Pledge of Allegiance was led by Chair Peterson

APPROVAL OF THE MINUTES FROM THE SEPTEMBER 10, 2014 PLANNING COMMISSION MEETING

The minutes would be on the agenda for the October 15, 2014 meeting.

DISCUSSION ON SP 1409-0001, A REQUEST FOR SITE PLAN APPROVAL FOR A NEW COMMERCIAL BUILDING LOCATED AT 484 N MAIN STREET (TIN:14-094-0032)

Scott Hess said the request was for a new commercial structure for a dental office on North Main Street. He said there was a house on the property that would be demolished to allow for the construction of the new building. He said the property had been zoned commercial for many years. Mr. Hess said the building would be required to meet design standards. He said there were currently two drive accesses to the property. The north access would be removed and the south access would be widened; however, UDOT approval would be required to widen the access to the site. Mr. Hess said the proposed parking lot had adequate parking spaces and staff recommended a pedestrian sidewalk be installed along the north side of the access driveway from Main Street to the building. He recommended that the dumpster be screened from view and it was preferable to
not be visible from Main Street. Mr. Hess read the conditions of approval.

Kent Scoville, dentist, said he currently had an office in Rachel Plaza and would move to the new building. Commissioner Murray asked for clarification on the location of the sidewalk. Scott Hess said sidewalk would be placed along the north side of the drive access to connect on the south side of the building. Commissioner Allen asked Mr. Scoville if he agreed to the requirements. He responded yes. Mr. Scoville said he wanted to place a fence along the north property line. Scott Hess recommended the dumpster be moved and stated there was adequate parking for the business. Jason Ball, Architect, said the dumpster could potentially be moved to the northeast corner. Commissioner Allen commented that the parking lot for the new dental building was higher than the parking lot at Rachel Plaza. Chair Peterson asked if there would be cross access with Rachel Plaza. Mr. Scoville stated they had asked, but access was denied from the owners of Rachel Plaza. Mr. Hess said that fencing was an administrative item; however, it was required on the east property line adjacent to the residential use.

APPROVAL OF SP 1409-0001, A REQUEST FOR SITE PLAN APPROVAL FOR A NEW COMMERCIAL BUILDING LOCATED AT 484 N MAIN STREET (TIN:14-094-0032)

Commissioner Allen recommended approval as conditioned SP 1409-0001: a request by R. Kent Scoville, on behalf of Hillside Dental, for site plan approval for a new commercial building located at 484 North Main Street 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 1409-0001; 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 the C-2 Zone. 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. An adequate number of stalls must meet ADA standards. Parking Stalls must be 9’ x 20’. The back-up area on the north side of the parking lot must be deeper to accommodate vehicles turning around.
   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. A sidewalk shall be provided along the north side of the driveway access connecting to Main Street.
   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 10 percent landscaping shall be provided and meet the minimum standards set forth in City Code § 11-13-23.

h. Proposed signage must meet Title 11, Chapter 15 standards of the City Code. Signs are not included as part of this Site Plan approval. Separate review and approval will be required.

2) The garbage dumpster must be screened.
3) Site Plan approval is subject to North Davis Fire District review and approval.
4) Site access on a State-owned right-of-way is subject to Utah Department of Transportation 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 on the following vote: Voting AYE: Commissioners Peterson, Murray, Millard and Allen. Voting NO: None.

PUBLIC HEARING ON CUP 1409-0003, A REQUEST FOR A CONDITIONAL USE PERMIT FOR A PAWN SHOP WITHIN A NEW PROPOSED BUILDING LOCATED AT 325 WEST 1700 SOUTH (TIN: 12-243-0011)

Scott Hess said a Conditional Use Permit (CUP) was a tool to allow a land use that might be compatible only if certain conditions were imposed to mitigate or eliminate the detrimental impacts. He said pawn shops were listed as a conditional use in the Commercial C-2 zone. Mr. Hess said pawn shops, like other retail stores, might place goods outside the store to attract customers to the business. Staff recommended that outdoor display be limited to 100 square feet. Mr. Hess said the Community Development office had received significant public comments. He stated he had personally responded to all interested parties outside of the signatures on an online petition. Mr. Hess said the pawn shop with the new construction would positively impact Clearfield City’s prosperity. He said there was no discernable disproportionate number of police calls to existing pawn shops. Mr. Hess reviewed the proposed conditions of approval.

Chair Peterson asked Brian Brower to give instructions to the citizens about making comments. Mr. Brower first explained some of the legalities of a CUP. He said there were different zones throughout the City and State law stated that uses which were listed as conditional were essentially the same as permitted uses within a given zone; however, due to the nature of those businesses, additional conditions could be imposed to mitigate their detrimental impacts on surrounding properties and the community. Mr. Brower told the citizens that during each of the public hearings being held, each person would have a time limit of three minutes for public comment. He asked them to consider previous comments made by others and to refrain from repeating comments.

Chair Peterson declared the public hearing open at 7:41 p.m.
PUBLIC COMMENT
FOR:
None

AGAINST:
Reid Higley, Clearfield, expressed concern as a homeowner because of the reputation of pawn shops. He said it would impact children’s safety. He was also concerned about the daycare in close proximity to the proposed pawn shop.

Lyndsi Drysdale, Clearfield, said she lived directly behind the property. She represented a group that signed an electronic petition. She said it was her opinion that there was a better location for the use than by the school and homes. She said it was less than a half mile from Antelope Elementary School. Ms. Drysdale was concerned with the sale of firearms and the influence on theft crimes. She said jewelry could be transformed. She said there was already a negative influence in the area with Job Corps. She said this would increase neighborhood risk factors with the pawn shop and Job Corps in such close proximity.

Christian Jacobsen, Clearfield, asked if the citizens would be able to vote on the decision. Chair Peterson said the decision would be made by the Planning Commission. Scott Hess said he had not received a paper petition but had received approximately 100 emails that he had catalogued, but did not respond to each one. Brian Brower, City Attorney, said the petition communicated the opinion of some of the citizens in the area; however, the Planning Commission was obligated to follow the law. He stated that although the public’s opinion was important and all facts were reviewed and considered, all the Planning Commission could do legally in this situation was to impose conditions designed to mitigate any detrimental impacts to surrounding properties and the community. Mr. Jacobsen asked for Scott Hess’ email address which Mr. Hess provided. He believed it would have an impact on the crime in the area with increase in property damage. Mr. Jacobsen asked to have the pawn shop moved to an industrial area.

Bryan Winston, Clearfield, was concerned about the potential for property crime to increase with a pawn shop close to the residential area.

Jacque Bullock, Clearfield, worked at Antelope Elementary as a teacher. She stated Antelope Elementary was a Title One school and had a high percentage of students that received free or reduced lunch. She asked that the neighborhood be considered and for the City to not allow the pawn shop.

Jamie Seavello, Clearfield, recognized she lived in a great neighborhood with great businesses in the area. She didn’t want the existing businesses driven out by the pawn shop.

Commissioner Millard moved to close the public hearing at 8:02 p.m. Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Peterson, Murray, Millard and Allen. Voting NO: None.
Cameron Winquist said he had been in the pawn shop business for seven years and had stores in Layton, Roy and Bountiful. He said all state and local laws were followed. Mr. Winquist said serial numbers were reported at the end of each day. He said most criminals would not take an item recently stolen from the neighborhood to the closest pawn shop. Mr. Winquist said Pawn Depot worked with the police in every city where it had a business. He said the buildings had surveillance cameras inside and out and footage from the surveillance could be obtained at any time. Mr. Winquist said the store would be open from 10:00 a.m. to 7:00 p.m. He said he understood the concern of the neighbors, but stated smart criminals didn’t take the stolen items to a pawn shop. He said photo identification, fingerprints and personal information was obtained each time an item was pawned.

Commissioner Millard gave full disclosure stating he was in law enforcement in Salt Lake City and his assignment dealt with pawn shops and he was a member of the Utah State Pawn Board. He gave training to pawn shop owners. He said it was his opinion there was no conflict of interest in this matter as he was not connected to this request or this pawn shop specifically.

Commissioner Murray asked where Mr. Winquist had other pawn shops. Mr. Winquist stated there were three locations and the Layton store was relocating to Clearfield. Commissioner Murray asked about the lot split. Scott Hess said several years ago there was an illegal division of the property that was separated for tax purposes. He said the applicant was required to have the property properly subdivided and the lot separation should be required prior to issuance of the building permit. Brian Brower said the plat amendment was a recommended condition on the Conditional Use Permit (CUP). The process for the amended subdivision was discussed. Commissioner Murray asked if the building would take most of the lot. Mr. Winquist stated the building would take a large percentage of the lot with parking on the remainder. When asked what prompted Mr. Winquist to purchase the property, he stated it best suited his needs.

Chair Peterson asked Mr. Winquist what would be done to mitigate crime in the area. He stated they had interior and exterior surveillance cameras and the firearms onsite were locked up. He asked how many pawn shops had been in the news because of robbery versus banks and gas stations. Mr. Winquist said he ran a good, clean, safe business. He said the building was built to fit the lot and there was the possibility that the rear of the building could be partitioned and leased to another business in the future.

Commissioner Millard asked what happened when a loan on an automobile defaulted. Mr. Winquist stated the vehicle was picked up and kept in a tow yard. Scott Hess said the City Code would likely not allow the pawn shop to do title lending due to existing proximity and per capita restrictions on those types of businesses. Brian Brower said the exclusion of the title lending could also be addressed with the business license. Commissioner Millard said auto lending was not regulated under the same rules as a pawn shop. Mr. Brower said the conditions of approval for the CUP could indicate non-depository lending, or title and/or payday lending were not allowed. Chair Peterson said that restriction would keep the business a true pawn business. She recommended the addition of a condition of approval that stated non-depository lending would not be permitted.
Scott Hess said if the applicant wanted to have outdoor storage he would be required to apply for a CUP for outdoor storage. Mr. Winquist said he had no desire for outdoor storage at this time. Chair Peterson asked about the condition to allow an outdoor display of 100 square feet and stated she liked to see a clean store front. Mr. Hess said goods for sale were sometimes placed outdoors for display to attract customers. Chair Peterson was concerned with the location of the outdoor display. Mr. Winquist said items were not always placed outdoors for display. He stated the store front entrance was on the east side of the building and 100 feet back from 1700 South (Antelope Drive). Commissioner Murray asked why a display would be placed outdoors if it couldn’t be seen from the road. Mr. Hess said displays should be permitted on the east or north side, but remain limited in size to 100 square feet and kept out of the public right-of-way.

APPROVAL OF CUP 1409-0003, A REQUEST FOR A CONDITIONAL USE PERMIT FOR A PAWN SHOP WITHIN A NEW PROPOSED BUILDING LOCATED AT 325 WEST 1700 SOUTH (TIN: 12-243-0011)

Commissioner Millard moved to recommend approval as conditioned CUP 1409-0003: A request by Cameron Winquist on behalf of Pawn Depot for a Conditional Use Permit for a Pawn Shop within a newly proposed building, in the C-2 zoning district, located on TIN: 12-243-0011 based on the findings, discussion, and the staff report, with the following conditions:

1) This Conditional Use Permit pertains solely to the current applicant, Pawn Depot, and is for a pawn and secondhand business to be located within a new structure on TIN: 12-243-0011.
2) No outdoor storage is permitted. This includes, but is not limited to, such items as materials, automobiles, pawned items, automotive parts, or the like.
3) Outdoor display of goods is limited to 100 square feet, and all outdoor displays must be put away within the enclosed structure at the end of business day, each day.
4) The site shall be maintained in a neat and orderly manner.
5) A plat amendment correcting the illegal lot split on 325 W. 1700 S. (as indicated in the Site Plan report) must be completed prior to receiving a building permit.
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) For this Conditional Use Permit to be in full force and effect, the Conditions of Approval shall be acknowledged and accepted in writing by both the tenant/business owner and the property owner, as joint applicants.
8) No non-depository lending as defined in City Code § 11-3-3 (payday lending, title lending or check cashing) shall be conducted on site.

Seconded by Commissioner Murray.

Scott Hess asked what if the applicant decided he wanted to locate the pawn shop within the existing structure at 325 West 1700 South, should the motion state specifically the new building or was this use allowed anywhere on the site.
Commissioner Millard withdrew the motion. Seconded by Commissioner Murray. The motion to withdraw carried on the following vote: Voting AYE: Commissioners Peterson, Murray, Millard and Allen. Voting NO: None.

There was discussion on whether the pawn shop could be located within the existing structure. Mr. Hess said the application received was for a pawn shop in a newly constructed building and it was determined that if the applicant wanted the pawn shop in the existing building a new application was required.

Commissioner Millard again moved to recommend approval as conditioned CUP 1409-0003: A request by Cameron Winquist on behalf of Pawn Depot for a Conditional Use Permit for a Pawn Shop within a newly proposed building, in the C-2 zoning district, located on TIN: 12-243-0011 based on the findings, discussion, and the staff report, with the following conditions:

1) This Conditional Use Permit pertains solely to the current applicant, Pawn Depot, and is for a pawn and secondhand business to be located within a new structure on TIN: 12-243-0011.
2) No outdoor storage is permitted. This includes, but is not limited to, such items as materials, automobiles, pawned items, automotive parts, or the like.
3) Outdoor display of goods is limited to 100 square feet, and all outdoor displays must be put away within the enclosed structure at the end of business day, each day.
4) The site shall be maintained in a neat and orderly manner.
5) A plat amendment correcting the illegal lot split on 325 W. 1700 S. (as indicated in the Site Plan report) must be completed prior to receiving a building permit.
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) For this Conditional Use Permit to be in full force and effect, the Conditions of Approval shall be acknowledged and accepted in writing by both the tenant/business owner and the property owner, as joint applicants.
8) No non-depository lending, as defined in City Code § 11-3-3 (payday lending, title lending or check cashing), shall be conducted on site.

Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Peterson, Murray, Millard and Allen. Voting NO: None.

DISCUSSION ON SP 1409-0003, A REQUEST FOR SITE PLAN APPROVAL FOR A PAWN SHOP WITHIN A NEW PROPOSED BUILDING LOCATED AT 325 WEST 1700 SOUTH (TIN: 12-243-0011)

Scott Hess said the request was for a new commercial structure on 1700 South. He said the properties to the east and west were developed commercially; to the north was zoned M-1 manufacturing and to the south was a neighborhood of single family homes. He asked the
commissioners to give attention to City Code § 11-18 Design Standards. Mr. Hess said the surrounding buildings were built prior to those design standards. He reviewed the conditions of approval.

Commissioner Millard asked how much of the building would be for the store. Cameron Winquist said the building was 50 feet by 300 feet and the retail portion of the building was approximately 5,500 square feet. It was noted that the storage portion of the building was for the benefit of the retail use. Commissioner Allen asked if inventory was moved from one store to another. Mr. Winquist stated transferring inventory between store locations was not something they liked to do. Scott Hess said the building was purposely overbuilt for potential growth of the business or to sublease to other businesses.

Commissioner Murray asked what changes would be made so the building met design standards. Mr. Winquist said bump outs were being added. There was discussion on the amount of asphalt on the lot. Scott Hess stated the asphalt provided a better flow to other buildings on the site. He said there would be no landscaping on the east side of the new building.

Chair Peterson said deviation from strict compliance with Title 11 Chapter 18 could be made, provided that said deviation was consistent with the purpose of the City’s Design Standards, Master Plan and other ordinances; would not adversely affect neighboring property owners or residents; and conformed to the requirements of the City’s Design Standards to the greatest extent possible. Mr. Winquist said the building would have stucco on the bump outs plus multiple materials on the wall facing 1700 South. He said he would place stucco on the first 100 feet of the east side to the entrance door. The commissioners suggested having a three to four foot wainscoting of brick or stone wrapping around the building and to change the color of the stucco. After substantial discussion, it was determined that deviation from strict compliance with Title 11 Chapter 18 of the City Code could be made for the following items:

1. Steel may be placed in the following locations: the east elevation from the southern point for 200 feet moving north with a combination of stucco, rock or brick for the remaining 100 feet, the south elevation, and the west elevation, due to the nature of the surrounding properties.
2. The front elevation was recognized as the building frontage facing 1700 South and would require at least two building materials, with the wainscoting to be either brick or rock with stucco above that material.
3. The east side of the building would have the same brick or rock wainscoting as the front with stucco above it for at least the first 100 feet going south from the front of the building on 1700 South, back to beyond the main entrance on the west side of the building.

Mr. Winquist said the Planning Commission had tied the building permit to the legalization of the subdivision and asked if that could be reconsidered due to the weather. Brian Brower asked what work could be done without a building permit. Scott Hess said the site work was all that could be completed. Mr. Brower said that, in his opinion, the City should not issue a building permit on an illegal subdivision. Chair Peterson said a building permit had better enforcement capabilities than
a business license. Mr. Hess said the Planning Commission was trying to mitigate the risks for the applicant. Mr. Winquist asked if he could post a bond. Chair Peterson stated a condition of approval for the Conditional Use Permit (CUP) was the correction of the illegal subdivision by recording an amended subdivision plat prior to issuance of the building permit. Mr. Hess said the applicant was told about the property line issue and any new entitlements should be tied to correction of the problem. Chair Peterson said the City didn’t want to hold up the project but the Planning Commission had already decided the CUP application and imposed those conditions. When asked, Mr. Brower again expressed his opinion that a building permit should not be issued on an illegal lot. He said that in his view, from a legal perspective, the best and most appropriate way to handle this matter was to tie the amended plat recordation to the building permit.

Chair Peterson referred to condition of approval number three and asked the commissioners if the applicant should be required to have the amended plat recorded before issuance of the building permit or the business license. Mr. Winquist was concerned with the time frame to get the asphalt laid before the asphalt plants closed. Commissioner Millard directed to leave the condition as stated. Commissioner Murray asked if road base would not be allowed. Mr. Hess said road base would not be allowed for parking. Commissioner Allen preferred the certificate of occupancy option. Commissioner Murray said it needed to be done right and directed to have the plat recorded before the issuance of the building permit. Chair Peterson said that due to the number of Commissioners at the meeting that evening, in order for the body to take valid action any decision must be unanimous; otherwise Mr. Winquist would be delayed one month until the next meeting. Commissioner Allen then agreed with the rest of the Commissioners to tie the building permit to the plat recordation. Mr. Hess said if Mr. Winquist submitted application the next day the amended plat could be on the agenda for the October 15, 2014 special meeting and then to City Council on October 28, 2014. Chair Peterson stated there was also the risk factor that the City Council could determine not to approve the amended plat.

APPROVAL OF SP 1409-0003, A REQUEST FOR SITE PLAN APPROVAL FOR A PAWN SHOP WITHIN A NEW PROPOSED BUILDING LOCATED AT 325 WEST 1700 SOUTH (TIN: 12-243-0011)

Commissioner Millard moved to approve as conditioned SP 1409-0003: a request by Cameron Winquist on behalf of Pawn Depot for site plan approval for a newly proposed building in the C-2 zoning district located on TIN: 12-243-0011 based on the findings, discussion and 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 1409-0003; 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 the C-2 Zone. The final building plans shall be in substantial conformance with Chapter 18 Design Guidelines of the City Code.
d. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. An adequate number of stalls must meet ADA standards. Parking Stalls must be 9’ x 20’.
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 10 percent landscaping shall be provided and meet the minimum standards set forth in § 11-13-23 of the City Code.
h. Proposed signage must meet Title 11, Chapter 15 standards of the City Code. Signs are not included as part of this Site Plan approval. Separate review and approval will be required.

2) The exterior of the building must meet minimums of the C-2 Commercial zone and Chapter 18 Design Guidelines. The Planning Commission finds the following deviations from strict compliance are warranted based upon the requirements of the City Code as mentioned previously by the Chair:
a. Steel may be placed in the following locations: the east elevation from the southern point for 200 feet moving north with a combination of stucco, rock or brick for the remaining 100 feet, the south elevation, and the west elevation, due to the nature of the surrounding properties.
b. The front elevation was recognized as the building frontage facing 1700 South and would require at least two building materials, with the wainscoting to be either brick or rock with stucco above that material.
c. The east side of the building would have the same brick or rock wainscoting as the front with stucco above it for at least the first 100 feet going south from the front of the building on 1700 South, back to beyond the main entrance on the west side of the building.

3) The plat must be amended to reflect the correction of the illegal lot split between the existing commercial building and Tender Years Day Care. Application for plat amendment must be filed with the Clearfield City Community Development Department. Correction of the plat must be completed before issuance of the building permit.
4) The garbage dumpster must be screened.
5) Site Plan approval is subject to North Davis Fire District review and approval.
6) Site access on a State-owned right-of-way is subject to Utah Department of Transportation review and approval.
7) 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 on the following vote: Voting AYE: Commissioners Peterson, Murray, Millard and Allen. Voting NO: None.

Commissioner Allen moved to recess for five minutes. Seconded by Commissioner Millard.

Planning Commission meeting reconvened at 10:33 p.m.

PUBLIC HEARING ON ZTA 1409-0005, ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 13, SUPPLEMENTARY REGULATIONS, TO CREATE STANDARDS AND LOCATION REQUIREMENTS FOR FIREWORKS STANDS, TEMPORARY OR SEASONAL MERCHANTS AND MOBILE FOOD VENDORS. THIS ZONING TEXT AMENDMENT WOULD BE EFFECTIVE ACROSS ALL COMMERCIAL ZONES IN CLEARFIELD CITY

Scott Hess said a map was prepared which indicated the locations allowed for mobile food vendors and Stacy Millgate had prepared the zoning text amendment.

Chair Peterson declared the public hearing open at 10:35 p.m.

PUBLIC COMMENT:
None

Commissioner Murray moved to close the public hearing at 10:36 p.m. Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Peterson, Murray, Millard and Allen. Voting NO: None.

PUBLIC HEARING ON ZTA 1409-0006, ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 13, SUPPLEMENTARY REGULATIONS, TO ESTABLISH STANDARDS FOR HOME DAYCARES AND PRESCHOOLS AS PERMITTED USES WITHIN RESIDENTIAL ZONES. THIS ZONING TEXT AMENDMENT WOULD BE EFFECTIVE ACROSS ALL RESIDENTIAL ZONES IN CLEARFIELD CITY

Chair Peterson declared the public hearing open at 10:36 p.m.

PUBLIC COMMENT:
None

Commissioner Allen moved to close the public hearing at 10:37 pm. Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Peterson, Murray, Millard and Allen. Voting NO: None.
DISCUSSION ON ZTA 1409-0005, ZONING TEXT AMENDMENT TO TITLE 11 CHAPTER 13, SUPPLEMENTARY REGULATIONS, TO CREATE STANDARDS AND LOCATION REQUIREMENTS FOR FIREWORKS STANDS, TEMPORARY OR SEASONAL MERCHANTS AND MOBILE FOOD VENDORS. THIS ZONING TEXT AMENDMENT WOULD BE EFFECTIVE ACROSS ALL COMMERCIAL ZONES IN CLEARFIELD CITY

Stacy Millgate said Section A of City Code § 11-13-26 specified the locations where the temporary businesses would be allowed to operate and she indicated the areas on a map. She said the businesses allowed on Main Street, State Street, 1700 South, 700 South and 300 North were marked on the map in red. She said the blue sections on the map encompassed Freeport Center, Freeport West, Utility Trailer property and the Legend Hills area. Scott Hess asked if the temporary businesses should be tied to specific streets or to the area. Commissioner Allen said the open area would be more inclusive. Mr. Hess asked if fireworks stands should be restricted in the blue area. The commissioners said fireworks stands should not be allowed in the blue area. Ms. Millgate said the temporary businesses would be allowed only on property that was zoned commercial or manufacturing. She said Section C of City Code § 11-13-26 was added which added enforcement to the appearance and maintenance of the stands and carts. Chair Peterson and Commissioner Millard agreed the wording was adequate and did not need to be specific. Commissioner Murray asked about food carts at existing businesses. Ms. Millgate said an existing business could operate its own food cart outside under its existing license, but a different business operating a food cart must be licensed.

RECOMMENDATION OF APPROVAL OF ZTA 1409-0005, ZONING TEXT AMENDMENT TO TITLE 11 CHAPTER 13, SUPPLEMENTARY REGULATIONS, TO CREATE STANDARDS AND LOCATION REQUIREMENTS FOR FIREWORKS STANDS, TEMPORARY OR SEASONAL MERCHANTS AND MOBILE FOOD VENDORS. THIS ZONING TEXT AMENDMENT WOULD BE EFFECTIVE ACROSS ALL COMMERCIAL ZONES IN CLEARFIELD CITY

Commissioner Allen moved to recommend approval of ZTA 1409-0005 to the City Council an amendment to Title 11, Chapter 13 of the City Code to create standards and location requirements for fireworks stands, temporary or seasonal merchant and mobile food vendors, based on the findings and discussion in the staff report and with the updated map. Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Peterson, Murray, Millard and Allen. Voting NO: None.

DISCUSSION ON ZTA 1409-0006, ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 13, SUPPLEMENTARY REGULATIONS, TO ESTABLISH STANDARDS FOR HOME DAYCARES AND PRESCHOOLS AS PERMITTED USES WITHIN RESIDENTIAL ZONES. THIS ZONING TEXT AMENDMENT WOULD BE EFFECTIVE ACROSS ALL RESIDENTIAL ZONES IN CLEARFIELD CITY

Stacy Millgate said the text amendment would reclassify residential daycares and preschools from a conditional use to a permitted use within the residential zones. She said additional language was added under City Code § 11-13, supplementary regulations to include additional
requirements to be submitted with the business license application. The language added was:

11-13-32: RESIDENTIAL DAYCARES AND PRESCHOOLS:

A. Drop-off/Pick-up Plans: Applicant shall submit a drop-off and pick-up schedule, subject to the approval by the City Zoning Administrator, with staggered times proposed in order to mitigate traffic impacts. If applicant is requesting approval for a home preschool, that holds more than one class per day, the ending time of the first class to the beginning time of the second class shall be scheduled at least one hour apart, to prevent overlapping times of pick-up and drop-off of students.

B. Traffic Flow: Applicant shall submit a copy of the traffic flow plan, subject to approval by the City Zoning Administrator.

C. Outdoor Environment: There shall be an outdoor play area for children that is safely accessible to children. Enclosed and installed to the satisfaction of State of Utah Licensing Division.

D. If the Zoning Administrator determines that an application needs further interpretation, he may request planning commission review of the approval.

Ms. Millgate said the State of Utah allowed for licensing up to eight children per household. She said there were no changes to the definitions.

RECOMMENDATION OF APPROVAL OF ZTA 1409-0006, ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 13, SUPPLEMENTARY REGULATIONS, TO ESTABLISH STANDARDS FOR HOME DAYCARES AND PRESCHOOLS AS PERMITTED USES WITHIN RESIDENTIAL ZONES. THIS ZONING TEXT AMENDMENT WOULD BE EFFECTIVE ACROSS ALL RESIDENTIAL ZONES IN CLEARFIELD CITY

Commissioner Allen moved to recommend approval of ZTA 1409-0006 to the City Council, an amendment to Title 11, Chapter 8, Chapter 9, and Chapter 13 to establish standards for home daycares and preschools as permitted uses within residential zones based on the findings and discussion in the staff report. Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Peterson, Murray, Millard and Allen. Voting NO: None.

DISCUSSION ON POTENTIAL ZONING TEXT AMENDMENT REGARDING REQUIREMENTS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENT WITH THE D-R ZONE

Scott Hess showed a preliminary site plan and elevations for a potential project. He said staff proposed changes to City Code § 11-11E-5: Regulations for Residential Development:

A. Commercial Use Required: Except as otherwise allowed through a development agreement in order to facilitate projects which, in the city’s opinion, will encourage development of underutilized parcels and/or the replacement, renovation, or rehabilitation of dilapidated and decaying structures, the following requirements will apply: i)
residential dwelling units shall not be permitted unless as part of a commercial
development; and ii) nonresidential uses are required in the minimum habitable floor
depth on the first story of all building frontage along a public street, including State Street
and North Main Street.

B. Floor Area: Minimum unit size, average unit size, and mixture of 1/2/3 bedroom units will
be specified in the development agreement.

Mr. Hess said the changes would almost push the D-R Zone into more of a form based code. He
said more downtown residents might be needed before commercial development started so there
was potential for residential construction before commercial.

Brian Brower commented that paragraph B stated that the floor area of the units would be
specified in a development agreement which essentially required a development agreement for
the D-R Zone. Mr. Hess stated a development agreement provided the City the ability to get a
desired project. He said no property in the City was currently zoned D-R. Chair Peterson said the
City wanted something diverse and the proposed amendment was a good place to start. Councilmember LeBaron said the particular type of project followed Vision 2020 and supported
City goals. JJ Allen said the D-R Zone was put in place in 2009 and then the recession hit. He
said the changes were being made to the text for achievement of the desired outcome.

STAFF REPORTS

Scott Hess said there had been no administrative site plan reviews. He said he had some changes
for Title 11 and Title 12 that would be discussed at a future meeting.

PLANNING COMMISSIONERS’ MINUTE

Commissioner Millard – nothing

Commissioner Allen – stated those in attendance were all troopers.

Commissioner Murray – nothing

Councilmember LeBaron – told the commissioners they handled the pawn shop perfectly by
requiring the applicant to own up to what needed to happen and was not given an easy way out.

Brian Brower – commended the Commission for its efforts and added that even though it is late,
he would rather meet late one night than not as late on two separate nights.

Chair Peterson – nothing

There being no further business to come before the Planning Commission, Commissioner
moved Allen to adjourn at 11:17 P.M. Seconded by Commissioner Murray.