PRESIDING: Nike Peterson Chair

PRESENT: Kathryn Murray Commissioner
Timothy Roper Commissioner
Robert Browning Commissioner
Robert Allen Commissioner
Michael Millard Commissioner
Amy Mabey Commissioner
Michael Britton Alternate Commissioner
Brady Jugler Alternate Commissioner
Steve Parkinson Alternate Commissioner
Michael LeBaron Council Liaison

STAFF PRESENT: Brian Brower City Attorney
JJ Allen Assistant City Manager
Scott Hess Development Services Manager
Christine Horrocks Building Permits Specialist

VISITORS: Mike Helm, Wayne Belleau, Brad Lasater, Con Wilcox, Jacob Edwards, Shirley Edwards,

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF AGENDA

Chair Peterson mentioned the minutes from the December 3, 2014 meeting were not available for approval and would be removed from the agenda. Commissioner Murray moved to approve the agenda with the noted changes. Seconded by Commissioner Mabey. The motion carried on the following vote: Voting AYE: Commissioner Murray, Roper, Browning, Allen, Millard and Mabey. Voting NO: None.

APPROVAL OF MINUTES FROM PLANNING COMMISSION MEETING

The minutes were not available for approval.

PUBLIC HEARING ON FSP 1412-0005: A REQUEST BY NICK MINGO ON BEHALF OF IVORY HOMES FOR A ROAD DEDICATION PLAT TO DEDICATE PROPERTY ALONG 700 SOUTH AND 1000 WEST AS PUBLIC RIGHT OF WAY LOCATED AT 1039 WEST 700 SOUTH (TIN: 12-051-0057)

Scott Hess stated the subject property was one of three illegal lots. In 2006 the Clifford Park Estates subdivision was developed and the remainder parcel was split by warranty deed. He said after the building permit was issued for a new single family dwelling it was discovered that the
parcel included a significant area of public right-of-way. He said after review staff determined the road dedication was not the best option for approval and that the three lots should be presented through the plat approval process which would dedicate road in front of the three lots as well as entitle the lots as buildable. Mr. Hess said if that was done then the improvements would be required along the frontage. He said staff recommended denying the road dedication plat and recommended that a plat with the three property owners be submitted through the standard plat approval process.

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

PUBLIC COMMENT:
None

**Commissioner Roper moved to close the public hearing at 7:08 p.m. Seconded by Commissioner Allen. The motion carried on the following vote: Voting AYE: Commissioner Murray, Roper, Browning, Allen, Millard and Mabey. Voting NO: None.**

Nick Mingo with Ivory Homes thanked Scott Hess for his presentation on the issues. He said there were problems that needed to be resolved. He said the other property owners might not accept the subdivision. Mr. Mingo said the cost for the improvements would be approximately $50,000. He asked if approval would be given which allowed them to put improvements in front of only the single lot owned by Ivory Homes. He asked the commissioners to send a favorable recommendation to City Council for the road dedication and Ivory Homes would install the 95 feet of improvements for its lot.

Scott Hess explained the current configuration of the lot and said it was one parcel and stated the road dedication plat showed the separation of the lot. Brian Brower explained the City’s position was that the subdivision of the property took place without following the City’s process.

Mr. Mingo said Ivory Homes had no responsibility to include the other lots that were created in 1994 and 2006 on the plat. Mr. Brower told commissioners the road dedication plat was the item for approval and staff recommended denial based on information received after the preparation of the packet. Commissioner Millard asked when the lot was obtained by Ivory Homes. Mr. Mingo stated the parcel was included when Ivory Homes purchased Clifford Park subdivision from U.S. Development in 2010. Mr. Hess said the parcels were deeded from U.S. Development and Ivory Homes didn’t realize the parcels had been included with the purchase.

Mr. Mingo said he wanted to move forward and give the road to the City and wouldn’t be making a subdivision application. Mr. Hess said the plat map received with the construction application for the parcel indicated the parcel was rectangular and the shape of the lot was not discovered until after the building permit was issued. Mr. Brower said the application for the building permit did not accurately reflect the lot.

Commissioner Murray asked if the street dedication plat were approved then Ivory Homes would install curb, gutter and sidewalk on the entire parcel. Mr. Hess said Ivory Homes had requested
to put improvements on just the 95 feet in front of its lot. He said technically the parcel on the corner was landlocked.

Commissioner Roper asked about the road right-of-way. Mr. Hess said the right-of-way was 66 feet and the road was currently asphalted for about 36 feet. He said 700 South was not on a list for immediate improvement. Commissioner Allen was concerned that the burden of improvements would be on the property owner if the developer did not install them at this time.

Scott Hess said the best mechanism to correct the problem was a subdivision plat. Chair Peterson asked Mr. Mingo if Ivory Homes wanted the item to be tabled and discussed at the meeting next month allowing time to consider other options. Mr. Mingo requested that a recommendation be made to the City Council.

Commissioner Browning asked what Parcel A was. Mr. Hess explained that it was a 24 foot parcel that was originally part of Clifford Park Estates subdivision and was currently owned by Ivory Homes. He said the 24 foot parcel on the west side of the lot owned by Aether LLC that is located within the right-of-way needed to be improved.

**RECOMMENDATION FOR FSP 1412-0005: A REQUEST BY NICK MINGO ON BEHALF OF IVORY HOMES FOR A ROAD DEDICATION PLAT TO DEDICATE PROPERTY ALONG 700 SOUTH AND 1000 WEST AS PUBLIC RIGHT OF WAY LOCATED AT 1039 WEST 700 SOUTH (TIN: 12-051-0057)**

Commissioner Roper moved to recommend to the City Council denial of FSP 1412-0005. Seconded by Commissioner Mabey. The motion carried on the following vote: Voting AYE: Commissioners Murray, Roper, Millard, Browning and Mabey. Voting NO: Commissioner Allen.

**PUBLIC HEARING ON CUP 1412-0002: A REQUEST BY MIKE HELM ON BEHALF OF YESCO OUTDOOR MEDIA FOR THE RELOCATION OF A MEDIA BILLBOARD LOCATED AT APPROXIMATELY 1412 SOUTH LEGEND HILLS DRIVE (TIN: 09-320-0009)**

Scott Hess said State Code regulated relocation of billboards and stated that the City must offer a method for relocation. He said Clearfield City required a Conditional Use Permit (CUP) with the relocation of a billboard. Mr. Hess stated the current billboard was located on the southwest side of 1450 South and Legend Hills Drive. He stated the old billboard had two power lines over the top of the sign which made it a safety hazard and difficult for the workers to change the sign. He said the proposed relocation site was along Legend Hills Drive in the landscaped portion of the corner of 1400 South and Legend Hills Drive.

Mr. Hess reviewed the conditions of approval and requested a condition number six be added that mitigated detrimental impacts with a regulation of lumens for an electronic billboard as listed in City Code § 11-15A-3(f).

Mr. Hess said the new sign should not block existing businesses. He said Rocky Mountain Power
measured from the sign to the power lines in order to determine if the sign met criteria for relocation. Brian Brower said the equipment used for sign installation was in the danger zone. Chair Peterson said condition of approval number two stated that the existing billboard was to be removed prior to the building of the new sign. Mr. Hess said the condition was included because the City did not have provisions in the City Code to permit additional billboards. He said the new sign would be the standard freeway oriented size of 14 feet by 48 feet, similar to those immediately adjacent to it.

Chair Peterson declared the public hearing open at 7:47 p.m.

PUBLIC COMMENT:
None

Commissioner Mabey moved to close the public hearing at 7:48 p.m. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioner Murray, Roper, Browning, Allen, Millard and Mabey. Voting NO: None.

Brian Brower suggested the following wording of condition of approval number two: “The existing billboard shall be terminated and removed prior to the erection of the new billboard.” Chair Peterson said condition of approval number six should be added stating that electronic sign brightness and lumens shall be regulated by City Code §11-15A-3(F). Commissioner Millard said the City allowed a set number of billboards and an opportunity for improvement of the sign and the increased safety factor for the YESCO employees was a benefit for all.

Mike Helms, YESCO Outdoor Media, said the relocation of the existing billboard was needed for the safety of YESCO employees. He said State Code required the removal of the existing sign prior to installing the new sign. Mr. Helms said the new sign was a monopole as required by City Code.

APPROVAL OF CUP 1412-0002; A REQUEST BY MIKE HELM ON BEHALF OF YESCO OUTDOOR MEDIA FOR THE RELOCATION OF A MEDIA BILLBOARD LOCATED AT APPROXIMATELY 1412 SOUTH LEGEND HILLS DRIVE (TIN: 09-320-0009)

Commissioner Allen moved to approve as conditioned CUP 1412-0002, a request by Mike Helm on behalf of YESCO Outdoor Media for the relocations of a media billboard located at 1412 Legend Hills Drive, based on the discussion and findings in the staff report with the following conditions:

1) This Conditional Use Permit is for the relocation of a billboard sign owned by YESCO Outdoor Media. The sign will be located at 1412 Legend Hills Drive approximately 566 feet northwest from the existing location on the south side of Legend Hills Drive and 1450 South.
2) The existing billboard shall be terminated and removed prior to the erection of the new billboard.
3) The new billboard shall be on a monopole, with sufficient height so as to not obstruct sight triangles or the visibility of adjacent commercial buildings.
4) The new billboard shall conform to all applicable federal, state, and local laws, including but not limited to the City’s current sign regulations.
5) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.
6) Electronic sign brightness and lumens shall be regulated by City Code §11-15A-3(F).

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

PUBLIC HEARING ON CUP 1412-0004: A REQUEST BY JACOB AND SHIRLEY EDWARDS ON BEHALF OF EDWARDS TOWING FOR A CONDITIONAL USE PERMIT FOR AN OUTDOOR STORAGE TOW YARD LOCATED AT 235 EAST 700 SOUTH (TIN:12-668-0002)

Scott Hess said the parcel was north of SR193, on a dead end road with limited access. He said the Conditional Use Permit (CUP) was for outdoor storage. Mr. Hess reviewed the conditions of approval. He recommended additional conditions of approval that were not listed in the staff report. He said number seven would state that no vehicle would be on-site longer than 90 days. Number eight would say motor vehicle sales or parts sales or dismantling of vehicles was not allowed.

Mr. Hess said the CUP provided an opportunity to clean up property that had been under-utilized. Mr. Brower said there was potential for wrecked or totaled cars and said fencing was required to be impervious to sight. He read City Code § 11-13-12-B that stated “All outdoor storage, except for agricultural products, shall be enclosed by a fence or wall at least six feet (6’) in height and impervious to sight from any public street, right of way, or adjacent property...” and said the commissioners needed to determine what was impervious to sight.

Chair Peterson declared the public hearing open at 8:06 p.m.

PUBLIC COMMENT:
None

Commissioner Mabey moved to close the public hearing at 8:07 p.m. Seconded by Commissioner Allen. The motion carried on the following vote: Voting AYE: Commissioner Murray, Roper, Browning, Allen, Millard and Mabey. Voting NO: None

Jacob Edwards with Edwards Towing was present. Commissioner Millard asked if the fence would have barbed wire on top for security. Mr. Edwards said the State Tax Commission required cyclone barbed-wire on top of the six foot fence. Commissioner Millard asked if he conducted State Tax towing and if there would be a problem with the 90 day on-site storage. Mr. Edwards stated action could be taken after 45 days if the owner hadn’t contacted the tow yard. Mr. Brower said the recommendation for no longer than 90 days on-site was to avoid the
recycling of automobiles or parts because recycling was not an allowed use. Mr. Edwards said that 90 days was adequate.

Mr. Hess said City Code required the fence to be at least six feet in height and the fence in the required front yard could not be chain link. Mr. Edwards said vinyl would be installed in the front area. Commissioner Millard asked if the cyclone barbed-wire could be put on the top of a vinyl fence. He was told it could be placed on the vinyl fence. Mr. Hess said there were currently a few different types of fencing. Shirley Edwards said there was currently metal sheeting with barbed-wire on the top. Chair Peterson asked if slatted chain link fence met the standard for impervious. After discussion, the decision from the commissioners was that a slatted chain link fence would screen the majority of the outdoor storage items and was fine for the location.

Mr. Hess indicated vinyl fence would be required at locations that could be viewed from the access road. He said State Code requirement for fencing would help security concerns. Chair Peterson said the height of the outdoor storage might exceed the height of the fence. Commissioner Allen asked about the storage of vehicles. Mr. Edwards said the cars wouldn’t be parked long term; after 45 days the cars were taken to auction.

Chair Peterson reviewed the conditions of approval seven and eight that had been added.

APPROVAL OF CUP 1412-0004; A REQUEST BY JACOB AND SHIRLEY EDWARDS ON BEHALF OF EDWARDS TOWING FOR A CONDITIONAL USE PERMIT FOR AN OUTDOOR STORAGE TOW YARD LOCATED AT 235 EAST 700 SOUTH (TIN:12-668-0002)

Commissioner Mabey moved to approve CUP 1412-0004, a request by Jacob and Shirley Edwards on behalf of Edwards Towing for a conditional use permit for an outdoor storage tow yard located at 235 East 700 South based on the discussion and findings in the staff report with the following conditions:

1) This Conditional Use Permit is for Edwards Towing for outdoor storage of towed vehicles located at 235 E. 700 S.
2) The fencing plan shall consist of a minimum of a 6 foot high screening fence that may not be chain link along the access road north of 700 South, or in any required front yard. Remaining chain link fence must be slatted for screening purposes. Fencing shall be kept in good maintenance and repair.
3) Landscaping shall be installed along the West and East property lines in the form of trees at an interval not to exceed one per 25 feet to add necessary screening to reduce detrimental impacts to neighboring property owners and add screening for Commuter Rail by softening visual impacts of a long continuous chain link fence.
4) Outdoor Storage areas shall be properly surfaced with impermeable all weather material.
5) The outdoor storage must be kept orderly and clean of debris and items not permitted by this permit approval.
   a. No visibility or stacking of materials that exceed six feet high or the height of the lowest portion of the fence shall be permitted. If this standard is
documented to be violated, the revocation process for the CUP and business license will be initiated. Please note, that vehicles may be taller than 6 feet, but are not “stacked items” so they are not subject to the same requirement.

6) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

7) No vehicle shall be on-site longer than 90 days.

8) No sales of motor vehicles or parts and no dismantling of vehicles.

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

DISCUSSION ON SP 1412-0004; A REQUEST BY JACOB AND SHIRLEY EDWARDS ON BEHALF OF EDWARDS TOWING FOR SITE PLAN APPROVAL FOR AN OUTDOOR STORAGE TOW YARD LOCATED AT 235 EAST 700 SOUTH (TIN:12-668-0002)

Scott Hess said the main improvement to the property was installation of asphalt on the east side of the property for the storage of 35 cars. He said Scott Nelson, City Engineer, preferred to have the detention basin in the natural flow direction which would change the configuration of the site as shown on the site plan. Mr. Hess said overall the site plan wouldn’t change and there would still be surface parking, a detention basin and landscaping. He said that condition of approval number two required approval of the storm water detention facility by the City Engineer or if the Planning Commission desired, the request for site plan approval could be tabled and submitted for the next meeting with the corrected site plan. He reviewed conditions of approval and said the ten percent landscaping would be achieved by the detention basin and the trees that would be planted along the fence lines.

Commissioner Murray asked what areas required asphalt. Mr. Hess said the area used for outdoor storage and parking of the vehicles. Commissioner Browning said his opinion was that the layout of the lot wasn’t important; the important part was that the configuration of the lot met City requirements. Mr. Hess said the City Engineer’s recommendation was not the only engineering solution and the site could be re-graded. Chair Peterson asked if the commissioners were concerned with allowing the detention basin placement to be handled administratively. None of the commissioners voiced any concern. Mr. Hess said it would be acceptable to have the same amount of impervious surface. He said condition of approval number two would allow the current layout to be changed if the design and installation of the storm water detention facility was to the satisfaction of the City Engineer and Public Works Director.

Brian Brower requested an additional condition of approval that stated the site shall comply with all applicable federal, state and local laws including but not limited to applicable environmental regulations. Councilmember LeBaron spoke with the applicant about the requirements from the State and said Mr. Edwards agreed to meet those requirements. Commissioner Murray asked about the installation of a sidewalk. Mr. Hess said the recommendation from staff was that sidewalks would not be required because there was no pedestrian access and it was the end of a dead end road with limited pedestrian services.
APPROVAL OF SP 1412-0004; A REQUEST BY JACOB AND SHIRLEY EDWARDS ON BEHALF OF EDWARDS TOWING FOR SITE PLAN APPROVAL FOR AN OUTDOOR STORAGE TOW YARD LOCATED AT 235 EAST 700 SOUTH (TIN:12-668-0002)

Commissioner Murray moved to approve SP 1412-0004, a request by Jacob and Shirley Edwards on behalf of Edwards Towing for a site plan for an outdoor storage tow yard located at 235 East 700 South, based on the discussion and findings in the staff report with the following conditions:

1) The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1412-0004.
2) Improvement plans, storm water detention facilities, and parking lot design shall be designed and installed to the satisfaction of the City Engineer and Public Works Director.
3) Site Plan approval is subject to North Davis Fire District review and approval. The final plans for storage shall meet Fire Code and be to the satisfaction of the North Davis Fire District Fire Chief.
4) Should the landscape 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.
5) Fencing shall provide screening of storage areas and be at least 6 feet in height. Fencing along the access road and in any front yard shall not be chain link. Chain link fencing surrounding the remaining property shall be slatted for screening purposes.
6) Trees shall be planted at an interval not to exceed 25 feet along the west and east property lines to soften visual impacts and provide screening.
7) Site shall comply with all applicable federal, state and local laws including but not limited to applicable environmental regulations.

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

PUBLIC HEARING ON ZTA 1412-0001; A REQUEST BY JOHN HANSEN & ASSOCIATES FOR ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 11, ARTICLE C, COMMERCIAL RESIDENTIAL ZONE TO AMEND TIMING REQUIREMENTS FOR COMMERCIAL AND RESIDENTIAL CONSTRUCTION. THIS AMENDMENT WOULD BE EFFECTIVE ACROSS ALL PROPERTY ZONED COMMERCIAL RESIDENTIAL (C-R) IN CLEARFIELD CITY

Scott Hess said in conversation with the applicant it was determined that there was a different approach to the request and the applicant asked to have the item tabled. He said the request was to have language removed from the commercial residential zone that required construction of the commercial portion of the C-R development prior to the construction of the residential portion.
Mr. Hess said the property was split use with commercial on 2000 East and residential twin homes on the rear of the property. He said the property had been zoned commercial for 15 to 18 years and the applicant had been unable to secure commercial interest on the property.

Mr. Hess said one option for the applicant was to apply for a zoning text amendment to amend portions of City Code. He said a change to the General Plan in December 2014 allowed new multi-family properties in the City. Mr. Hess said the property could have split zoning with commercial in the front and residential in the rear which was similar to the site plan that had been presented. He said the amendment as presented would have affected other properties throughout the City.

Chair Peterson declared the public hearing open at 8:50 p.m.

PUBLIC COMMENT:
None

Commissioner Allen moved to close the public hearing at 8:51 p.m. Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioner Murray, Roper, Browning, Allen, Millard and Mabey. Voting NO: None

Scott explained that a rezone was discretionary and the zoning text amendment could have unintended consequences with future development for the C-R zone.

ZTA 1412-0001; A REQUEST BY JOHN HANSEN & ASSOCIATES FOR ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 11, ARTICLE C, COMMERCIAL RESIDENTIAL ZONE TO AMEND TIMING REQUIREMENTS FOR COMMERCIAL AND RESIDENTIAL CONSTRUCTION. THIS AMENDMENT WOULD BE EFFECTIVE ACROSS ALL PROPERTY ZONED COMMERCIAL RESIDENT (C-R) IN CLEARFIELD CITY - TABLED

Commissioner Millard moved to table ZTA 1412-0001 at the request of the applicant. Seconded by Commissioner Mabey. The motion carried on the following vote: Voting AYE: Commissioner Murray, Roper, Browning, Allen, Millard and Mabey. Voting NO: None

DISCUSSION ON AMENDMENTS TO THE C-2 ZONE TO CREATE STANDARDS FOR LIMITED DISTRIBUTION AND LIGHT MANUFACTURING USES IN AREAS NOT LOCATED DIRECTLY ON A MAJOR TRANSPORTATION CORRIDOR IN THE CITY

Scott Hess said requests were received for the C-2 zone where the use didn’t fit into C-2 or M-1 zones. He said there were multiple directions to achieve the same solution. He recommended the creation of new definitions for limited distribution and light manufacturing. Mr. Hess said the uses would be placed as conditional uses in the C-2 zone and would be subject to supplemental regulations. He reviewed the proposed definitions:

Distribution, Limited: A building or structure, or portion thereof, in which goods, raw materials or commodities are stored, sold wholesale, or shipped to consumers and
business within structures less than 10,000 square feet.

Manufacturing, Light: The assembling, altering, converting, fabricating, finishing, processing, or treatment of a product, where all processes take place wholly within an enclosed building less than 10,000 square feet, and the use does not create, produce, or result in external noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, or radiation.

Brian Brower said “excessive” was subjective and the definition could be changed to state that the noise should be contained within the building. Mr. Hess said the document would be sent to the commissioners electronically and they could review the changes and provide feedback.

STAFF REPORTS

Scott Hess said the election of a new chair and vice-chair plus approval of the 2015 meeting schedule would be on the February meeting agenda.

PLANNING COMMISSIONERS’ MINUTE

Commissioner Millard – Nothing

Commissioner Browning – Happy New Year!

Commissioner Roper – Said his brother-in-law attended a Planning Commission meeting when he was not at the meeting. He said his brother-in-law had attended many different Planning Commission meetings and said Clearfield City Planning Commission was superb.

Brian Brower – Glad to be back to a short meeting.

Councilmember LeBaron – Happy New Year and he liked the short meeting. He said the YES Printing sign came down today.

Commissioner Murray – Nothing

Commissioner Allen – Happy New Year and said he was looking forward to a midnight meeting.

Commissioner Mabey – Nothing

Scott Hess commented the Planning Commission had 14 meetings in 2014 (one of which was a joint training meeting with the City Council) and held 51 public hearings.

Chair Peterson – Asked to improve the wording of the public hearing notices that were mailed to the residents. She said if the resident understood the process better there might be less confusion when the resident came to the Planning Commission Meeting.
There being no further business to come before the Planning Commission, Commissioner Murray moved to adjourn at 9:17 p.m. Seconded by Commissioner Millard.