. Mr. Thayne visited the site and was impressed with how well it is kept and the materials that are produced. He wants to continue to work with the City to keep the business where it is at.

Cliff Mock, Clearfield, said he supports Dwayne Matheson. He felt it is a good business and the location is good and secluded. The business is well organized. The water trucks keep it dust free. He felt that asphalt would be a waste of time and money for Mr. Matheson. As a resident, he felt it is a good business to have in the City.

Dwayne Matheson, Clearfield, said the company employs three full time and two part time employees on site; three of those employees are Clearfield residents. If this business is forced to shut down, by not allowing them to run without an impermeable surface, he said they will need to figure something else out. He said there is a human impact to this business. He said they are trying to come into compliance but the deal killer is the impermeable surface. He stated the City has valid reasons for wanting an impermeable surface in storage units where people park stuff and leave it for years. This is an active facility; there is a water truck to take care of the dust. He knows the facility needs to be good neighbors and it is in their best interest to do so. He asked the commissioners to please consider carefully the impact the decision will have on the business.

Adam Lenhard told the Planning Commission to remember that it is the applicant (Mr. Dwayne Matheson) who has requested this change to the City Code—staff is not recommending it. This is a proposed change to Title 11 and would apply not only to this business, but to the entire City. The commissioners were told to focus on the amendments to Title 11 rather than just on one particular business.

Commissioner Butcher moved to close the public hearing at 7:10 p.m., seconded by Commissioner Stanger. All Voting AYE.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A CHURCH AT 399 SOUTH STATE STREET

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

PUBLIC COMMENT:

Ernest Allen, Clearfield, said this church has had a big impact for him and his family. He feels the church will help the community. There are a lot of youth at the church and they are growing and need a larger space. Hopefully they will be able to purchase a larger building in a few years.

Commissioner Gaerte moved to close the public hearing at 7:13 p.m., seconded by Commissioner Perry. All Voting AYE.

APPROVAL OF A CONDITIONAL USE PERMIT FOR A CHURCH AT 399 SOUTH STATE STREET

Commissioner Stanger asked about signage. Gregg Benson said they plan to reuse the existing sign. He said any other temporary signs will be required to have a temporary sign permit. Commissioner Stanger asked about the weekly signs that are along the street. Mr. Benson said the City is in the process of notifying all businesses about the temporary sign ordinance. Commissioner Stones said because they are planning to relocate in a few years he asked if there were a provision where the City can revoke the conditional use permit when the church moves. Brian Brower, City Attorney, said the conditional use permit runs with the land and revocation at a later date if the church relocates is not something that can be included, once the conditional use permit is granted, it's there on the property.

Commissioner Stones moved to approve this application for a conditional use permit to operate a church at 399 South State, subject to the following conditions: they obtain a permit for temporary signs if temporary signs are to be used, and based on the fact that the conditions for parking spaces and design standards and the other applicable zoning ordinances are met by this application, seconded by Commissioner Butcher. All Voting AYE.

CONSIDER AMENDMENTS TO TITLE 11 FOR LANDSCAPE SUPPLY YARD AND OUTDOOR STORAGE

Commissioner Stanger asked if there is only one area in the City that is zoned M-1 Manufacturing. Adam Lenhard said yes, it is a large area geographically. Commissioner Stanger asked how the buffer zone falls into the M-1 zone and the proposed ordinance. Adam Lenhard said the buffer zone was originally intended to buffer between commercial and residential uses. The General Plan states there is a policy to not use the buffer zone. He felt it wouldn't be applicable in this case. The buffer zone was a light commercial zone that could be compatible to

residential uses next door. Commissioner Stanger asked if there is a buffer zone around the M-1 zone. Adam Lenhard said there is no contemplation for a buffer zone.

Mr. Lenhard said the use that is being called landscape supply yards is allowed in the M-1 zone. The work being done is actually a use that is allowed in the manufacturing zone. The problem is there are specific regulations that are attached to outdoor storage. By definition, the work being done by this business is outdoor storage. The requirements they need are impermeable surfaces and the landscaping. There is a provision in the ordinance which allows the amount of landscaping to be reduced. Adam Lenhard said that Mr. Matheson has referred to the difficulty of providing the impermeable surfaces. Commissioner Butcher asked if there were anything in the code that allows for dividing the lot so the entire area doesn't need to have an impermeable surface because of the heavy equipment. Adam Lenhard said any area onsite being used for outdoor storage requires them to have an impermeable surface.

Mr. Matheson said the business is asking for the landscape supply yard to allow a reduced amount of impermeable surface not for any other changes for landscaping or fencing at this point. Chair Peterson asked what Mr. Matheson felt about the height of the storage piles. He said the business is not asking for more than six feet high. He said the thing that will put them out of business is the impermeable surface. He said they are requesting a new category with less impermeable surface required. Mr. Matheson said they have been told that outdoor storage is the closest to the type of work being done at the location. He said it isn't an ideal fit because of the use of heavy equipment. The only change being requested at this time is a new definition changing the amount of the impermeable surface.

Adam Lenhard said as the Planning Commission contemplates this application 1) the definition for landscape supply yards would still be considered, 2) if that definition were approved, the applicant has requested that it be added to the M-1 manufacturing zone as a permitted use, and 3) for 11-13-28, Landscape Supply Yards, to state "landscape supply yards shall be subject to the regulations for outdoor storage except as follows" and then list the requirement that refers to the impermeable surfaces.

Chair Peterson asked if by saying the parking areas have to be properly surfaced with an impermeable surface, does that assume the other areas don't require the impermeable surface. Brian Brower said he wasn't sure that would be the case. From his perspective, if you are saying landscape supply yards shall be subject to the regulations for outdoor storage except as follows, then to him it says you still would need to have an impermeable surface under all your stored materials. Chair Peterson wondered if there needed to be specific language to exempt the storage and mixing areas from an impermeable surface. Adam Lenhard said the wording could be: impermeable all-weather surfaces shall only be required for parking areas for employees and customers, all other areas shall be kept free of weeds and debris. He stated the primary concern for the regulations for an impermeable all-weather surface is because of material track out; the City does not want the product on the street or in the storm drains. A secondary concern is when working on raw land it will be muddy or dusty depending on the season. Mr. Lenhard said if the Planning Commission is considering this, staff recommends a landscape supply yard be a

conditional use rather than a permitted use. The conditional use permit allows the Planning Commission to review the specifics of each business.

Commissioner Stanger asked about the requirement for storage to be screened from the commuter rail train. Adam Lenhard said if the storage is next to the commuter rail train, the storage can be higher than six feet, but it must be completely screened. He said the City is sensitive to the commuter rail corridor. Chair Peterson said the City has gone through comprehensive changes to Title 11 over the past two years. There have been a lot of changes and new businesses applying to operate will be governed by the ordinance at the time it becomes a legal conforming use. Businesses are governed by the ordinance at the time the business is established.

Chair Peterson said the Commission has been asked to consider: 1) if the City should create a new definition for landscape supply yards and, 2) if the use would be permitted or conditional, 3) what zone it may or may not be appropriate for, and 4) the verbiage that has been considered.

Commissioner Stanger asked what the difference was between a conditional use and a permitted use. Brian Brower explained a permitted use would be specifically allowed in that zone. He said with a conditional use the applicant must come before the Planning Commission first to get a conditional use permit and then conditions can be imposed. Mr. Brower suggested that if the Commission was inclined to make the changes being requested by the applicant, then they should consider modifying the language in 11-13-28-A for clarification as follows:

11-13-28-A. Impermeable surfaces: Parking areas for employees and customers shall be properly surfaced with an impermeable, all-weather surface, and all other outdoor storage areas shall be kept free of weeds and debris.

Commissioner Perry asked about the wording in the definition which states: “including, but not limited to.” Mr. Brower said that phrase is used to say, including these items, but there may be other items that may be included. It states that everything isn’t written here, but these are a few examples.

Councilmember Sprague asked what the title ‘landscape supply yard’ encompassed. He said a big pile of concrete is not a landscape supply yard. Brian Brower said in his view, one good example of what was likely contemplated by a landscape supply yard would be a place like J & J Nursery. When you go to J & J you have an impermeable surface, there are fences that screen the piles of compost, sand or gravel. Councilmember Sprague said a big pile of concrete is different than a pile of product ready to sell. He asked what the difference was between a salvage yard and what is being done with the landscape supplies. Adam Lenhard said the ordinances give the City latitude to state something is junk and require removal from the property.

Brian Brower said the definition could state: a commercial building, structure or site used for the sale, “temporary storage” or “short term storage,” etc. It doesn’t give a specific time frame, yet it suggests that the product needs to be turning over, that it is for sale. Chair Peterson said the ordinance must be enforceable and she voiced her concern with determining when short term

storage had expired. Mr. Brower said Chair Peterson had a valid point, but that his advice was addressing it even with broad language was better than not addressing it at all.

Chair Peterson asked the commissioners if the landscape supply yard is an appropriate land use at any place in the City within the M-1 Manufacturing zone. Commissioner Stones said he felt there wasn't a need to change the code, but if landscape supply yard was added it should be a conditional use in the M-1 Manufacturing zone. Commissioner Perry said he felt the use could be in the M-1 zone with a conditional use permit. Commissioner Gaerte agreed that landscape supply yards should be a conditional use to allow the City to place conditions and have more control over the business. Commissioner Butcher said he would like to see it reviewed under the conditional use permit. Commissioner Stanger said he is okay with the new definition of the landscape supply yard and with the changes for the impermeable surface. He also felt if all other guidelines in the outdoor supply yard are met, it should be an allowed use.

Brian Brower said City staff is here only to help facilitate the Planning Commission and didn't want the members of the Planning Commission to think staff was taking a position for or against the applicant or the application. Councilmember Sprague said the City ordinances were recently changed and he felt with this change the City is taking a step backwards. Mr. Matheson's place is fine, but he asked whether that type of business was acceptable throughout the City. He said Mr. Matheson started his business without getting any permits. Commissioner Stones said the Planning Commission needs to consider this ordinance deals with land use in the entire City and not just for one individual. He would recommend keeping the ordinance as it is.

Chair Peterson said the Planning Commission needs to determine how the change to Title 11 impacts the goals that have been adopted in the City's General Plan and the City's ten year plan that was adopted in January 2010 and does the change have a positive overall long-term benefit to the City.

Commissioner Stanger moved that the definition of 11-13-12, Outdoor Storage, the following use be added, the definition "Landscape Supply Yard: A commercial building, structure, or site used for the sale, storage, mixing, processing, composting, or distribution of landscape products, including, but not limited to soils, rocks, concrete, vegetation and other similar materials" be added and under section A it would read, "Impermeable Surfaces: parking areas for employees and customers shall be properly surfaced with an impermeable, all-weather surface. Other areas shall be kept free of weeds and debris." It would be a conditional use and would need to abide by the guidelines in 11-13-12-B, that it is no higher than six feet and screened from the public streets and right-of-ways.

Commissioner Butcher asked to have a small change made to make it "temporary storage."

Commissioner Stanger's motion failed for lack of second.

Commissioner Stanger then made a slightly different motion to recommend that the City Council add to Title 11 Chapter 3 the definition "Landscape Supply Yard: A commercial

building, structure, or site used for the sale, temporary storage, mixing, processing, composting, or distribution of landscape products, including, but not limited to soils, rocks, concrete, vegetation and other similar materials.” Section 11-13-28 should be added and under section A it would read, “Impermeable Surfaces: parking areas for employees and customers shall be properly surfaced with an impermeable, all-weather surface. Other areas shall be kept free of weeds and debris.” Landscape Supply Yard would be included as a conditional use in only the M-1 zone and all other guidelines of the existing 11-13-12 would need to be met, that the product is no higher than six feet and screened from the public streets and right-of-ways and adjacent properties. Seconded by Commission Butcher. Voting AYE: Commissioners Butcher, Gaerte, Perry and Stanger. Voting NAY: Commissioner Stones. Motion passes by majority.

STAFF REPORTS

There were no comments from City Staff.

PLANNING COMMISSIONERS’ MINUTE

Commissioner Peterson – Asked for an update on hiring a Planner. Adam Lenhard said the decision is down to two final candidates and they are both excellent.

Commissioner Stones – Nothing

Commissioner Butcher – Nothing

Commissioner Gaerte – Nothing

Commissioner Perry – Nothing

Commissioner Stanger – Nothing

Councilmember Sprague – Nothing

There being no further business to come before the Planning Commission, **Commissioner Gaerte moved to adjourn at 8:08 P.M.**