Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF AGENDA

Commissioner Brooks moved to accept the agenda as written. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Murray, Roper and Browning. Voting NO: None.

APPROVAL OF MINUTES FROM APRIL 2, 2014 PLANNING COMMISSION MEETING

Commissioner Murray moved to approve the minutes from the April 2, 2014 meeting. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Murray, Roper and Browning. Voting NO: None.

DISCUSSION ON SP 1404-0004 REQUEST FOR SITE PLAN APPROVAL TO ADD AWNINGS TO EACH SIDE OF AN EXISTING BUILDING LOCATED AT BUILDING D-2, FREEPORT CENTER

Scott Hess had a photo that showed the location of the two awnings that would be added to an existing smaller building east of Building D-2. He said the building housed mechanical equipment to aid in steel processing and the awnings would keep the equipment and raw materials from the weather and from rusting. Mr. Hess said the awnings were 2,000 square feet
each, one on the north and one on the south of the building. He stated the expansion did not necessitate additional parking and the awning did not pose additional impact to storm water collection. Mr. Hess said the awnings were quite large, but were a minor change to the site overall. Clearfield City Code (11-18-3) Chapter 18, Design Standards, permitted deviation from strict compliance for minor structures and additions to existing buildings. He said there was no increased truck traffic. Mr. Hess stated the awnings were outside the pedestrian walkways and vehicular traffic areas. He said construction would be standard to the manufacturing zone. Mr. Hess requested an addition to the conditions of approval that the awnings would not hold any signage.

Commissioner Gaerte entered at 7:10 p.m.

Chair Peterson reminded the commissioners a second condition of approval should be added that stated the awnings were not designated to hold signage.

APPROVAL OF SP 1404-0004 SITE PLAN APPROVAL TO ADD AWNINGS TO EACH SIDE OF AN EXISTING BUILDING LOCATED AT BUILDING D-2, FREEPORT CENTER

Commissioner Murray moved to approve as conditioned, SP 1404-0004, Site Plan approval for Freeport Building D-2, building addition for two awnings based on discussion and findings in the staff report with the following conditions of approval:

1. The construction documents submitted for building permits shall be in substantial conformance with the documents submitted in this site plan approval, SP 1404-0004.
2. The awnings are not dedicated to any signage.

Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: None.

PUBLIC HEARING FOR PSP 1404-0006 A REQUEST FOR PRELIMINARY SUBDIVISION PLAN REVIEW AND APPROVAL FOR A MIXED-USE DEVELOPMENT AT 1250 SOUTH STATE STREET

Scott Hess stated preliminary plats were not recorded at the County and the plat acted as a master plan for the platting of the entire development. He said the subdivision ordinance allowed for large developments to be approved in phases. Mr. Hess said the final subdivision plat and future escrow accounts would be submitted in phases. He said Clearfield Station was in a MU (mixed-use) zone which required a guiding Master Development Plan (MDP) with the rezone of the property. Mr. Hess said the MDP was approved by Clearfield City Council on March 11, 2014. He stated the preliminary plat submitted was in substantial conformance with the approved MDP as well as the Master Development Agreement (MDA). Mr. Hess said the comments made were for clarification and not intended to delay or stop the recommended approval of the preliminary subdivision plat.

Mr. Hess said the staff report included review comments from North Davis Fire District (NDFD)
and Public Works. The comments from NDFD referred to the location of the fire risers and the fire-fighting infrastructure. He said Public Works had requested ten foot public utility easements (PUE) be added around each lot. Mr. Hess suggested a condition of approval be added to require the PUE. He said the developer provided updated documents and the PUE were included. He said the city engineer stated in the review letter that he was comfortable with the preliminary site plan as it was drawn and said it was a reflection of the MDP and MDA. Mr. Hess said specifics would be worked out within each phase and site plan approval to assure the improvements were done within engineering standards.

Mr. Hess reviewed the conditions of approval. He suggested amending condition number two to include “and to the satisfaction of the Public Works Department.” He requested the addition of condition of approval number seven, “The addition of ten foot public utility easements shall be shown around the perimeter of each parcel as requested by the Public Works Department.”

Chair Peterson declared the public hearing open at 7:23 p.m.

PUBLIC COMMENT:
None

Commissioner Roper moved to close the public hearing at 7:24 p.m. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: None.

APPROVAL OF PSP 1404-0006 A PRELIMINARY SUBDIVISION PLAN REVIEW AND APPROVAL FOR A MIXED-USE DEVELOPMENT AT 1250 SOUTH STATE STREET

Commissioner Gaerte moved to approve PSP 1404-0006, Clearfield Station Preliminary Subdivision Plat located at 1250 South State Street (TIN: 12-066-0071, 12-067-0139) based on the discussion and findings in the staff report with the following conditions of approval:

1) The developer shall submit a final clean copy of the Preliminary Subdivision Plat documents correcting all errors and omissions indicated by staff reviews.
2) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer and Public Works Department.
3) The final Fire Infrastructure design shall meet North Davis Fire District standards and be to the satisfaction of the Fire Marshall.
4) Pursuant to the Subdivision Ordinance 12-4-5, an estimate of public improvements (as outlined in 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to recordation of the Final Plat.
5) No building permits shall be issued or construction of buildings or improvements may begin until after recordation of the final plat. Final plat recordation may come in phases for large tract development.
6) All Final Subdivision Plat and Site Plan submittals shall be in substantial 
conformance with the approved Master Development Plan and Master Development 
Agreement.
7) The addition of ten foot public utility easements shall be shown around the 
perimeter of each parcel as requested by the Public Works Department

Seconded by Commissioner Murray. The motion carried on the following vote: Voting 
AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: 
None.

PUBLIC HEARING FOR MDP AMENDMENT 1404-0007 A REQUEST TO AMEND THE 
MASTER DEVELOPMENT PLAN PHASING PLAN FOR A MIXED-USE DEVELOPMENT 
AT 1250 SOUTH STATE STREET

Scott Hess said the request was to amend the Master Development Plan (MDP). He said due to 
the topography of the site, the project required a sewer lift station near the southwest corner of the 
property. He said that improvement would ideally not be installed until after the initial phases had 
been completed. Mr. Hess said the intention had been for the sewer in Phase 1 to be gravity 
drained connecting to 1000 East. He said the developer’s engineer discovered in the development 
of the specific plans for culinary water, sanitary sewer, and storm water facilities that the sanitary 
sewer would not adequately gravity drain from all residential portions of the approved Phase 1B. 
He said the amendment the Planning Commission had been asked to consider, would do nothing 
more than trade residential buildings between the approved Phases 1B and 2B.

Mr. Hess said staff’s opinion was that the requested changes to the phasing plan did not constitute 
a “material change”. He said the findings for staff’s opinion were based on the fact that the total 
number of residential units proposed in the revised phasing plan was exactly the same as in the 
approved phasing plan, and did not exceed the limit of 168 units imposed in section 4.1(b) of the 
Master Development Agreement (MDA) adopted by the Clearfield City Council on March 11, 
2014. He said the finding was further supported by the fact that gravity draining sanitary sewer 
systems were the preference of the Clearfield City Public Works Department, and would lead to a 
more predictable and simplistic form of development for both the City and the Developer.

The proposed amendment to the MDP did not change any terms of the MDA, nor did it alter the 
ability to execute that agreement as written. As indicated in section 2 of the MDA, “in the event 
of a conflict between this MDA and the MDP, the MDA shall be controlling”. In the case of this 
request, the MDA listed the total number of acceptable residential units for Phase 1B and the 
amendment request did not deviate from the MDA.

Chair Peterson declared the public hearing open at 7:29 p.m.

PUBLIC COMMENT: 
None
Commissioner Murray moved to close the public hearing at 7:30 p.m. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: None.

RECOMMENDATION FOR MDP AMENDMENT 1404-0007 A REQUEST TO AMEND THE MASTER DEVELOPMENT PLAN PHASING PLAN FOR A MIXED-USE DEVELOPMENT AT 1250 SOUTH STATE STREET

Commissioner Murray moved to find that the proposed phasing plan modifications to the Clearfield Station MDP as set forth in the MDP Amendment 1404-0007 do not constitute a material change to the MDP, and to recommend approval of the amendment to the City Council based upon the discussion and findings in the staff report. Seconded by Commissioner Gaerte. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: None.

PUBLIC HEARING FOR ZTA 1404-0001 A ZONING TEXT AMENDMENT TO TITLE 11, C-1 AND C-2 COMMERCIAL PARKING REGULATIONS AND DEFINITION TO BETTER DEFINE COMMERCIAL PARKING LOTS

Scott Hess said Clearfield City Ordinance 2014-08 was passed and adopted on April 22, 2014. The ordinance enacted a temporary land use regulation regarding parking lots/facilities pursuant to Utah Code Ann. §10-9a-504 applicable to all of the commercially zoned properties located within the City’s geographic boundaries. He said the City Council asked the parking ordinance within commercial zones be reviewed and language recommended that protected the City’s remaining prime commercial property from being developed into parking lots that were not necessarily tied to a formal use. He said stand-alone parking in commercial zones would not be allowed, but parking must be an accessory use on the property subordinate to a primary use. Mr. Hess said current City Code allowed commercial parking facilities as a conditional use. He said the conditional use and the definition led staff to believe that the intent was for a commercial pay lot, but there were no specifics to verify that assumption. He said conditional uses which allowed a commercial parking lot that was not tied to a primary use or building was not desirable and did not promote the highest and best use of property for Clearfield’s limited amount of remaining commercial properties.

Mr. Hess said the intent was to provide a fair amendment which best served the City’s residents as well as protected both current and future business and property owners in Clearfield City by preventing the consumption of crucial remaining commercial properties for less than ideal uses. He said the following were the proposed ordinance changes:

1. Amend the definition of “Commercial Parking” to require these types of facilities to be pay lots. The potential definition could read as follows: “A garage or parking lot used for commercial purposes and open to the public for a fee where vehicles may be parked for not more than five days.”
2. Amend the location of “Commercial Parking” to remove the use within C-1, C-2, C-R, D-R and B-1 Zones.
3. Add “Commercial Parking” as a use within the MU Zone. The area immediately surrounding the UTA Transit station may be one that is viable for a commercial pay lot in the future. Other MU projects may benefit from the same allowance depending on uses and site specifics within those projects in the future.

4. Amend the definition of “Parking Lot” to require the facility to be provided specifically for a primary use or building on the same property as the parking will be located, as well as require that the use be entirely located within Clearfield City.

5. Add “Parking Lot” as a use within the Permitted Uses of the PF zone for the case of parks, city buildings, or other city needs to assure that there is a legal established parking use within Public Facility Zones. The areas zoned PF are owned and maintained by Clearfield City.

He said the current zoning section of the General Plan discussed within each commercial zone that the goal was to expand and develop viable commercial properties to their highest and best use. He said limiting the ability to cover key commercial pieces of ground solely with surface parking met the intent and the language of the Clearfield City General Plan. Mr. Hess stated the findings that the proposed amendment was in accordance with the General Plan in that an amendment to the City Code was necessary and appropriate to protect limited prime commercially zone properties within the City. He said the changed conditions that required an amendment to the City Code at this time were both the limited remaining prime commercial land and concerns about neighboring cities with viable commercial properties that may be interested in utilizing Clearfield City properties as surface parking areas.

Chair Peterson declared the public hearing open at 7:40 p.m.

PUBLIC COMMENTS:

Marshall McKinnon with Tanner Clinic stated Tanner Clinic was on the border of Layton and Clearfield and about 44 percent of its patients were Clearfield residents. He said when Valerie Claussen was the City Planner conversation with the City began about property in Clearfield City that Tanner Clinic wanted to purchase for use as a parking lot. Mr. McKinnon said the buildings on the property had not been fully utilized since he had been at Tanner Clinic. He said Tanner Clinic would like to demolish the buildings and turn the parcel into a parking lot. Mr. McKinnon said the tax revenue from the buildings was minimal and desired Tanner Clinic be allowed to use the property for a parking lot.

Commissioner Brooks moved to continue the public hearing to the June 4, 2014 Planning Commission meeting. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: None.

Brian Brower, City Attorney, said Mr. McKinnon had met previously with staff. He said there were some ways staff could address that specific issue. He said that particular parcel may not be as an egregious type of situation as the one the City Council was trying to protect the City from in the enactment of the temporary land use regulation. He counseled it would be wise to consider
working the amendment so it encompassed all commercial parking in the City rather than trying to parcel off certain sections.

Commissioner Roper asked if the road between the parcels was the reason for not allowing the use. Scott Hess explained that Tanner Clinic was in Layton City and on the property in Clearfield the structures would be removed entirely which would leave a commercial parking facility as the primary use. Brian Brower said Clearfield City had a limited amount of prime commercial property left available for development and for parts of that property to be used as surface parking lots with no commercial use except in a neighboring city, was not in the best interest of citizens and not the highest and best use.

Chair Peterson was concerned with the definition on paid parking lots and the possible unintended consequences. Mr. Hess said the initial proposal was commercial parking was only allowed in MU projects which had extra controls in place. Mr. Brower said commercial parking would be allowed only in the MU Zone, and would not be a permitted or conditional use in other zones. Chair Peterson asked to have language that stated surface parking use was specifically tied to a commercial structure residing entirely in Clearfield.

Commissioner Brooks asked if there were other options for Tanner Clinic. Mr. Brower said staff could explore options to present at the next meeting. Commissioner Brooks agreed there was a need for additional parking at Tanner Clinic. Chair Peterson recommended staff tighten the language on commercial parking so it was restricted to the MU Zone and provide a clear definition that stated surface parking must be tied to a commercial structure and as an ancillary use only.

Commissioner Browning asked how the ordinance applied to park and ride lots. Scott Hess said park and ride lots were an existing legal non-conforming use. He said the City could take ownership of the property or put it in a PF Zone or the lots at Clearfield Station were in the MU Zone. Mr. Hess said there could potentially be unintended consequences. Chair Peterson asked to have identified undeveloped commercial properties that would be affected by the proposed ordinance change. Brian Brower said the Public Facilities Zone was established to provide areas for the location and establishment of facilities which were maintained in public and quasi-public ownership and use. He said there were other properties, not owned by the City that could be zoned PF. Commissioner Murray was concerned with the limited amount of public commercial property available for development. She said a prime source of revenue was sales tax and commercial property must be protected. She said development should be for Clearfield commercial development. She said the ordinance needed to benefit Clearfield City as a whole. Chair Peterson emphasized the ordinance affected all commercial zones Citywide and all undeveloped property needed protection.

**PUBLIC HEARING FOR ZTA 1404-0002 A ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 5 TO PROPOSE STANDARDS FOR ADMINISTRATIVE SITE PLAN REVIEWS**

Scott Hess said Clearfield City Code 11-5, Site Plan Review, regulated the review and approval of all site plans within the City. He reviewed the purpose of the site plan review. Mr. Hess stated
the proposed change to the Site Plan Review was to allow for an administrative site plan review for minor site plans or those that had a limited impact burden on City infrastructure and neighboring developments. He said the review procedure was well defined and codified and would provide the backbone for the administrative site plan reviews. He said it would allow applicants to move forward on minor projects without waiting for the monthly Planning Commission meeting. He said the current review body for all site plans was the Planning Commission and all callouts within the City Code needed to be changed to Land Use Authority. Mr. Hess stated Table 11.1 was amended to include an Administrative Site Plan level of review. He reviewed the changes to 11-5-3, Application Review Procedure. Mr. Hess told the commissioners because of the size of some buildings in Freeport Center, consideration might be made for a maximum square footage along with less than ten percent of the gross area of an existing building.

Chair Peterson declared the public hearing open at 8:08 p.m.

PUBLIC COMMENT
None

Commissioner Gaerte moved to continue the public hearing to the June 4, 2014 meeting. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: None.

Commissioner Brooks asked for more details about the expansions of multi-family residential. Chair Peterson said it should not include any additional living units and requested the definition be very specific for expansions of multi-family residential. There was discussion about the need for a second signature with an administrative approval. Chair Peterson said the guidelines needed to be clear with a punch list and business friendly. Mr. Hess said in addition to his review, the site plans were reviewed by the Building Official, the Public Works Department, the City Engineer, and the Fire District. He still wanted to obtain engineered plans and formalized site plans from the applicants. He wanted to have tight code language and asked the commissioners to email him ideas.

PUBLIC HEARING FOR ZTA 1404-0003 A ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 14 TO PROPOSE STANDARDS FOR GRAVEL PARKING AREAS WITHIN RESIDENTIAL ZONES

Scott Hess said in November 2009 the Clearfield City Land Use Ordinance was changed to require all off street parking be on an impermeable surface to be effective January 1, 2015. He said an article in the City newsletter generated significant public response. Mr. Hess said the Clearfield City Council requested staff consider alternatives that were not such a financial burden on the residents and that would allow gravel parking surfaces in some form to remain in the City Code. He said it was important that changes still protected the City against harmful impacts of poorly maintained gravel parking areas. Mr. Hess reviewed the proposed changes.

Chair Peterson declared the public hearing open at 8:34 p.m.
Scott Hess mentioned the zoning text amendment was for residential zones and did not include properties zoned A-1 (Agricultural).

PUBLIC COMMENT:
Curtis Beames said Clearfield City was holding its citizens to the same economic standards as the east side of Layton. Mr. Beames had four children that drive and needed parking for six vehicles. He said it was difficult economically to have concrete parking. Mr. Beames did not want to get rid of gravel parking.

Todd Evans sent an email which was read by Chair Peterson. Mr. Evans stated the ordinance was a burden to the residents and was concerned that it carried a criminal charge. He was opposed to burdening Clearfield City residents with the requirement of no gravel parking.

Brian Brower said the violation of the ordinance would be a Class C misdemeanor which was equivalent to a speeding ticket.

**Commissioner Gaerte moved to continue the public hearing to the June 4, 2014 Planning Commission meeting. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: None.**

Commissioner Brooks said it was her understanding the concrete requirement was to be effective the end of 2014. She agreed the ordinance needed to be changed. Scott Hess said the request to change the ordinance was to lessen the burden on the residents with gravel driveways. He said the City was trying to be responsive to public concern. Commissioner Roper said there were 22 gravel driveways in his neighborhood. He said he was content with a gravel driveway that was maintained, looked nice, and had barriers to contain the gravel. Chair Peterson asked to have specific language that addressed the existing gravel driveways were grandfathered, but future primary driveways would be required to be hard surface. Commissioner Brooks liked the language in the West Valley City ordinance. Commissioner Browning asked if code enforcement would dig to make sure there was a weed barrier and four inches of gravel. He said some residents might throw gravel on the grass and call it a gravel driveway. Commissioner Baron said her neighborhood held a block party and she was asked about the ordinance. She said the majority of the residents were okay with changes. She said there were about 35 houses that would be required to remove the gravel driveway and some of those families would not be able economically to make the change.

Chair Peterson asked staff to address the existing gravel driveways with minimal impact. She suggested staff consider language similar to the West Valley City ordinance.

**DISCUSSION ABOUT STANDARDS FOR ANIMAL KEEPING WITHIN AGRICULTURAL ZONES**

Chair Peterson said this was a discussion item only and not a formal public hearing and no action would be taken this evening.
Scott Hess introduced Michael Horn and asked him to address the Planning Commission. Mr. Horn said current Clearfield City ordinance stated property in the A-1 (Agricultural Zone) up to one acre in size was allowed to have one animal unit and one fowl unit. He read the definition of an animal unit. Mr. Horn said he lived on an acre and thought the number of allowed animal units should be increased. He suggested “or” be changed to “and”. He also wanted the possibility of raising animals.

Commissioner Browning said the current ordinance worked for the majority of people. He preferred to look at the requirement of a conditional use permit (CUP). Commissioner Gaerte said he had heartache making a major change to the ordinance. He was concerned that residents moved to an area with the understanding that there would only be a few animals. He said neighbors would be affected by an increase in the number of allowed animals. Commissioner Gaerte was concerned with allowing a CUP because it would have to be approved. Commissioner Brooks said there were a limited number of agricultural lots left in the City and Clearfield hadn’t been considered agricultural for a long time. She said the current ordinance allowed the number of animal units she was comfortable with. She said it would open the door for more code enforcement issues. She said it was fine how it was currently written. Commissioner Murray agreed with Commissioner Brooks that Clearfield City was not a rural community and it would open more problems. Commissioner Baron was open for a CUP. Commissioner Roper said it was a difficult issue and caution should be taken in allowing additional animals. He said the ordinance as it was now was fine. Chair Peterson said there was a split mix with the commissioners. She said there was a reasonable expectation of property owners in residential areas that it should act and function as residential areas. She said there were some commissioners that would consider a case by case review with a CUP or some other mechanism. Chair Peterson said she did not hear support for a zoning text amendment. JJ Allen, Assistant City Manager, stated a CUP validated the use and said the commissioners needed to ask what conditions could be placed to mitigate the use.

Scott Hess reviewed a summary of surrounding cities and the number of animals allowed. He told Mr. Horn he could apply for a zoning text amendment. Mr. Hess asked for direction on the item. Chair Peterson stated she didn’t hear support from the group for a zoning text amendment. She had concerns with the use of a CUP and how it could be fairly mitigated. Chair Peterson said currently the Davis County animal control bill to the City was burdensome. She asked staff to review the point system for discussion at the next meeting.

STAFF REPORTS

Scott Hess said there would be an open meetings training on May 13, 2014 with the City Council. He said he could send out an email to determine if training prior to the June meeting would be a possibility.

Brian Brower said there were still pending matters on the conditional use permit on 1000 West. There was an appeal filed and the City Council would consider minutes from the appeal hearing and the findings conclusion. He said upon recommendation of staff, the City Council was to reverse the matter back to the Planning Commission, however, the applicant didn’t want to come
to this meeting. Mr. Brower said the basis for the Council’s decision would be given to the commissioners when that was available. He reminded the commissioners that because the matter was still pending to not discuss that matter with the public, the applicant, or surrounding property owners and especially among fellow commissioners.

**PLANNING COMMISSIONERS’ MINUTE**

Commissioner Roper – Nothing

Commissioner Baron – Said she won’t be at the June meeting.

Commissioner Murray – Nothing

Commissioner Brooks – Reminded the commissioners about “Take Pride in Clearfield” on May 17, 2014. She told the commissioners to get involved with a project.

Commissioner Gaerte – Said his house sold so he would be moving and this was his last meeting. He said he enjoyed the time on the Planning Commission and had learned a lot.

Commissioner Browning – Nothing

Councilmember LeBaron – Nothing

Chair Peterson – Said she was sad to see Commissioner Gaerte leave and appreciated the time he spent on the Commission.

There being no further business to come before the Planning Commission, Commissioner Murray moved to adjourn at 9:31 P.M. Seconded by Commissioner Baron.