Pledge of Allegiance was led by Chair Peterson

APPROVAL OF MINUTES FROM MARCH 4, 2015 PLANNING COMMISSION MEETING

Commissioner Allen moved to approve the minutes of the March 4, 2015 Planning Commission meeting as written. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Allen and Roper. Voting NO: None. Commissioner Britton abstained from the vote.

DISCUSSION ON MDP AMENDMENT 1503-0005, A REQUEST BY MICHAEL CHRISTENSEN ON BEHALF OF THACKERAY GARN COMPANY TO AMEND THE MASTER DEVELOPMENT PLAN PHASING PLAN FOR A MIXED-USE DEVELOPMENT ON APPROXIMATELY 72 ACRES LOCATED AT 1250 SOUTH STATE STREET (TIN: 12-066-0071, 12-067-0139)

Scott Hess said the request included changes to the phasing plan which would add some additional residential units in the first phase. He said roads E and 5 would be constructed according to the final subdivision plat. He said the addition of these two buildings would create a more complete corner. Mr. Hess stated the phasing amendment did not affect the school parcel.
and the remainder of Phase 2 residential. He said in addition to the added residential buildings, staff was proposing a correction to Section 5.4.1D Materials and Colors. JJ Allen, Assistant City Manager, addressed the Planning Commission regarding the proposed change in the language regarding exterior materials. He said currently the MDP only limited EIFS to 30 percent of exterior façades. Staff indicated that the original intent for the City was to limit stucco, EIFS, and any other stucco-type products to 30 percent of the exterior façade of the buildings. Therefore, this change would be for clarification.

Amber Hansen, Thackeray Garn Company, addressed the Planning Commission and stated she would provide sample drawings of the residential buildings with the exterior material percentage breakout.

Brian Brower, City Attorney, requested the Planning Commission include the amendments to Section 5.4.1D as part of the motion for approval of the proposed changes to the MDP along with the phasing modifications. He further stated that the MDP was the zoning ordinance for the project, so assuring the appropriate standards were adopted in the MDP was essential.

The proposed condition of approval was:

1- Section 5.4.1D Materials and Colors shall be amended to state: Stucco, EIFS, and other similar stucco-type products shall not exceed 30% of each buildings total exterior façade.

Chair Peterson said the findings in the staff report stated that staff had determined that the amendment to the phasing plan was not a material change and therefore would not need to go through the zoning amendment process. She said this was the case because the total number of overall residential units for the project was not changing, just the time table for the construction.

RECOMMENDATION OF MDP AMENDMENT 1503-0005, A REQUEST BY MICHAEL CHRISTENSEN ON BEHALF OF THACKERAY GARN COMPANY TO AMEND THE MASTER DEVELOPMENT PLAN PHASING PLAN FOR A MIXED-USE DEVELOPMENT ON APPROXIMATELY 70 ACRES LOCATED AT 1250 SOUTH STATE STREET (TIN: 12-066-0071, 12-067-0139)

Commissioner Allen moved to find that the proposed phasing plan modifications and amendments to Section 5.4.1D of the Clearfield Station MDP as set forth in MDP Amendment 1404-0007 do not constitute a material change to the MDP, and to recommend approval of the amendments to the City Council based on the discussion and findings in the staff report with the following wording to replace the separate bullet points for EIFS under permitted materials:

1- Section 5.4.1D Materials and Colors shall be amended to state: Stucco EIFS and other similar stucco-type products shall not exceed 30% of each buildings total exterior façade.

Seconded by Commissioner Mabey. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Allen, Roper and Britton. Voting NO: None.
DISCUSSION ON SP 1503-0005, A REQUEST BY MICHAEL CHRISTENSEN ON BEHALF OF THACKERAY GARN COMPANY FOR SITE PLAN APPROVAL FOR PHASE 1A FLEX BUSINESS ON AN APPROVED MIXED-USE DEVELOPMENT ON APPROXIMATELY 70 ACRES LOCATED AT 1250 SOUTH STATE STREET (TIN: 12-066-0071, 12-067-0139)

Scott Hess indicated the site plan approval was contingent upon acceptance and approval of the preliminary and final subdivision plats which were on the agenda. He said the site plan was for two flex business buildings. He said the exterior materials had not changed from the site plan review in July 2014.

Mr. Hess said each phase needed to be reviewed as if it would stand alone into perpetuity. He said a sewer study showed that the 1000 East sewer main could handle Phase 1 including the flex buildings. Mr. Hess said the approval needed to be contingent upon acceptance of the improvements by the city engineer. He requested the parking follow City Code § 11-14-5F which required a landscaped island every 12 stalls. Chair Peterson asked for clarification for when the MDP (Master Development Plan), MDA (Master Development Agreement) and City Code were used. Mr. Hess said the site review took a tiered approach, if the MDP didn’t address it, then the MDA took over and if the requirement wasn’t covered in depth by either the MDP or the MDA then the zoning ordinance was used.

Mr. Hess reviewed the conditions of approval. Brian Brower requested a change to condition of approval number six. He asked that the second sentence say, “Unless the public improvements are already satisfactorily installed, then an escrow agreement, subject to approval by the city engineer and city attorney, and an escrow account shall be established prior to recordation of the final plat in order to guarantee installation of said improvements.”

Chair Peterson requested a change to conditions of approval four and five to change “should” to “shall”. Mr. Brower suggested that if the MDP or the MDA are more specific on a particular item than what was in City Code, then the MDP or the MDA would control. If the MDP and the MDA are silent on the subject, then City Code would control. Mr. Hess agreed that was correct. Mr. Hess indicated there was mention of parking in Section 5.12, Parking, Loading and Service and the intent was that off-street parking and shared structures or lots shall be provided for all land uses in convenient locations that are visually concealed from the view of the street by active users.

JJ Allen said Section 4.1E, Parking Areas, of the MDP in reference to parking islands stated: “Internal parking stalls shall have an island at the end of each bay with a min. of two trees plus groundcover, 9 ft. wide min.” Mr. Brower recommended condition of approval number four be amended to state “The design of the parking lot areas shall meet 11-14-5F.”
APPROVAL OF SP 1503-0005, A REQUEST BY MICHAEL CHRISTENSEN ON BEHALF OF THACKERAY GARN COMPANY FOR SITE PLAN APPROVAL FOR PHASE 1A FLEX BUSINESS ON AN APPROVED MIXED-USE DEVELOPMENT ON APPROXIMATELY 70 ACRES LOCATED AT 1250 SOUTH STATE STREET (TIN: 12-066-0071, 12-067-0139)

Commissioner Browning moved to approve SP 1503-0005, Clearfield Station Site Plan approval for Phase 1A Flex Business on an approved Mixed-Use Development on approximately 70 acres located at 1250 South State Street, based on discussion and findings in the staff report including the following conditions:

1) The developer shall submit a final clean copy of the Phase 1 Site Plan 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 Director.
3) The final Fire Infrastructure design shall meet North Davis Fire District standards and be to the satisfaction of the Fire Marshall.
4) The design of the parking lot areas shall meet § 11-14-5F of the Clearfield City Code unless otherwise specified in the MDA.
5) As per Clearfield City Code § 11-13-23C, the developer shall post a bond of 125% of the value of the landscape within each phase. Should the landscape not be installed prior to Certificate of Occupancy, pursuant to Land Use Ordinance § 11-13-23(B), (C) and (D) Final building permit approval is subject to the applicant establishing an escrow account, as reviewed and approved by the City Engineer and City Attorney.
6) As per City Code § 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. Unless the public improvements are already satisfactorily installed, then an escrow agreement, subject to approval by the City Engineer and City Attorney, and an escrow account shall be established prior to recordation of the Final Plat.
7) 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.
8) All Final Subdivision Plat and Site Plan submittals shall be in substantial conformance with the approved Master Development Plan and Master Development Agreement.
9) 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.

Commissioner Browning moved to approve SP 1503-0005, Clearfield Station Site Plan approval for Phase 1A Flex Business on an approved Mixed-Use Development on approximately 70 acres located at 1250 South State Street, based on discussion and findings in the staff report including the following conditions:

Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Allen, Roper and Britton. Voting NO: None

DISCUSSION ITEMS:

Scott Hess said there was a meeting on April 28, 2015 at 3:00 p.m. for the local planning resource program for the grant received for a downtown small area plan. He envisioned it as an additional section to the General Plan that was specific to the area from 700 South to 650 North on State
Mr. Hess said there would be Planning Commission training on April 15, 2105. He was attending the APA conference and Kent Bush was going to the league meetings and the discussion would focus on the information from the conferences. He told the commissioners to email any topic or question for discussion at the training.

Mr. Hess said a grant for 1.7 million dollars was received for a pedestrian bridge to connect the Clearfield Station to Freeport Center. He said the funds for the project begin in 2021.

Commissioner Roper moved to take 10 minute recess at 6:50 p.m.

Michael Millard arrived during the break.

Chair Peterson resumed the Planning Commission Meeting at 7:02 p.m.

Chair Peterson explained that due to the length of the agenda the meeting had started at 6:00 p.m. and said the items that were discussed prior to 7:00 p.m. did not require public hearings. She asked Brian Brower, City Attorney, to explain the process of public comment during a public hearing. Mr. Brower said there would be a time limit and each person would be allotted three minutes. He said he would give a visual signal when there was one minute left on each person’s time for making comments. He asked those making comments to please try to avoid merely repeating what was previously stated.

PUBLIC HEARING ON PSP 1502-0004 A REQUEST BY JOHN HANSEN ON BEHALF OF THOMAS ROSENBERG, FOR A PRELIMINARY SUBDIVISION PLAT APPROVAL LOCATED AT 938 SOUTH 2000 EAST (TIN: 09-302-0008). THE PROPERTY IS APPROXIMATELY 7.09 ACRES AND IS SPLIT ZONED R-2 (MULTI-FAMILY RESIDENTIAL) AND C-2 (COMMERCIAL) ZONING DISTRICTS

Chair Peterson declared the public hearing open at 7:03 p.m.

PUBLIC COMMENT
None

Seeing no requests for public comment, Commissioner Roper moved to close the public hearing at 7:04 p.m. Seconded by Commissioner Mabey. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.
PUBLIC HEARING ON PSP 1503-0007 A REQUEST BY JEFF JACKSON, ON BEHALF OF IRONWOOD DEVELOPMENT GROUP, LLC, FOR A PRELIMINARY SUBDIVISION PLAT APPROVAL LOCATED AT APPROXIMATELY 850 SOUTH 490 EAST (TIN: 12-066-0089, 12-066-0090, 12-066-0115). THE PROPERTY IS APPROXIMATELY 8.67 ACRES AND LIES IN THE R-3 (MULTI-FAMILY RESIDENTIAL) ZONING DISTRICT.

Chair Peterson declared the public hearing open at 7:05 p.m.

PUBLIC COMMENT
None

Seeing no requests for public comment, Commissioner Mabey moved to close the public hearing at 7:06 p.m. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.

PUBLIC HEARING ON RZN 1503-0001 A REQUEST BY VERLAN ROBINSON FOR A REZONE FROM R-1-8 (RESIDENTIAL) TO A-1 (AGRICULTURE) LOCATED AT 1365 WEST 25 NORTH (TIN: 12-680-0032). THE PROPERTY IS APPROXIMATELY 1.29 ACRES

Chair Peterson declared the public hearing open at 7:07 p.m.

PUBLIC COMMENT:
OPPOSED:
Nadene Davis, Clearfield, asked why the property would be rezoned to agriculture when it was surrounded by residential homes. She said that under the power lines was a weed field. She asked how the free standing large garage already on the property was allowed to be built. Scott Hess stated the garage was built before the lot was subdivided from the house. He said the rezone to agriculture would facilitate construction of another building on the property because there was not a primary structure on the property. Ms. Davis said there were restrictions on the height and size of a building and she had never seen that large of a building. Mr. Hess said the lot could have 40 percent coverage with structures and the size of that lot permitted a larger building than what would be allowed on most residential lots. Ms. Davis asked if the property should be kept clean and free of weeds. Mr. Hess said the City relied heavily on residents to inform them of issues that required code enforcement. Ms. Davis didn’t want another huge building to block her view of what was left of the City. She asked what would be housed in that structure. Mr. Hess said the applicant had indicated he would store equipment, vehicles and tractors. Ms. Davis asked if tractors were allowed on City streets. Mr. Hess said the contents stored in the enclosed structure were not regulated.

Karen Wood, Clearfield, said she was really against the rezone. She lived behind the existing building and it was her opinion that it had devalued her home. She said there was a junkyard between the yard and her fence and the weeds were not maintained. Ms. Wood said Mr. Robinson brought the big equipment through the neighborhood to work on it. She said he didn’t care about the neighborhood because he didn’t live there. She said she cared about her neighborhood.
IN FAVOR:
None

Seeing no additional requests for public comment, Commissioner Mabey moved to close the public hearing at 7:12 p.m. Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.

PUBLIC HEARING ON PSP 1503-0005, A REQUEST BY MICHAEL CHRISTENSEN ON BEHALF OF THACKERAY GARN COMPANY FOR A PRELIMINARY SUBDIVISION PLAT APPROVAL FOR PHASE 1 WITHIN AN APPROVED MIXED-USE DEVELOPMENT ON APPROXIMATELY 70 ACRES LOCATED AT APPROXIMATELY 1250 SOUTH STATE STREET (TIN: 12-066-0071, 12-067-0139)

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

PUBLIC COMMENT:
None

Seeing no requests for public comment, Commissioner Mabey moved to close the public hearing at 7:14 p.m. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.

PUBLIC HEARING ON CUP 1503-0004, A REQUEST BY DAK MAXFIELD ON BEHALF OF STAKER & PARSON COMPANIES FOR CONDITIONAL USE PERMIT REVIEW FOR A LANDSCAPE SUPPLY YARD LOCATED AT 690 WEST 1700 SOUTH (TIN: 12-297-0004, 12-297-0005, 12-065-0158). THE PROPERTY IS APPROXIMATELY 5.96 ACRES AND LIES IN THE M-1 (MANUFACTURING) ZONING DISTRICT.

Chair Peterson declared the public hearing open at 7:15 p.m.

PUBLIC COMMENT:
OPPOSED:
Buzz Zaugg, business owner of Taco Time and Samurai Sam’s, was concerned with the smell and flies that would be associated with composting. Another concern was with large vehicles that would affect the traffic and safety in the area. Mr. Zaugg said a six foot fence would not be tall enough to hide material and equipment that would be stored on the property. He said vibrations from the rock crusher were felt on a daily basis at his restaurant. Mr. Zaugg asked if an impact study had been done for a business of this type in this area. He asked if it was the appropriate type of business to have at this location at this time.

Chris Perkins, business owner of Perks Autobody, said his biggest concern was the dust that had impacted his business. He said some days because of the dust and dirt blown by the wind his business was unable to paint cars. He said it made it harder to operate with the dusty conditions
and the air filters needed to be replaced more frequently. He said this was a major added expense because those air filters cost $1,000 each. He said the air filters were changed every eight to ten months before the current landscape supply yard started crushing rocks, but now the filters needed to be changed every three to four months. Mr. Perkins said a detailed car pulled outside would have a coating of dust within 10 to 15 minutes. His other concern was with the traffic with the large trucks. He said he also felt the vibrations, but his type of business was not as affected by that like the restaurant.

Monica Gailey, business owner of Let Them Be Kids, said currently there were 110 children in the daycare. She said the daycare was west of the subject property and had planned to expand to the east and to allow for over 200 children at the daycare. Ms. Gailey said the biggest concern of the daycare was the air quality. She said State laws required the children to be able to go outside. She said children with asthma were affected by air quality and she was concerned with additional dust the children would not be allowed to go outside. She was concerned about the traffic being close to the daycare.

Con Wilcox, Clearfield, said there were good points made. He presented some facts about the area. He said in April 2010 a change was made to the General Plan for Wilcox Farms Lot 14, which was directly west of the subject property, to allow residential. He said the City recently made changes to the R-2 and R-3 zones. Mr. Wilcox stated it was Wilcox Farms intention, had been and still was, to develop its property residentially. He said they were in the process of presenting an application that was consistent with the General Plan. He read Clearfield City Code § 11-11D-1: Purpose: “…This zone is intended to encourage sound development subject to regulations necessary to assure the orderly growth of the city and to protect the residential and commercial land uses from noise and other disturbances…” He also read Clearfield City Code § 11-11D-2C, “Uses which create traffic hazards, excessive noise, dust, fumes, odors, smoke, vapor, vibration or industrial waste disposal problems for adjacent residential uses shall not be permitted.” He stated the definition of adjacent can be contiguous or close by. He said vibration and dust didn’t stop at the property line.

Mike LeBaron, Clearfield, asked if the applicant had a dust control plan for fugitive emissions as well as an air quality permit which determined the opacity limits. He said those were required by the Utah State Department of Environmental Quality (DEQ) for any type of concrete, asphalt, sand and gravel, mineral producers to help safeguard the businesses and individuals in the area. Mr. LeBaron said the regulatory requirements of the DEQ, particularly air quality, which regulated those types of uses, were to ensure that dust wasn’t being created and that products weren’t being dumped from their trucks onto neighboring businesses and causing smells that affected neighboring businesses or residences.

Scott Hess stated a letter dated March 9, 2015 was submitted by Safe Site Storage, located to the east of the subject property, which stated that dust control on the existing property under the previous property owner’s control had been a problem. The units, parking lot and people within the units were affected by the dust.
FOR:
None

Seeing no additional requests for public comment, Commissioner Roper moved to close the public hearing at 7:29 p.m. Seconded by Commissioner Allen. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.

PUBLIC HEARING ON GPA 1503-0002, A REQUEST BY BRIAN WRIGLEY, ON BEHALF OF LOTUS EQUITIES FOR AN AMENDMENT TO THE GENERAL PLAN’S FUTURE LAND USE MAP TO CHANGE THE DESIGNATION FROM COMMERCIAL TO RESIDENTIAL FOR PROPERTY LOCATED AT 880 SOUTH STATE STREET (TIN: 09-015-0002). THE PROPERTY IS APPROXIMATELY 3.02 ACRES AND LIES IN THE C-2 (COMMERCIAL) ZONING DISTRICT.

Chair Peterson declared the public hearing open at 7:30 p.m.

PUBLIC COMMENT:
None

Seeing no requests for public comment, Commissioner Britton moved to close the public hearing at 7:31 p.m. Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.

PUBLIC HEARING FOR RZN 1503-0002, A REQUEST BY BRIAN WRIGLEY ON BEHALF OF LOTUS EQUITIES FOR A REZONE FROM C-2 (COMMERCIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) LOCATED AT 880 SOUTH STATE STREET (TIN: 09-015-0002). THE PROPERTY IS APPROXIMATELY 3.02 ACRES AND LIES IN THE C-2 (COMMERCIAL) ZONING DISTRICT.

Chair Peterson declared the public hearing open at 7:32 p.m.

PUBLIC COMMENT:
None

Seeing no requests for public comment, Commissioner Mabey moved to close the public hearing at 7:33 p.m. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.
PUBLIC HEARING ON RZN 1503-0008, A REQUEST BY THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY FOR A REZONE FROM C-2 (COMMERCIAL) TO D-R (DOWNTOWN REDEVELOPMENT) FOR PROPERTIES LOCATED AT 50 SOUTH DEPOT STREET (TIN: 12-001-0193), 70 SOUTH DEPOT STREET (TIN: 12-001-0130, 12-001-0175) AND 145 SOUTH DEPOT STREET (TIN: 12-001-0176) THE PROPERTY IS APPROXIMATELY 2.64 ACRES COMBINED.

Chair Peterson declared the public hearing open at 7:34 p.m.

PUBLIC COMMENT:
OPPOSED:
David Paice, representing Paice Tax and Accounting and Paice Holdings, LLC, understood there was potential to build high density housing. He said it would be adjacent to his business and he was against the rezone and he didn’t want high density housing. His opinion was that the central part of the City should be kept commercial. He said a 95 unit complex would be a detriment to the area, affect his property and cause increased traffic through his parking lot.

FOR:
None

Seeing no additional requests for public comment, Commissioner Allen moved to closed the public hearing at 7:36 p.m. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.

PUBLIC HEARING ON ZTA 1503-0009, A REQUEST BY CLEARFIELD CITY FOR A ZONING TEXT AMENDMENT FOR THE D-R (DOWNTOWN REDEVELOPMENT) ZONE (CITY CODE TITLE 11, CHAPTER 11, ARTICLE E, SECTION 8 PARKING, LOADING AND ACCESS) TO AMEND PARKING REQUIREMENTS WITHIN THE D-R ZONE. THIS ZONING TEXT AMENDMENT WOULD AFFECT ALL PROPERTIES CURRENTLY ZONED D-R IN CLEARFIELD CITY.

Chair Peterson declared the public hearing open at 7:37 p.m.

PUBLIC COMMENT:
None

Seeing no requests for public comment, Commissioner Mabey moved to close the public hearing at 7:38 p.m. Seconded by Commissioner Allen. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.

Chair Peterson noted that the public hearing portion of the meeting was now closed. She said all further discussion would be with applicants, staff and the Planning Commission. Commissioner Allen asked to have Brian Brower, City Attorney, explain to those in attendance what the
Planning Commission could and could not do regarding Conditional Use Applications and applications for a change in zoning.

Brian Brower stated that properties throughout the City were given a zoning classification and within each zoning classification there were lists of permitted and conditional uses. He said if the use was listed as a conditional use within the zone, then the applicant was required to apply for and obtain a Conditional Use Permit (CUP) from the Planning Commission prior to being allowed to legally implement that use. Mr. Brower said the legal counsel given to the Planning Commission was that because the use was listed as a conditional use in the City Code, the Planning Commission should not deny the use entirely, but instead had the obligation to articulate what conditions should be placed upon the use in order to mitigate the detrimental impacts from said use to surrounding property owners and the community. Mr. Brower further stated that the decision on an application for a rezone was discretionary. The City Council was the land use authority for a rezone request and the Planning Commission made recommendations to the City Council regarding such a request. He said staff’s role was to research and provide information to the Planning Commission in order to assist in the decision making process; however, the Planning Commission didn’t have to accept the opinions and recommendations from staff.


Scott Hess said the 7.09 acre parcel was split zoned and the west 5.51 acres was zoned R-2 and east portion was C-2. He said the storm detention basin was below lots 31 and 32. He said the commercial portion was updated and reflected the desire of the Planning Commission to have the buildings face 2000 East with the parking west of the buildings. Mr. Hess said parcels A and B would both require separate storm detention facilities that would collect storm water and then overflow to the west and dump into the City’s storm detention basin. He said they had substantially complied with all requirements from engineering and the North Davis Fire District.

Mr. Hess reviewed the conditions of approval and stated the differences between the conditions of approval for the preliminary subdivision plat and the final subdivision plat. Mr. Brower suggested an addition to condition of approval number two to state, “…development agreement with Clearfield City against…”

Brad Allen with John Hansen and Associates was present.

Commissioner Allen asked about the ten foot easement. Mr. Hess said the closest the buildings were to the property line was 15 feet and allowed the ten foot public utility easement.

Chair Peterson asked about liability to the City with potential contaminants draining into the City’s detention basin. Mr. Hess said storm detention basins collected the initial water and the
contaminants and then drained immediately into the City’s storm water system. He said the design created one more stop for the storm water to be collected on site, piped to west and then to the City system, which provided two chances to catch the contaminants. Mr. Brower said when there were problems with substances entering the storm water system other County, State and/or Federal regulatory agencies were called to determine the source of the contaminant and then order appropriate action.

APPROVAL OF PSP 1502-0004, A REQUEST BY JOHN HANSEN ON BEHALF OF THOMAS ROSENBERG, FOR A PRELIMINARY SUBDIVISION PLAT APPROVAL LOCATED AT 938 SOUTH 2000 EAST (TIN: 09-302-0008). THE PROPERTY IS APPROXIMATELY 7.09 ACRES AND IS SPLIT ZONED R-2 (MULTI-FAMILY RESIDENTIAL) AND C-2 (COMMERCIAL) ZONING DISTRICTS

Commissioner Millard moved to approve as conditioned PSP 1502-0004, a request by John Hansen, on behalf of Thomas Rosenberg, for a Preliminary Subdivision Plat approval located at 938 South 2000 East (TIN: 09-302-0008) based on the discussion and findings in the staff report with the following conditions:

1) A final clean copy of the Preliminary Subdivision Plat needs to be filed with the Planning Department, with all changes and redlines corrected from Planning, Public Works, and Engineering.

2) Approval of this development is contingent upon approval, full execution and recording of a development agreement with Clearfield City against the entire parcel as currently configured specifying building locations, setbacks, open space, road network, and parking requirements in substantial conformance with the submitted site plan, with parking on the commercial structures to be placed behind the buildings, with the buildings fronting 2000 East/University Park Boulevard.

3) The plat must include a note regarding creation of a Homeowners Association, and that common areas and all private amenities will be maintained by the HOA into perpetuity.

4) 10 Foot public-utility-easements must be provided around the development. The future western access road must be identified within a recorded easement for that purpose.

5) The construction documents submitted for building permits shall be in substantial conformance with the documents submitted in this Preliminary Subdivision Plat approval, PSP 1502-0004; 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 R-2 Zone, § 11-9D-11(E), of the Clearfield City
Code. The final building plans should be in substantial conformance with Title 11 Chapter 18 Design Guidelines of the Clearfield City Code.

d. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. A two car garage at minimum is required for each residential unit. An adequate number of stalls must meet ADA standards.

e. New lighting for the site, either parking lot or exterior to the building, shall be shown on the construction documents and meet City Code.

f. A minimum of 20 percent landscaping shall be provided and meet the minimum standards set forth in City Code § 11-13-23.

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

6) Plat approval is subject to North Davis Fire District 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 Mabey. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.

RECOMMENDATION FOR FSP 1503-0007, A REQUEST BY JOHN HANSEN ON BEHALF OF THOMAS ROSENBERG FOR A FINAL SUBDIVISION PLAT APPROVAL LOCATED AT 938 SOUTH 2000 EAST (TIN: 09-302-0008), THE PROPERTY IS APPROXIMATELY 7.09 ACRES AND IS SPLIT ZONED R-2 (MULTI-FAMILY RESIDENTIAL) AND C-2 (COMMERCIAL) ZONING DISTRICTS

Commissioner Millard moved to recommend approval to the City Council as conditioned for FSP 1503-0007, a request by John Hansen, on behalf of Thomas Rosenberg, for a Final Subdivision Plat approval located at 938 South 2000 East (TIN: 09-302-0008) based on the discussion and findings in the staff report with the following conditions:

1) A final clean copy of the Final Subdivision Plat needs to be filed with the Planning Department, with all changes and redlines corrected from Planning, Public Works, and Engineering.

2) Approval of this development is contingent upon approval, full execution and recording of a development agreement with Clearfield City against the entire parcel as currently configured specifying building locations, setbacks, open space, road network, and parking requirements in substantial conformance with the submitted site plan, with parking on the commercial structures to be placed behind the buildings, with the buildings fronting 2000 East/University Park Boulevard.

3) The plat must include a note regarding creation of a Homeowners Association, and that common areas and all private amenities will be maintained by the HOA into perpetuity.
4) 10 Foot public-utility-easements must be provided around the development. The future western access road must be identified within a recorded easement for that purpose.

5) The construction documents submitted for building permits shall be in substantial conformance with the documents submitted in this Final Subdivision Plat approval, FSP 1503-0007; 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 R-2 Zone, § 11-9D-11(E), of the Clearfield City Code. The final building plans should be in substantial conformance with Title 11, Chapter 18 Design Guidelines of the Clearfield City Code.
   d. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. A two car garage at minimum is required for each residential unit. An adequate number of stalls must meet ADA standards.
   e. New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.
   f. A minimum of 20 percent landscaping shall be provided and meet the minimum standards set forth in 11-13-23.
   g. Proposed signage must meet Title 11, Chapter 15 standards. Signs are not included as part of this Site Plan approval. Separate review and approval for signs/signage will be required.

6) Plat approval is subject to North Davis Fire District 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 Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.

DISCUSSION ON PSP 1503-0003 AND FSP 1503-0003 A REQUEST BY JEFF JACKSON, ON BEHALF OF IRONWOOD DEVELOPMENT GROUP, LLC, FOR A PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVAL LOCATED AT 850 SOUTH 490 EAST (TIN: 12-066-0089, 12-066-0090, 12-066-0115), THE PROPERTY IS APPROXIMATELY 8.67 ACRES AND LIES IN THE R-3 (MULTI-FAMILY RESIDENTIAL) ZONING DISTRICT.

Scott Hess said the plat consisted of two lots, Depot Street road dedication and parcel A. He said lot 1 would be the location of a multi-family residential project, lot 2 would be reserved for future commercial development along 700 South and Depot Street. Mr. Hess said in the future the developer would present a site plan for apartments on lot 1. He said there were some engineering call outs with offsite improvements that would be required.
Mr. Hess reviewed the conditions of approval and said the conditions were basically the same for both the preliminary and final subdivision approvals. He said an existing canal would be removed and storm water detention basins would be installed in order to help with mitigation of storm water concerns from adjacent properties.

Jeff Jackson, Developer, was present.

Mr. Hess said the approval of the subdivision would be followed by a site plan. Brian Brower said before recordation of the plat the developer would either satisfactorily install the improvements or provide a bond or escrow agreement to guarantee the improvements. Mr. Jackson said the combination of the lots was critical for their plan to build a big building on the lot.

APPROVAL OF PSP 1503-0003, A REQUEST BY JEFF JACKSON, ON BEHALF OF IRONWOOD DEVELOPMENT GROUP, LLC, FOR A PRELIMINARY SUBDIVISION PLAT APPROVAL LOCATED AT 850 SOUTH 490 EAST (TIN: 12-066-0089, 12-066-0090, 12-066-0115). THE PROPERTY IS APPROXIMATELY 8.67 ACRES AND LIES IN THE R-3 (MULTI-FAMILY RESIDENTIAL) ZONING DISTRICT

Commissioner Browning moved to approve as conditioned PSP 1503-0003 a request by Jeff Jackson, on behalf of Ironwood Development Group, LLC, for a Preliminary Subdivision Plat approval located at 850 South 490 East (TIN: 12-066-0089, 12-066-0090, 12-066-0115), based on the discussion and findings in the staff report with the following conditions:

1) A final clean copy of the Preliminary Subdivision Plat needs to be filed with the Planning Department, with all changes and redlines corrected from Planning, Public Works, and Engineering.

2) The plat must include a note regarding the ongoing maintenance of “Parcel A”. Creation of a Homeowner’s Association or management authority will be necessary as that parcel is not indicated as, or approved as a buildable lot.

3) 10 Foot public-utility-easements must be provided around Lot 1 and Lot 2 in the areas not identified with wider drainage and water easements.

4) Future development of the site will be subject to a Site Plan review and approval. Approval of the Preliminary Plat does not constitute approval or granting of a building permit.

5) Plat approval is subject to North Davis County Fire District review and approval.

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.

Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.
RECOMMENDATION OF FSP 1503-0003, A REQUEST BY JEFF JACKSON, ON BEHALF OF IRONWOOD DEVELOPMENT GROUP, LLC, FOR A FINAL SUBDIVISION PLAT APPROVAL LOCATED AT 850 SOUTH 490 EAST (TIN: 12-066-0089, 12-066-0090, 12-066-0115). THE PROPERTY IS APPROXIMATELY 8.67 ACRES AND LIES IN THE R-3 (MULTI-FAMILY RESIDENTIAL) ZONING DISTRICT.

Commissioner Roper moved to recommend approval to the City Council as conditioned FSP 1503-0003 a request by Jeff Jackson, on behalf of Ironwood Development Group, LLC, for a Final Subdivision Plat approval located at 850 South 490 East (TIN: 12-066-0089, 12-066-0090, 12-066-0115), based on the discussion and findings in the staff report with the following conditions:

1) A final clean copy of the Final Subdivision Plat needs to be filed with the Planning Department, with all changes and redlines corrected from Planning, Public Works, and Engineering.

2) The Final Plat must include a note regarding the ongoing maintenance of “Parcel A”. Creation of a Homeowner’s Association or management authority may be necessary as that parcel is not indicated as, or approved as a buildable lot.

3) 10 Foot public-utility-easements must be provided around Lot 1 and Lot 2 in the areas not identified with wider drainage and water easements.

4) Future development of the site will be subject to a Site Plan review and approval. Approval of the Preliminary Plat does not constitute approval or granting of a building permit.

5) Plat approval is subject to North Davis County Fire District review and approval.

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.

Seconded by Commissioner Mabey. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.

DISCUSSION ON RZN 1503-0001, A REQUEST BY VERLAN ROBINSON, FOR A REZONE FROM R-1-8 (RESIDENTIAL) TO A-1 (AGRICULTURE), LOCATED AT 1365 W. 25 N. (TIN: 12-680-0032). THE PROPERTY IS APPROXIMATELY 1.29 ACRES.

Scott Hess said the request was to rezone property from R-1-8 (Residential) to A-1 (Agricultural). He said the lot was formerly part of a single lot with a single family home which was subdivided in 2007 through an amended plat. He said the property was surrounded by agricultural types of uses as it was adjacent to the Rocky Mountain Power corridor and a Clearfield City storm water detention basin. The rezone was requested in order to allow construction of an additional accessory structure on the property. Mr. Hess said the property existed as a sort of buffer between the Rocky Mountain Power corridor and the residential homes. He said with the proposed rezone, the use of the property must remain agriculturally based and would be limited in intensity in order to maintain consistency with the General Plan. Mr. Hess said construction of an additional accessory building conformed to this analysis, but intensive use of the property as an outdoor storage yard, landscape supply yard, or place of business was not a legal or acceptable use of the
property under either the current zoning, or the rezone request. Mr. Hess said the General Plan allowed the A-1 (Agricultural) zone for the property. He said it was the opinion of staff that any higher intensity use would not fit in the General Plan designation or the surrounding residential community. He reviewed the conditions of approval.

Commissioner Britton asked if condition of approval number two indicated that no outdoor storage was allowed. Mr. Hess said any outdoor storage of vehicles, trailers or equipment required a Conditional Use Permit. Commissioner Allen asked how the property was not used as a place of business. Mr. Hess said State code allowed for a farm stand on A-1 zoned property. He said a Clearfield City home based business required a home to base the business from. Chair Peterson asked if the property was surrounded by agricultural. Mr. Hess clarified that there was agricultural property to the west and residential property to the east.

Chair Peterson said code enforcement concerns were voiced by the neighbors and clarified that condition of approval number one could not be interpreted that the rezone would be revoked for a code enforcement violation. Mr. Hess said a rezone could not be rescinded. He also said that a rezone was discretionary.

Brian Brower said he didn’t recommend tying code enforcement issues with a land use application and code enforcement issues should probably be kept separate from the rezone request.

Verlan Robinson, property owner, stated he wanted to buy the City owned property to correct the property boundary on the south side of the lot. He said he also talked to Rocky Mountain Power to lease property from them. He said he had tried to take care of the weeds on the surrounding properties.

Commissioner Browning said there were complaints about the use of heavy equipment and said a change of zone would potentially increase the use of heavy equipment on the property. He didn’t see a need for the change in zoning for the property. Brian Brower said it was his recommendation that the Planning Commission should determine what the highest and best use was for the property—residential, or agricultural. He said it was appropriate to look at the surrounding properties and zones in making that determination. He said the Planning Commission could consider what impact the rezone would have to the surrounding properties. Chair Peterson asked, should this be a residential property without a residence on it or should the property owner be allowed to execute a use that allowed him to better utilize the property. Commissioner Millard said it was an odd shaped lot and was concerned how the rezone would affect the adjacent property owners. He said he didn’t want to put an agricultural use in the middle of a neighborhood. Commissioner Allen asked if property could be zoned R-1-8 without a house on it. Mr. Hess said it could, but it would not be allowed to have a permit for an accessory structure without a primary structure on the lot.
RECOMMENDATION FOR RZN 1503-0001, A REQUEST BY VERLAN ROBINSON, FOR A REZONE FROM R-1-8 (RESIDENTIAL) TO A-1 (AGRICULTURE), LOCATED AT 1365 W. 25 N. (TIN: 12-680-0032). THE PROPERTY IS APPROXIMATELY 1.29 ACRES.

Commissioner Mabey moved to recommend to the City Council denial of RZN 1503-0001, a request by Verlan Robinson for a rezone from R-1-8 (Residential) to A-1 (Agricultural) located at 1365 West 25 North (TIN: 12-680-0032), based on the discussion and findings in the staff report. Commissioner Mabey said her recommendation for denial was based on the detrimental effects on the neighboring properties. Seconded by Commissioner Browning. Voting AYE: Commissioners Mabey, Browning and Millard. Voting NO: Commissioners Roper, Britton and Allen. The vote was a tie with three votes cast in favor of the motion and three votes cast against the motion. Because of the tie vote, the chair was required to cast the deciding vote. The chair voted against the motion. Therefore the motion failed due to the fact that only three votes were cast in favor of the motion and at least four votes are required to carry a motion or take any official action.

Brian Brower said that because the motion made to recommend denial failed, he suggested the Planning Commission may want to try going another direction and propose taking action for different recommendation to City Council.

Commissioner Britton moved to recommend to the City Council approval as conditioned, RZN 1503-0001, a request by Verlan Robinson for a rezone from R-1-8 (Residential) to A-1 (Agricultural) located at 1365 West 25 North (TIN: 12-680-0032), based on the discussion and findings in the staff report with the following conditions:

1. The property must remain in an agricultural use, and be in compliance with all applicable provisions for the A-1 Agricultural Zone as well as all other applicable ordinances.
2. No outdoor storage, including but not limited to, landscape supply yard equipment or materials will be permitted on the property.
3. The property may not be used as a place of business.
4. No tents, awning, canopies, or other temporary buildings or structures will be permitted on the property.

Seconded by Commissioner Allen. Voting AYE: Commissioners Roper, Britton and Allen. Voting NO: Commissioners Mabey, Browning and Millard. The vote was a tie with three votes cast in favor of the motion and three votes cast against the motion. Because of the tie vote, the chair was required to cast the deciding vote. The chair voted in favor of the motion, therefore the applicant’s request for rezone was recommended for approval to the City Council.

Chair Peterson said she saw merit in both recommendations and the City Council would make the ultimate decision as the Land Use Authority on a request for a rezone. She said her decision in favor of the rezone was based on the fact that there was a property owner with residential zoning without a residential structure which limited his ability to fully exercise his rights on the property.
DISCUSSION ON PSP 1503-0005, A REQUEST BY MICHAEL CHRISTENSEN, ON BEHALF OF THE THACKERAY COMPANY, FOR PRELIMINARY SUBDIVISION PLAT APPROVAL FOR AN APPROVED MIXED-USE DEVELOPMENT ON APPROXIMATELY 70 ACRES LOCATED AT 1250 S. STATE STREET (TIN: 12-066-0071, 12-067-0139).

Scott Hess said the preliminary subdivision plat was for Clearfield Station and was a phased subdivision. He said the preliminary subdivision plat covered the entire 70 acres and the final subdivision plats would be presented in phases. He said the preliminary subdivision plat was in substantial conformance with the former preliminary plat that was approved in April 2014. He said the existing easement access to the property would only be utilized until the main access interchange into the site off of State Street was relocated. Mr. Hess reviewed the conditions of approval. After he read condition of approval number two he stated each phase would stand alone and that the ultimate engineering solution to storm water and sewer would be different for each phase, or would eventually work as a complete system.

Commissioner Allen asked about the temporary building. Mr. Hess said the temporary building received site plan approval last year and the building would be constructed on one of the remainder parcels. Amber Hansen, Thackeray Garn, said the temporary building would be removed at a later phase, probably after phase four. Mr. Hess said the temporary road would exist until the new road was needed as required by a traffic study. Ms. Hansen said the existing UTA building would be removed with phase one.

APPROVAL OF PSP 1503-0005, A REQUEST BY MICHAEL CHRISTENSEN, ON BEHALF OF THE THACKERAY COMPANY, FOR PRELIMINARY SUBDIVISION PLAT APPROVAL FOR AN APPROVED MIXED-USE DEVELOPMENT ON APPROXIMATELY 70 ACRES LOCATED AT 1250 S. STATE STREET (TIN: 12-066-0071, 12-067-0139).

Commissioner Browning moved to approve as conditioned PSP 1503-0005, a request by Michael Christensen, on behalf of the Thackeray Company, for preliminary subdivision plat approval for an approved Mixed-Use development on approximately 70 acres located at 1250 South State Street, based on the discussion and findings in the staff report with the following conditions:

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.
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 in the Clearfield City Code, unless improvements have already been satisfactorily installed, then 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.

Seconded by Commissioner Mabey. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.

DISCUSSION ON FSP 1503-0005, A REQUEST BY MICHAEL CHRISTENSEN, ON BEHALF OF THE THACKERAY COMPANY, FOR FINAL SUBDIVISION PLAT APPROVAL FOR PHASE 1 ON AN APPROVED MIXED-USE DEVELOPMENT ON APPROXIMATELY 70 ACRES LOCATED AT 1250 S. STATE STREET (TIN: 12-066-0071, 12-067-0139)

Scott Hess said the final subdivision plat was for Phase One with lot 1a, two flex business buildings which had received site plan approval, lots 1b-1 & 1b-2 which would house nine residential buildings with up to 24 units per building along with one club house and open space amenities for the residential use. He said Road C in the final subdivision plat ran to the end line of the easement that accessed State Street. He said an escrow for improvements would not be required for the remainder of Road C, but rather for only the portions of road improvements installed at this time. Mr. Hess said Road E might change in the future depending on future phases. He said the sewer exited on 1000 East and storm water was collected on site. The future site improvements and additional structures depended on engineering solutions that worked for the entire site. Mr. Hess said staff recommended approval and reviewed the conditions of approval.

RECOMMENDATION ON FSP 1503-0005, A REQUEST BY MICHAEL CHRISTENSEN, ON BEHALF OF THE THACKERAY COMPANY, FOR FINAL SUBDIVISION PLAT APPROVAL FOR PHASE 1 ON AN APPROVED MIXED-USE DEVELOPMENT ON APPROXIMATELY 70 ACRES LOCATED AT 1250 S. STATE STREET (TIN: 12-066-0071, 12-067-0139)

Commissioner Mabey moved to recommend approval to the City Council as conditioned FSP 1503-0005, a request by Michael Christensen, on behalf of the Thackeray Company, for Final Subdivision Plat approval for Phase 1 on an approved Mixed-Use Development on approximately 70 acres located at 1250 South State Street, based on discussion and findings in the staff report with the following conditions:

1) The developer shall submit a final clean copy of the Final 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. Developer shall demonstrate sufficient capacity in the City’s sanitary sewer collection system in 1000 East and downstream to provide adequate service for the project; or, in the
alternative, Developer shall improve (expand/upsize) the City’s system to accommodate the Project.

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 in the Clearfield City Code, unless improvements have already been satisfactorily installed, then 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.

Seconded by Commissioner Allen. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.

DISCUSSION ON CUP 1503-0004, A REQUEST BY DAK MAXFIELD, ON BEHALF OF STAKER & PARSON COMPANIES, FOR A CONDITIONAL USE PERMIT FOR A LANDSCAPE SUPPLY YARD AND OUTDOOR STORAGE LOCATED AT 690 WEST 1700 SOUTH (TIN: 12-297-0004, 12-297-0005, 12-065-0158). THE PROPERTY IS APPROXIMATELY 5.96 ACRES AND LIES IN THE M-1 (MANUFACTURING) ZONING DISTRICT.

Scott Hess said Staker & Parson Companies requested a Conditional Use Permit (CUP) for a landscape supply yard on three parcels totaling 5.96 acres. He said one parcel had been used for rock crushing and as a storage yard since October 2008. Mr. Hess said Staker & Parson Companies would like to continue with a similar use, however, improvements would be made to the property. He read the following definitions of landscape supply yard and outdoor storage:

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.”

OUTDOOR STORAGE: “The commercial storage or keeping of building materials, equipment, fuels, vehicles, goods, commodities or raw materials outside of a building or structure. Outdoor storage shall be subject to the regulations set forth in section 11-13-12 of this title.”

Mr. Hess said the front (south) portion of the property which is located roughly at 1700 South and 670 and 710 West would be used for customer sales area with parking and displays. He said the outdoor storage use with the business was the materials which would be stockpiled, held and processed on the northern triangular portion of the site. Mr. Hess said Clearfield City Code §11-13-12 for outdoor storage outlined the requirements that must be met and read the items
applicable to the request.

1) Outdoor storage must be enclosed by a wall or fence at least six feet tall and impervious to sight from public streets, right-of-ways and adjacent property.

2) City Code § 11-13-10e, because not all adjacent properties were zoned M-1, the outdoor storage was not permitted to exceed six feet in height.

Mr. Hess said the enclosure of piled rock, concrete and landscape materials would not be easily accomplished by a fence. He said the detrimental visual impacts could be mitigated through meeting landscaping and screening requirements. Mr. Hess said in City Code § 11-18-4K (Design Standards), staff recommended planting of trees in intervals not to exceed 25 feet on all sides of the property. He said staff was concerned with the sand, dust and debris that rock crushing could cause. Mr. Hess said staff recommended the applicant provide a dust control plan. He said impacts from sound and vibration were also a concern to the adjacent businesses.

Mr. Hess said the application was for a landscape supply yard and was not approved to become a gravel pit or open air excavation site. He said the Planning Commission should consider imposing conditions designed to alleviate the detrimental impacts on neighboring property owners. Mr. Hess said the applicants request could be met with the addition of corrections to the site plan that would be addressed in the site plan approval.

Mr. Hess said the request for outdoor storage and a landscape supply yard was more intensive than the surrounding property uses. The impacts of noise, light, dust, sound, vibration and traffic would all potentially increase. He said the impacts could be mitigated through such conditions as increased tree planting, limiting the amount of dust leaving the property, inclusion of a dust control plan with watering apparatuses, and limited hours of operation. He stated that excavation and gravel pit operations were not permitted. Mr. Hess said there may be additional impact placed on the storm drain system if any fine materials, dirt and debris got into the City’s storm water system and staff recommended that a storm water clean-out box be provided in all areas where high levels of runoff were expected. He reviewed the conditions of approval.

Dak Maxfield, representing Staker & Parson Companies, said he recognized the concerns of the City but stated the property would not be a gravel pit. He said the rear portion of the property was a transfer facility. Mr. Maxfield said the front area was the landscape yard. He said Staker & Parson Companies took pride in the appearance of its business locations and in being good neighbors. He said it had methods in place to handle the dust. Mr. Maxfield said the entire front portion of the property would be improved with pavement. He said the entire rear yard surface was currently dirt and Staker & Parson Companies would lay down road base topped with a recycled asphalt material called rip-rap. He said the particles bind in the heat of the sun which eliminated the tracking out of materials that came with a wet dirt surface. He said there would not be a full-time crusher on site. He said it was anticipated that larger trucks would bring in material which would be crushed on site with some of that crushed material made available for purchase on site.

Mr. Maxfield said it was not anticipated that the ready mix batch plant component would be operational when the business opened but hoped it would be a future addition to the site. The
ready mix plant would be on a small scale and the biggest component would be the cement silo that would be 15 feet tall and about eight to ten feet in diameter. Mr. Maxfield said Rocky Mountain Power was concerned with trees in the power corridor but Staker & Parson Companies was willing to plant trees for increased screening. He said the detention basin would be improved with grass with the exception of the inlets and outlets which would be rock product to eliminate anything washing down into the storm water system. Mr. Maxfield said there would be a decorative arrangement of rock products on a berm adjacent to 1700 South. He said the utilities were all stubbed into the site and the storm drain would have catch basins that drained into the detention pond.

Commissioner Browning asked what size vehicles would be on site. Mr. Maxfield said the largest vehicles would be an end dump with a pup or a long axle tractor trailer. He said a double trailer would be discouraged. Commissioner Mabey asked how frequently vibrations would occur. Mr. Maxfield said the crusher wouldn’t be on site full-time but would be brought to the site and used for two to three days at a time. He said because of the height restriction of six feet for the piles of crushed rock, the crusher would be needed more frequently. Scott Hess explained that the previous business was operating under a business license prior to the requirement of a CUP for a landscape supply yard. Mr. Hess said the rock crusher was permitted via a site plan in 2008.

Chair Peterson said some residents voiced concerns with the vibrations, noise and dust while the rock crushing machine was operating. Mr. Maxfield said water would be used with the rock crushing. He said the mobile crusher had waterlines attached to it. He said the crusher currently used on the site was a dry crusher. Mr. Maxfield said there would be vibration with any crusher and the hours of operation could be limited so it wasn’t so impactful. He said if a nuisance was noticed, a call could be made to the regulatory agency, Department of Environmental Quality (DEQ), and if a violation was found Staker & Parson Companies would be issued a notice of violation. He said a notice of violation was not just a slap on the hand but cost the company tens of thousands of dollars. He said Staker & Parson Companies tried to operate judiciously and not impact the neighbors.

Commissioner Browning was concerned with compost on the property. Mr. Maxfield said there would not be any compost, but rather the product was a bark material for landscape purposes and there was no stench to the product. Scott Hess said the definition of landscape supply yard provided for composting and if composting was considered a detrimental impact then a mitigating factor could state that no onsite composting would be allowed as a condition of approval.

Commissioner Allen asked what buildings were permitted on the site. Mr. Hess said the buildings on site would be discussed with the site plan. He suggested any future buildings or structures should come in with a separate site plan. Brian Brower stated his opinion that the Planning Commission’s ability to limit uses, buildings and structures on the property would be less with an application for site plan approval than it was with the application for approval of the CUP and that if the commissioners wanted to place any conditions on the use of a ready-mix batch plant or any other structures, then they needed to be listed with the CUP.
Chair Peterson asked if Staker & Parson Companies had a fugitive dust control plan. Mr. Maxfield said one could be provided, but there currently wasn’t a plan in place for the current business owner. Councilmember LeBaron said it appeared that the current owner may not have a fugitive dust control plan but that the new owner should be required to have one.

Chair Peterson asked about the rock product on the site. Mr. Maxfield said decorative product would be brought to the site pre-crushed and ready to put in the bins in the front of the site. Chair Peterson said that if the material put through the crusher was a recycled product, then her concern was that it changed the business, in her opinion, from a landscape supply yard to a recycling facility. She said Clearfield City Code didn’t allow such recycling. Mr. Maxfield said the asphalt was crushed on site then taken to an asphalt plant. He said it was more efficient with the crushing process and less costly. Chair Peterson said in her opinion the crushing process made it a transfer station and not a landscape supply yard. She said it was not permissible on the site and business needed to be limited to landscape supply yard type of uses. She said the recycling component presented an obstacle. Mr. Maxfield said he needed to know the definition of landscape because the material could be used for site improvements. He said the process of taking a recycled product for use in improving a site in his opinion was landscaping.

Chair Peterson said Mr. Maxfield had presented that the product recycled at the rear of the property was transient in nature and was not anticipated for sale in the retail sales part of the business. Mr. Maxfield said the entire site was transient in nature because they were bringing landscape products in and then they were shipped back out. Commissioner Millard said in a warehouse setting the back of the warehouse was for storage of the product for the store front. He said it appeared that there were two types of businesses, the store front and then the recycling of product in the rear which was not meant to fill the bins in the front.

Commissioner Browning said he didn’t understand why a new business was being told it couldn’t operate at the same location doing roughly the same type of work as a business that had been operating for over 20 years when improvements would be made to the site by the new business. Scott Hess said the existing business was given site plan approval for a rock crusher on the property in 2008. Brian Brower said the application being discussed was for a landscape supply yard with outdoor storage. He said there was an existing business on the property and the use may be similar as far as the use of a rock crusher, but his opinion was that the application for a landscape supply yard with outdoor storage was a change of use from what was previously taking place on the site.

Chair Peterson said past ordinances were irrelevant for the current application and asked what the site would be used for. Mr. Maxfield said in his opinion the business was more landscaping and site improvement type sales. He said in the rear of the property there would be retail sales of product that would be used for landscaping.

Scott Hess said CUPs were essentially permitted uses with conditions placed upon them. He said when he reviewed a project he determined what detrimental impacts could be mitigated. Brian Brower said if the Planning Commission concluded that there were components of the uses here that would have detrimental impacts which could not be mitigated sufficiently, a condition could
be justified which would not allow those parts of the operation to be conducted on the site.

Chair Peterson asked the commissioners to list the potential negative impacts for the site. Commissioner Millard said vibration and dust would be a problem, but Staker & Parson Companies appeared to have a good plan to address the dust. He asked if the intent of no recycling in the City was for vehicles only or were other types of recycling included. Mr. Maxfield asked if recycling was a conditional use. Mr. Hess stated it was not. Mr. Maxfield said the question was whether the products can be used in a retail sales type business for the purpose of landscaping. His answer was yes.

Commissioner Browning said complaints received were for the existing user and Staker & Parson Companies had presented a plan that addressed the issues that were discussed. Chair Peterson said the potential for excessive dust, vibrations and noise still existed with the plan presented by the applicant. She asked the Commissioners to consider what potential issues warranted mitigation of detrimental impacts to the surrounding properties.

Commissioner Roper was concerned with the number of properties it impacted: residential, business and neighboring cities and suggested the Commission consider denying the conditional use permit application. Brian Brower recommended that the Planning Commission should not deny a conditional use permit. He said that rather than deny a CUP, instead conditions should be imposed to mitigate the detrimental impact. He indicated that there should be a reasonable connection to the conditions imposed and the detrimental impacts they are designed to mitigate.

Commissioners Roper and Mabey were concerned with the vibration. Commissioner Mabey didn’t know how the vibration could be mitigated because even with the hours, it would conflict with other business operations. Commissioner Millard said he was satisfied with the plan to control dust. Mr. Brower said the conditions needed to specifically address the plan which would be required to control the dust.

Chair Peterson reviewed the conditions of approval listed in the staff report.

1) The fencing plan should consist of a minimum 6 foot high screening fence which must make the site impervious to view from any public street, right-of-way, or adjacent property, including those areas along the western property line and the southern line separating the sales from the processing area. Fencing shall be kept in good maintenance and repair, and cannot be chain link.

Commissioner Britton said his opinion was that a six foot fence was insufficient to help mitigate the noise, dust or vibrations. After some discussion, it was determined that pursuant to the City Code, the fence could not be slatted chain link as it would not “make the site impervious to view.” Mr. Maxfield said there was a six foot high vinyl fence to separate front and rear yards and the bins had a solid concrete wall. He said there was a chain link fence along the west boundary of the back portion of the property. He said the trees would help mitigate the sight impact.
Mr. Brower said condition of approval number one which required a six foot fence impervious to view was initiated by the outdoor storage use. He told the commissioners if it was determined slatted chain link fence was acceptable on the eastern side of the lot an explanation was needed because the allowance of slatted chain link fence would indicate that the material was impervious to view. Commissioner Millard said the fence needed to be impervious and consistent around the entire property. It was decided that an impervious (not slatted chain link) fence was required for the exterior of property.

2) Landscaping shall be installed along the east and west property lines as well as along the south fence line separating the processing area from the sales area in the form of trees planted at an interval not to exceed one per 25 feet to add necessary screening to reduce detrimental impacts to neighboring property owners.

3) Any outdoor storage must be kept orderly and clean of debris and items not permitted by this Conditional Use Permit.
   a. No outdoor storage or stacked materials may exceed six feet in height (including but not limited to piles of soil, rock products, and any other such materials). If this standard is documented to be violated, the revocation process for the CUP and Business License will be initiated.

Chair Peterson said an addition to condition number three which would require the applicant to provide a Fugitive Dust Control Plan and meet all pertinent requirements of that plan as mandated by Utah Administrative Code R307-309-6 was warranted. In tandem with a Fugitive Dust Control Plan, the applicant shall prevent and clean up any material deposited on public or private paved roads pursuant to Utah Administrative Code R307-309-7. Brian Brower suggested the following language to accomplish Chair Peterson’s request:

b. The applicant must submit and then must continue to maintain compliance with a Fugitive Dust Control Plan pursuant to Rule R-307-309-6 of the Utah Administrative Code. Applicant must comply with all federal, state, and local laws, including but not limited to Rule R307-309 of the Utah Administrative Code.

4) 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.

5) Hours for any rock crushing, recycling of concrete, asphalt, or other potentially noisy/dusty operations are limited to between the hours of 8:00 a.m. to 6:00 p.m.; the site may not produce any vibrations or concussive noises which adversely affect surrounding properties.

Chair Peterson was concerned with the enforceability of the effects of the vibrations and with the hours listed for operation. She didn’t know how to mitigate the noise and vibrations. The commissioners were concerned with increased vibrations because the rock crushing machine
would be bigger than the one currently on site and that the use would be more intensive than it currently was. The closest residential property was one-quarter of a mile. Commissioner Millard said he had never heard a rock crusher and didn’t know how bad the vibrations were. He asked if the impact could be quantified--what was too loud. He said an adverse effect needed to be shown. He said he didn’t know how loud it was compared to the surrounding businesses and properties with commercial and manufacturing. Commissioner Allen stated it was hard to quantify noise levels. Several commissioners suggested lessening the hours of operation. Commissioner Millard said if the hours were reduced it would be too hard to operate effectively.

6) This approval does not constitute the approval of an excavation site or gravel pit.

Brian Brower said he had heard concerns from commissioners that all products on the site may not associated with a landscape supply yard and outdoor storage. He said in reference to condition number six, staff’s recommendation was that the site would not be allowed to operate as an excavation site or gravel pit. Commissioner Millard said the product manufactured in the back should be relevant to the product sold in the front. Chair Peterson said the Commission needed to determine if there was a detrimental effect by bringing the rock products in to then be crushed/recycled and used elsewhere. Commissioner Mabey said her opinion was that it didn’t cause a negative impact. Commissioner Allen said his opinion was that the back operation was different from the front operation.

7) Any rock crushing, recycling of concrete, asphalt or similar activities are limited to the northernmost triangular parcel on the subject property. (TIN: 12-297-0005).

Chair Peterson asked if the recycling component needed to be addressed by definition or by impact. Commissioner Mabey said it needed to be addressed to some extent, but she didn’t have a solution. Commissioner Millard wondered what the City’s intent was when recycling was stopped; but he didn’t think it was this type of recycling. He didn’t know if the area was being impacted all that much and said he was okay with it. Commissioner Roper asked how the Commission could know what could or could not be recycled. Chair Peterson asked if there was a portion of the proposed uses on the site that didn’t fit the landscape supply yard. Commissioner Allen said in his opinion it was not a landscape supply yard and Commissioner Roper agreed. Chair Peterson asked if the recycling component made it different than a landscape supply yard and if the recycling was limited or removed, whether the business would even qualify as a landscape supply yard. Several of the commissioners said it would. She suggested that materials brought in and then crushed on site which were then moved to be used or sold elsewhere exceeded the definition of a landscape supply yard. Commissioner Millard said it was his opinion that there were two separate businesses and the any rock crushing allowed on the site needed to be for the products sold in the front.

8) No composting may be done on the site.

After discussion on a future ready mix operation it was determined to add another condition to the conditional use permit.
9) Ready-mix, or other similar concrete production, mixing or supplying operations, are limited to servicing small, single-trailer uses ("pour-a-yard" size) not to exceed 2 cubic yards per load. No structures exceeding 15 feet in height will be allowed and all concrete related operations must be fully enclosed and fully self-contained in order to prevent any dust, dirt or debris.

Chair Peterson reviewed the conditions of approval as previously discussed. Mr. Brower suggested an addition to condition of approval 3 b) that stated “Prior to obtaining a business license, the applicant must submit . . .”

Due to the length of the discussion and time already spent on CUP 1503-0004, the Planning Commission decided to move on and discuss the other remaining agenda items in order to accommodate the other applicants prior to the finalization of its determination on CUP 1503-0004.

DISCUSSION ON GPA 1503-0002 AND RZN 1503-0002, REQUESTS BY BRYAN WRIGLEY ON BEHALF OF LOTUS EQUITIES FOR AN AMENDMENT OF THE GENERAL PLAN’S FUTURE LAND USE MAP TO CHANGE THE DESIGNATION FROM COMMERCIAL TO RESIDENTIAL AND REZONE FROM C-2 (COMMERCIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) FOR PROPERTY LOCATED AT 880 SOUTH STATE STREET (TIN: 09-015-0002). THE PROPERTY IS APPROXIMATELY 3.02 ACRES AND LIES IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Scott Hess said the property was a redevelopment site and had limited commercial viability because it was across from uses that wouldn’t energize commercial uses. He said this area of the City was a diverse housing area and the development would serve as a statement piece on State Street with 40 proposed units. Mr. Hess said staff recommended approval of both requests with condition of approval that the site plan would be in substantial conformance with the preliminary site plan as presented with the application. The rezone was also contingent upon the approval of the General Plan Amendment.

Bryan Wrigley said Lotus Equities has had a lot of success with urban design projects. He said the development was a great family community and they were looking forward to the project. Mr. Wrigley said the apartments would be mostly three bedrooms with two and one-half baths.

Chair Peterson asked about the layout of the lot. Mr. Wrigley said along State Street the buildings would be three stories and at the back of the lot would be wider with two stories. He said the garage was the lower level with stairs to living space and the bedrooms on the top floor. He said the building was built close to the street with two or three steps into the residence.

Chair Peterson asked if changing the use of the property to residential was the highest and best use for the area. Several commissioners liked the project. Chair Peterson said Commissioner Murray was unable to attend and called from Chicago with her concerns about the project. Commissioner Murray was not in favor of the proposal and was concerned with the number of applications received recently for multi-family housing. She was interested in commercial and
Clearfield City Planning Commission Minutes April 1, 2015

wanted to wait and see whether this site could indeed be developed as a commercial project. Commissioner Britton understood Commissioner Murray’s concern. Commissioner Roper said there was room for growth in that area with Clearfield Station and 700 South. Commissioner Browning said more residents were needed.

Mr. Wrigley said there was not a similar development in the surrounding area. He said a study was done and Lotus Equities was confident about the location; it was a quality residential apartment project.

**RECOMMENDATION FOR GPA 1503-0002, A REQUEST BY BRYAN WRIGLEY, ON BEHALF OF LOTUS EQUITIES, FOR AN AMENDMENT TO THE GENERAL PLAN’S FUTURE LAND USE MAP TO CHANGE THE DESIGNATION FROM COMMERCIAL TO RESIDENTIAL FOR PROPERTY LOCATED AT 880 SOUTH STATE STREET (TIN: 09-015-0002). THE PROPERTY IS APPROXIMATELY 3.02 ACRES AND LIES IN THE C-2 (COMMERCIAL) ZONING DISTRICT.**

Commissioner Browning moved to recommend to the City Council approval as conditioned, GPA 1503-0002, a request by Bryan Wrigley, on behalf of Lotus Equities, for an amendment to the General Plan’s Future Land Use Map to change the designation from Commercial to Residential for property located at 880 South State Street, based on the discussion and findings in the Staff Report with the following conditions:

1. This General Plan Amendment is conditioned upon the submittal and approval of a Site Plan that is in substantial conformance with the preliminary Site Plan presented with this application.
2. Approval is conditioned upon the approval, full execution and recording of a development agreement with the City against the property.

Seconded by Commissioner Allen. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.

**RECOMMENDATION FOR RZN 1503-0002 A REQUEST BY BRYAN WRIGLEY, ON BEHALF OF LOTUS EQUITIES, FOR A REZONE FROM C-2 (COMMERCIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL), FOR PROPERTY LOCATED AT 880 SOUTH STATE STREET (TIN: 09-015-0002). THE PROPERTY IS APPROXIMATELY 3.02 ACRES AND LIES IN THE C-2 (COMMERCIAL) ZONING DISTRICT.**

Commissioner Mabey moved to recommend to the City Council approval as conditioned, RZN 1503-0002, a request by Bryan Wrigley, on behalf of Lotus Equities, for a Rezone from C-2 (Commercial) to R-3 (Multi-Family Residential), located at 880 South State Street, based on the discussion and findings in the Staff Report with the following conditions:

1) This rezone is conditioned upon the submittal and approval of a Site Plan that is in substantial conformance with the preliminary Site Plan presented with this application.
2) Approval is conditioned upon the approval, full execution and recording of a development agreement with the City against the property.
Seconded by Commissioner Britton. The motion carried on the following vote: Voting
AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.

CONTINUATION OF DISCUSSION ON CUP 1503-0004, A REQUEST BY DAK MAXFIELD, ON BEHALF OF STAKER & PARSON COMPANIES, FOR A CONDITIONAL USE PERMIT FOR A LANDSCAPE SUPPLY YARD AND OUTDOOR STORAGE LOCATED AT 690 WEST 1700 SOUTH (TIN: 12-297-0004, 12-297-0005, 12-065-0158). THE PROPERTY IS APPROXIMATELY 5.96 ACRES AND LIES IN THE M-1 (MANUFACTURING) ZONING DISTRICT.

Mr. Brower stated that outdoor storage was a defined use and was regulated in City Code § 11-13-12. He said that according to his interpretation of the Code, outdoor storage on the subject property could not exceed six feet in height because the property was not surrounded by M-1, Manufacturing property. He read from another paragraph in that section of the Code which stated, “No materials or waste shall be deposited upon any property in such form or manner that they may be transferred off such property by natural causes or forces. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by, or otherwise be attractive to rodents or insects may not be stored outdoors unless put in closed containers.”

Mr. Brower said that from a legal perspective he was having a hard time understanding the desire to require some connection between the operations in the back portion of the property being tied to what was going to be sold out front. Commissioner Millard had proposed language that would restrict the use of the rear portion of the property for the purpose of storing, recycling and transfer of products to be sold out of the front of property as retail. Chair Peterson said the business in the rear portion of the property was a separate type of a business and operated separate from the landscape supply yard in the front.

Mr. Brower said it was appropriate for the Planning Commission to impose conditions to make certain that the application and the future use of the site remained within the parameters of what was represented in the application and to mitigate any detrimental impacts. Chair Peterson asked the commissioners what the detrimental, harmful, or negative impacts to the surrounding property owners or residents were. The commissioners said some issues were the vibration and noise. Commissioner Allen said the proposed landscape supply yard did not meet the scope of a landscape supply yard. Commissioner Millard asked if bringing in rock and processing it was an allowed use in the M-1, Manufacturing zone. Mr. Brower stated that outdoor storage and landscape supply yard were conditional uses in the M-1, Manufacturing zone and reviewed the definition of outdoor storage from the City Code with the Commission. Commissioner Britton was concerned the rock crushing activity and the traffic created by transporting the material would impact the neighboring property owners. Commissioner Mabey said enforceability would be a challenge.

Mr. Brower said the measurement of noise levels was difficult and Clearfield City did not have the type of sophisticated equipment needed for noise enforcement at certain decibel levels.
Commissioner Millard said, in reference to the rock crushing, he didn’t think that labeling the new business with the nuisance that currently existed was appropriate and no one had presented information that quantified what was excessive and too much. He didn’t have a problem with the hours as noted. Commissioner Roper said he agreed with regulating the hours of operation. Commissioner Britton didn’t want rock crushing to be allowed.

Chair Peterson again reviewed the changes to the conditions of approval:
1) Adding that the fence must make the site impervious to view and not be chain link, must include the entire western edge, eastern edge and the southeastern portion.
2) Strike the last portion of the sentence from “and add screening…”
3) b) Prior to obtaining a business license, applicant must submit and then continue to maintain compliance with a Fugitive Dust Control Plan pursuant to Rule R307-309-6 of the Utah Administrative Code. Applicant must comply with all federal, state and local laws, including but not limited to Rule R307-309 of the Utah Administrative Code. The applicant must prevent and clean up any dust or debris deposited on public right-of-ways and paved roads per the submitted Fugitive Dust Control Plan and the Utah Administrative Code.
8) No composting may be done on the site.
9) Ready-mix, or similar concrete production, mixing or supplying operations are limited to servicing small, single-trailer uses (“pour-a-yard” size) not to exceed 2 cubic yards per load. No structures exceeding 15 feet in height will be allowed and all concrete related operations must be fully enclosed and fully self-contained in order to prevent any dust, dirt or debris.

APPROVAL OF CUP 1503-0004, A REQUEST BY DAK MAXFIELD, ON BEHALF OF STAKER & PARSON COMPANIES, FOR A CONDITIONAL USE PERMIT FOR A LANDSCAPE SUPPLY YARD AND OUTDOOR STORAGE LOCATED AT 690 WEST 1700 SOUTH (TIN: 12-297-0004, 12-297-0005, 12-065-0158). THE PROPERTY IS APPROXIMATELY 5.96 ACRES AND LIES IN THE M-1 (MANUFACTURING) ZONING DISTRICT

Commissioner Millard moved to approve CUP 1503-0004, a request by Dak Maxfield, on behalf of Staker & Parson Companies, for a Conditional Use Permit for a Landscape Supply Yard and Outdoor Storage located at 690 West 1700 South, based on the discussion, and findings in the Staff Report with the following conditions:
This Conditional Use Permit is for Staker & Parson Companies for a Landscape Supply Yard with outdoor storage as allowed pursuant to City ordinances.
1) The fencing plan should consist of a minimum of 6 foot high screening fence which must make the site impervious to view from any public street, right-of-way, or adjacent property including those areas along the western property line and the southern line separating the sales from processing area. Fencing shall be kept in good maintenance and repair, and cannot be chain link.
2) Landscaping shall be installed along the east and west property lines as well as along the south fence line separating the processing area from the sales area in the form of
trees planted at an interval not to exceed one per 25 feet to add necessary screening to reduce detrimental impacts to neighboring property owners.

3) Any outdoor storage must be kept clean, orderly and free of debris or any items not permitted by this Conditional Use Permit.
   a. No outdoor storage or stacked materials may exceed six feet in height (including but not limited to piles of soil, rock products, and any other such materials). If this standard is documented to be violated, the revocation process for the CUP and Business License will be initiated.
   b. Prior to obtaining a business license, applicant must submit and then must continue to maintain compliance with a Fugitive Dust Control Plan pursuant to Rule R307-309-6 of the Utah Administrative Code. Applicant must comply with all federal, state, and local laws, including but not limited to Rule R307-309 of the Utah Administrative Code. The applicant must prevent and clean up any dust or debris deposited on public right-of-ways and paved roads per the submitted Fugitive Dust Control Plan and the Utah Administrative Code.

4) 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.

5) Hours for any rock crushing, recycling of concrete, asphalt, or other potentially noisy/dusty operations are limited to between the hours of 8:00 AM to 6:00 PM; the site may not produce any vibrations or concussive noises which adversely affect surrounding properties.

6) This approval does not constitute the approval of an excavation site or gravel pit.

7) Any rock crushing, recycling of concrete, asphalt or similar activities are limited to the northernmost triangular parcel on the subject property (TIN: 12-297-0005).

8) No composting may be done on the site.

9) Ready-mix, or other similar concrete production, mixing or supplying operations are limited to servicing small, single-trailer uses (“pour-a-yard” size) not to exceed 2 cubic yards per load. No structures exceeding 15 feet in height will be allowed and all concrete related operations must be fully enclosed and fully self-contained in order to prevent any dust, dirt or debris.

Seconded by Commissioner Roper. The motion carried on the following vote. Voting AYE: Commissioners Mabey, Browning, Millard and Roper. Voting Nay: Commissioners Britton and Allen. Commissioner Allen said he believed the application fell outside the scope of the conditional use permit and the detriments of the rear yard could not be mitigated sufficiently. Commissioner Britton agreed with Commissioner Allen.

DISCUSSION ON SP 1503-0004, A REQUEST BY DAK MAXFIELD, ON BEHALF OF STAKER & PARSON COMPANIES, FOR SITE PLAN APPROVAL FOR A LANDSCAPE SUPPLY YARD AND OUTDOOR STORAGE LOCATED AT 690 WEST 1700 SOUTH (TIN: 12-297-0004, 12-297-0005, 12-065-0158). THE PROPERTY IS APPROXIMATELY 5.96 ACRES AND LIES IN THE M-1 (MANUFACTURING) ZONING DISTRICT

Scott Hess reviewed the conditions of approval. He said condition of approval number seven should be changed to say “Trees shall be planted at an interval not to exceed 25 feet along the
west and east property lines and the south line separating the uses to soften visual impacts.” Mr. Hess said the trees were designed to provide additional screening. He said the landscape requirement was met with the detention basin.

APPROVAL OF SP 1503-0004, A REQUEST FOR SITE PLAN APPROVAL BY DAK MAXFIELD, ON BEHALF OF STAKER & PARSON COMPANIES, FOR A LANDSCAPE SUPPLY YARD AND OUTDOOR STORAGE LOCATED AT 690 WEST 1700 SOUTH (TIN: 12-297-0004, 12-297-0005, 12-065-0158). THE PROPERTY IS APPROXIMATELY 5.96 ACRES AND LIES IN THE M-1 (MANUFACTURING) ZONING DISTRICT

Commissioner Browning moved to approve SP 1503-0004, a request by Dak Maxfield, on behalf of Staker & Parson Companies, for site plan approval for a landscape supply yard located at 690 West 1700 South, based on the discussion and findings in the staff report with the following conditions.

1) The approval of Site Plan 1503-0004 is subject to approval of a Conditional Use Permit 1503-0004 for the use of a landscape supply yard and outdoor storage as permitted under the City’s ordinances and subject to conditions set forth in CUP 1503-0004.

2) Except as otherwise set forth herein, the construction documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1503-0004.

3) Improvement plans, storm water detention facilities, and parking lot design shall be designed and installed to the satisfaction of the City Engineer and City Public Works Director. A clean out shall be provided to reduce sand and silt buildup in the storm detention facility.

4) Site Plan approval is subject to North Davis Fire District review and approval. The final plans shall meet Fire Code and be to the satisfaction of the North Davis Fire District Fire Chief.

5) Should the landscaping not be installed prior to Certificate of Occupancy, pursuant to Land Use Ordinance § 11-13-23(C) and (D), final approval will be subject to the applicant establishing an escrow account for future landscaping installation, as reviewed and approved by the City Engineer and City Attorney.

6) Fencing for any outdoor storage shall comply with City Code § 11-13-12 (B) by being at least 6 feet in height and making such storage impervious to sight from any public street, right-of-way, or adjacent property. No outdoor storage, including but not limited to piles of soil, rock products, and any other materials, will exceed six feet in height. All other fencing must provide screening of the property and shall not be chain link.

7) Trees shall be planted at an interval not to exceed 25 feet along the west and east property lines and the south line separating the uses to soften visual impacts.

8) Any rock crushing, concrete recycling, or other similar activities are limited to the northernmost triangular parcel on the property (TIN: 12-297-0005).

9) A sand and dust control plan must be submitted and approved. This may include a watering schedule during operations, or the use of soil tack products. Limiting soil,
sand, and dust from leaving the sight via water, air, or other means is required as part of this approval.

Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Roper, Browning, and Millard. Voting NO: Commissioners Allen and Britton. Commissioners Allen and Britton said their dissenting vote was consistent with the reasons for denial of the conditional use permit.

DISCUSSION ON RZN 1503-0008, A REQUEST BY CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY FOR A REZONE FROM C-2 (COMMERCIAL) TO D-R (DOWNTOWN REDEVELOPMENT), LOCATED AT 50 SOUTH DEPOT STREET (TIN: 12-001-0193), 70 SOUTH DEPOT STREET (TIN: 12-001-0130, 12-001-0175) AND 145 SOUTH DEPOT STREET (TIN: 12-001-0176). THE PROPERTY IS APPROXIMATELY 1.64 ACRES

Scott Hess said the request was for the rezone of CDRA owned property along State Street and Depot Street from C-2 (Commercial) to D-R (Downtown Redevelopment). The rezone was based on a site plan previously reviewed by Planning Commission. He said it was a multi-family, multi-story project with a commercial pad on the north side. Mr. Hess said there would be a parking structure accessible on the lower level and all parking would be on site. He said staff recommended that the rezone request be contingent upon the following conditions: 1) Site Plan submittal must be consistent with the preliminary site plan presented with this rezone request, and 2) Approval, full execution and recording of a development agreement with the City against the property.

RECOMMENDATION OF APPROVAL FOR RZN 1503-0008, A REQUEST BY CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY FOR A REZONE FROM C-2 (COMMERCIAL) TO D-R (DOWNTOWN REDEVELOPMENT), LOCATED AT 50 SOUTH DEPOT STREET (TIN: 12-001-0193), 70 SOUTH DEPOT STREET (TIN: 12-001-0130, 12-001-0175) AND 145 SOUTH DEPOT STREET (TIN: 12-001-0176). THE PROPERTY IS APPROXIMATELY 1.64 ACRES

Commissioner Allen moved to recommend to the City Council approval as conditioned, RZN 1503-0008; a request by Clearfield Community Development and Renewal Agency for a rezone from C-2 (Commercial) to D-R (Downtown Redevelopment), located at 50 South Depot Street (TIN: 12-001-0193), 70 South Depot Street (TIN: 12-001-0130, 12-001-0175) and 145 South Depot Street (TIN: 12-001-0176), based on the discussion and findings in the Staff Report with the following conditions:

5. Site Plan submittal must be consistent with the preliminary site plan presented with this rezone request.

6. Approval, full execution and recording of a development agreement with the City against the property must be accomplished.

Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.
DISCUSSION ON ZTA 1503-0009, A REQUEST BY CLEARFIELD CITY FOR A ZONING TEXT AMENDMENT FOR THE D-R (DOWNTOWN REDEVELOPMENT) ZONE (CITY CODE TITLE 11, CHAPTER 11, ARTICLE E, SECTION 8 PARKING, LOADING AND ACCESS) TO AMEND PARKING REQUIREMENTS WITHIN THE D-R ZONE. THIS ZONING TEXT AMENDMENT WOULD AFFECT ALL PROPERTY CURRENTLY ZONED D-R IN CLEARFIELD CITY

Scott Hess said the zoning text amendment was for the Downtown Redevelopment zone. He said the request was to amend the parking section of City Code § 11-11E-8 to read:

11-11E-8: Parking, Loading and Access:
   A. Parking, loading, and access shall be established through a Development Agreement, supported by a market study or some other robust analysis of parking needs.

Mr. Hess said the amendment would further drive the D-R zone into zoning by Development Agreement. Brian Brower suggested the language be changed to read: “Parking, loading and access requirements shall be established through the Development Agreement. Consideration for said requirements should be given to market studies, engineering analysis and other reliable sources as determined by the City.”

RECOMMENDATION OF APPROVAL FOR ZTA 1503-0009, A REQUEST BY CLEARFIELD CITY FOR A ZONING TEXT AMENDMENT FOR THE D-R (DOWNTOWN REDEVELOPMENT) ZONE (CITY CODE TITLE 11, CHAPTER 11, ARTICLE E, SECTION 8 PARKING, LOADING AND ACCESS) TO AMEND PARKING REQUIREMENTS WITHIN THE D-R ZONE. THIS ZONING TEXT AMENDMENT WOULD AFFECT ALL PROPERTY CURRENTLY ZONED D-R IN CLEARFIELD CITY

Commissioner Allen moved to recommend approval of ZTA 1508-0009 to the City Council, an amendment to City Code Title 11, Chapter 11, Article E, Section 8 Parking, Loading and Access, to amend parking requirements, based on the findings and discussion in the Staff Report with changes to read as follows:

11-11E-8: Parking, Loading and Access:
   A. Parking, loading and access requirements shall be established through the Development Agreement. Consideration for said requirements should be given to market studies, engineering analysis and other reliable sources as determined by the City.

Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Mabey, Browning, Millard, Allen, Roper and Britton. Voting NO: None.

There being no further business to come before the Planning Commission, Commissioner Millard moved to adjourn at 12:07 A.M. Seconded by Commissioner Roper.