Chair Peterson called the meeting to order at 7:12 p.m.

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF MINUTES

There were no minutes available for approval.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A DAYCARE AT 573 NORTH 1000 WEST

Chair Peterson declared the public hearing open at 7:13 p.m.

Gregg Benson explained this request is for a daycare in the basement of the Goupious dental building. The daycare will have 4,500 square feet of floor area. State regulations would allow up to 128 children. The applicant is planning to have 100 children at this time. A conditional use permit is required for a daycare within the B-1 zone.

PUBLIC COMMENT
None
Matt Rasmussen said he is the contractor acting in behalf of Robert Goupios, the owner. He said they plan to have 100 children. There will not be any structural changes to the exterior of the building. A grassy play area on the northwest portion of the property will be fenced. Mr. Rasmussen feels it is the most discreet spot on the lot in his opinion. He said they have to conform to State regulations. Gregg Benson reminded the Planning Commission that this request is for a conditional use permit and the site plan will be presented at a future meeting. Brian Brower said if the commissioners perceive any detrimental affects to be associated with the conditional use; the Planning Commission can impose conditions that would address those concerns.

Commissioner Stones moved to close the public hearing at 7:17 p.m., seconded by Commissioner Stanger. All Voting AYE.

**PUBLIC HEARING FOR REZONE OF PROPERTIES AT 1850, 1900 AND 1950 EAST 700 SOUTH FROM C-R (SP) TO C-2**

Chair Peterson declared the public hearing open at 7:19 p.m.

Adam Lenhard said in January 2007 the property was rezoned from C-2 to C-R (SP). The SP overlay is tied to a very specific development agreement. The City Council terminated that development agreement on June 8, 2010, due to the failure of the developer to comply with the terms of the agreement. The current zoning would prohibit any development at this time. Staff recommends that the property be rezoned to C-2. Then if a developer came in to develop the property it could be rezoned and a new development agreement submitted. Commissioner Stanger asked if the property is rezoned to C-2 will the opportunity to have a mixed use be lost. Adam Lenhard said the only way the mixed use can happen is under the C-R zone. He said the development agreement is an integral part of the zoning. To protect the interest of the City it is best to rezone this property to C-2 and then go through the zoning process with a new owner. Brian Brower said prior to the proposal for the Midtown Village project, the City Council felt the best use and zoning for this property was C-2 which allows for commercial development. Adam Lenhard said the General Plan identifies this property as future mixed use. The move back to C-2 is consistent with the General Plan. The C-2 zone is an allowable zone in the mixed use designation. A future developer will be able to apply for a C-R mixed use zone in the future. The zoning process is where the Planning Commission and the City Council have the discretion in the project. Commissioner Stones asked if the SP overlay was tied to the zoning or the development agreement. Adam Lenhard said it is a zoning designation that is associated with a very specific development agreement.

**PUBLIC COMMENT:**

Mayor Don Wood said he wanted to speak in behalf of the recommendation from staff to rezone this property to C-2. He explained the City has gone to great lengths to preserve this area for commercial development and broker a deal to move a water storage tank to another area of the
City. This area is located in close proximity to the Layton Hills Mall and this is the next closest available ground for development. Mayor Wood said he wanted the commissioners to understand the history of this area and hopes the commissioners will continue to assist the City Council in fostering an area that is conducive to commercial development.

**Commissioner Stanger moved to close the public hearing at 7:32 p.m., seconded by Commissioner Stones. All Voting AYE.**

**PUBLIC HEARING FOR AMENDMENTS TO TITLE 11, CHAPTER 3 – DEFINITIONS OF THE CLEARFIELD CITY CODE**

Chair Peterson declared the public hearing open at 7:33 p.m.

Adam Lenhard stated the Davis County Board of Health recently voted to approve a policy directive stating that “hookah smoking in commercial facilities violates the Utah Indoor Clean Air Act.” The board notified cities they are not to issue permits for hookah establishments because they are considered illegal for commercial use. To address this issue, the City has created a definition for hookah lounge and placed it in the definitions chapter. By defining the term but not having it placed in any zone as a permitted or conditional use, it becomes a prohibited use. He read the definition for hookah lounge, “a commercial building or structure where patrons share flavored tobacco (shisha) from a hookah, nargile, or other waterpipe.” Chair Peterson asked if there was a need to define additional terms.

**PUBLIC COMMENT:**

Don Wood, Davis County Board of Health, said he heartily endorses adding this definition. He has had the opportunity to read some studies associated with the use of these devices. He endorses the recommendation from staff.

**Commissioner Stones moved to close the public hearing at 7:37 p.m., seconded by Commissioner Perry. All Voting AYE.**

**PUBLIC HEARING FOR AMENDMENTS TO THE CLEARFIELD CITY GENERAL PLAN**

Chair Peterson declared the public hearing open at 7:38 p.m.

Adam Lenhard stated the draft of the General Plan and maps that were submitted for the commission’s review reflect the comments and feedback received. He said there is one final clarification on the draft. The Weber Basin Water District requested the City add an additional map for well source protection and a corresponding statement in the plan. Staff reviewed with Weber Basin Water the contents of the General Plan and they felt their interests were covered and withdrew their request.
PUBLIC COMMENT:

None

Commissioner Gaerte moved to close the public hearing at 7:39 p.m., seconded by Commissioner Stanger. All Voting AYE.

APPROVAL OF A CONDITIONAL USE PERMIT FOR A DAYCARE AT 573 NORTH 1000 WEST

Chair Peterson clarified the size of the building to be 4,500 square feet. She asked the depth of the stairwell. Mr. Rasmussen said it is about three to four steps, about 36 inches below the general level; there are also handicapped ramps. Chair Peterson said she had concerns with the dental facility above the daycare. She asked what types of chemicals are being used and what type of air filtration system is there. He said dental facilities are held to a very high standard and there will not be any seepage. Chair Peterson asked if the daycare will have its own heating and cooling system. Mr. Rasmussen said the heating, cooling and ventilation will be separate. Chair Peterson asked if there will be a way to access the daycare from the dental office. Mr. Rasmussen said there is no staircase between the floors. Councilmember Sprague stated it is a very nice building and very well built.

Chair Peterson asked if there were any other safeguards to make sure the children are not exposed to the traffic from the dental clinic. Mr. Rasmussen said the entrance and exits are completely separate. There are ample parking spaces and most of the parking for the daycare will be to drop off and pickup the children. Mr. Rasmussen doesn’t see any safety issues. Chair Peterson said the main concern for the conditional use permit would be that the access off of 1050 West not be used except for emergencies.

Commissioner Perry moved to approve this request for a conditional use permit for a daycare facility at 573 North 1000 West with the following condition that the access stays blocked off on 1050 West and is not used except for emergencies because of safety concerns, seconded by Commissioner Stanger. All Voting AYE.

RECOMMENDATION OF THE REZONE OF PROPERTIES AT 1850, 1900 AND 1950 EAST 700 SOUTH FROM C-R (SP) TO C-2

Commissioner Stones said in order to make the property usable and viable for new development and whereas the development agreement that was previously in place has been terminated due to noncompliance with the terms of that agreement and to bring the parcel back into compliance with the General Plan and Vision 2020, he moved to recommend approval to the City Council for the rezone of property located at 1850, 1900, and 1950 East 700 South (more particularly known as Davis County Parcel IDs 093630001, 093630002, and 093630003) from C-R Commercial Residential (SP) to C-2 Commercial, seconded by Commissioner Gaerte. All Voting AYE.
RECOMMENDATION OF AMENDMENTS TO TITLE 11, CHAPTER 3 – DEFINITIONS OF THE CLEARFIELD CITY CODE

Brian Brower suggested changing the wording to, “A commercial building or structure where patrons use tobacco, whether flavored or otherwise, from a hookah, nargile, or other waterpipe.” Commissioner Stanger asked if a hookah lounge can be outside a building if it is 25 feet away. Mayor Wood said the concern of the County health board had to do with the Clean Air Act and use inside of buildings where people were exposed to second hand smoke. Commissioner Stanger suggested adding to the definition to specify it should be inside. Brian Brower said the language wouldn’t prohibit an outdoor hookah. Brian Brower recommended if they want to go further maybe there should be some additional research done. Commissioner Stones said a few years ago there was a bill before the Utah Senate to change the verbiage in the Utah Indoor Clean Air Act to include no smoking in any public venue. He asked Brian Brower if he knew if the legislation had passed. Brian Brower said Davis County has passed a County ordinance that deals with regulating certain public venues; however, he didn’t recall the specifics of the ordinance.

Adam Lenhard said the policy directive from Davis County was to prohibit those commercial establishments and they didn’t specify if it was only inside or if it included outside. Commissioner Stanger said he has seen several of these establishments; they are usually high class and have a restaurant attached to them that brings in a lot of revenue. Brian Brower said he was comfortable with the suggestion to include “on site.” He suggested to the commissioners that if they were not comfortable with “commercial building or site,” they could adopt the definition before them then an amendment could be made. Commissioner Stanger would like the definition to specify that it was inside to meet the Utah Indoor Clean Air Act. He said he wouldn’t have an objection to an outdoor hookah lounge. Brian Brower said he felt “commercial building or structure” implies indoor. Adam Lenhard said the wording “commercial building or structure” is geared toward the land use versus the act of using a waterpipe. We haven’t prohibited that act in a private residence. Chair Peterson asked the commissioners for their opinion on the definition. Commissioner Stanger wanted the definition to include indoors. The other commissioners were okay with the definition as written.

Commissioner Stones moved to recommend approval of the amendment to Title 11, Chapter 3, Definitions of the Clearfield City Code to the City Council with the noted changes in language, that it should read, “Hookah Lounge: a commercial building or structure where patrons use tobacco whether flavored or not (shisha) from a hookah, nargile or other water pipe.”, seconded by Commissioner Gaerte. The motion failed on the following vote: VOTING AYE: Commissioners Perry, Gaerte, Stones. VOTING NAY: Commissioner Stanger.

Commissioner Stanger moved to recommend approval of the amendments to Title 11, Chapter 3, Definitions of the Clearfield City Code to the City Council to read, “Hookah Lounge: an indoor commercial building or structure where patrons use tobacco flavored or
otherwise (shisha) from a hookah, nargile or other water pipe.” Due to the lack of a second, the motion died.

RECOMMENDATIONS OF AMENDMENTS TO THE CLEARFIELD CITY GENERAL PLAN

Commissioner Gaerte noted exhibit 3, the trails master plan, wasn’t included in the documents they received. Adam Lenhard said there were no changes made to the trails master plan so it wasn’t included.

Commissioner Stones moved to recommend approval of the proposed General Plan amendments to the City Council without any changes, seconded by Commissioner Stanger. All Voting AYE.

STAFF REPORTS

There were no comments from staff.

PLANNING COMMISSIONERS’ MINUTE

Commissioner Peterson – Thanked Commissioner Carpenter for filling in for her at the last meeting.

Commissioner Stones – Nothing

Commissioner Gaerte – Nothing

Commissioner Perry – Nothing

Commissioner Stanger – Nothing

Councilmember Sprague – Asked about Commissioner Moore. Chair Peterson said Commissioner Moore has been dealing with some health issues with his wife. He planned to attend this evening; however, he had a last minute item come up.

There being no further business to come before the Planning Commission, Commissioner Stones moved to adjourn at 8:12 P.M.