The Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF MINUTES FROM OCTOBER 7, 2015 PLANNING COMMISSION MEETING

Commissioner Mabey moved to approve the minutes of the October 7, 2015 Planning Commission meeting as presented. Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Roper, Browning, Millard, Mabey and Jugler. Voting NO: None. Commissioner Parkinson abstained from the vote.

PUBLIC HEARING ON CUP 1510-0003 A REQUEST BY ROBERT LARSEN, ON BEHALF OF WESTBRIDGE AUTO, FOR CONDITIONAL USE APPROVAL FOR AUTOMOBILE SALES LOCATED AT 545 S. STATE STREET (TIN: 12-003-0127). THE PROPERTY IS LOCATED IN A C-2 ZONING DISTRICT AND IS APPROXIMATELY 1.27 ACRES IN SIZE

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

PUBLIC COMMENT:
Spencer Brimley stated an individual provided information to staff relative to the site but didn’t voice any opposition or affirmation just information.
Commissioner Roper moved to close the public hearing at 7:04 p.m. Seconded by Commissioner Jugler. The motion carried on the following vote: Voting AYE: Commissioners Roper, Browning, Millard, Mabey, Parkinson and Jugler. Voting NO: None.

PUBLIC HEARING ON CUP 1510-0004 A REQUEST BY ILGAR KASSOUMOV, ON BEHALF OF LA DUET AUTO SALES, FOR CONDITIONAL USE APPROVAL FOR AUTOMOBILE SALES LOCATED AT 555 N. MAIN STREET (TIN: 14-090-0001). THE PROPERTY IS LOCATED IN A C-2 ZONING DISTRICT AND IS APPROXIMATELY 0.18 ACRES IN SIZE

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

PUBLIC COMMENT:
Spencer Brimley said staff received a phone call from the property owner at 567 North Main. The neighbor had concerns because the previous tenant dumped garbage on his property and he wanted the Planning Commission to be aware of that and asked if it could be mitigated in the future.

Chair Peterson said she received comments from two residents:

Marlo Brotzman had general support for the business however; he was concerned because the elevation difference to his property allowed the headlights from vehicles to shine directly into his residence. He was also concerned about snow removal on site, the business operating early morning and late evening, and parking along Main Street.

Norah Baron was concerned about the customers parking along Main Street and North Villa in front of the business.

Commissioner Millard moved to close the public hearing at 7:06 p.m. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Roper, Browning, Millard, Mabey, Parkinson and Jugler. Voting NO: None.

DISCUSSION ON SP 1509-0007, A REQUEST BY BRENT CRAGUN ON BEHALF OF R & G MOULDING AND THE PORTER FAMILY, TO CONSTRUCT AN ACCESSORY BUILDING LOCATED AT 560 SOUTH MAIN STREET. THE PRIMARY STRUCTURE ON THE SITE IS APPROXIMATELY 42,000 SQUARE FEET. THE TOTAL SQUARE FOOTAGE OF THE ACCESSORY BUILDING IS 6,480 SQUARE FEET. THE PROPERTY IS 2.69 ACRES IN SIZE AND LIES WITHIN THE (M-1) MANUFACTURING ZONE

Spencer Brimley said the request was for a 6,480 square foot accessory building on an existing manufacturing (M-1) site. He said the new building would be used for storage of materials relative to the primary use on the site. He said some issues needed to be mitigated. Mr. Brimley said the building would front H Street which connected to SR 193. He said any building that was
seen from a public right of way or residential use was required to be screened.

Mr. Brimley said the north side of the property had an asphalt surface which was of concern for storm drainage impact to the City’s storm water system. He said staff recommended the site be updated to ten percent landscaping for compliance with current ordinance. Mr. Brimley said it was possible the landscaping was not required previously; however, because the applicant was proposing changes to the existing site with the accessory building, current requirements must be met. He had photos of the existing building which were shown to the commissioners.

Mr. Brimley reviewed the conditions of approval. He said the dumpsters on site needed to be screened from view and staff recommended the entire site be screened.

Brent Cragun, contractor, said the property owner needed additional storage on the property and was willing to do reasonable things to meet the requirements. He said the proposed building would block view to the existing building from SR193. He said the property owner was not aware of the landscaping requirement but would determine what was required. He said the dumpsters were not for garbage but for sawdust and was part of the facility. Mr. Cragun said UDOT installed pavers for a retaining wall. He said drainage was not an issue and additional drainage would not be created with the proposed building.

Commissioner Parkinson asked if the existing site and drainage plan was approved by the City. Mr. Cragun said it had been approved. Mr. Brimley said staff was not able to locate any documents that indicated previous approval of drainage or detention on site. Dan Schuler, Utility Inspector, wanted additional data for the storm water drainage. Robin Porter said he had received approval around 2001 for the current site and the water was metered. Chair Peterson said the storm drainage calculations would need to be reviewed by the Zoning Administrator and Public Works for approval.

Commissioner Browning asked Mr. Cragun if there was a requirement that was not reasonable. Mr. Cragun said not at that time. Mr. Porter said he didn’t know how they could get ten percent landscaping. Commissioner Mabey asked if landscaping could be used as a barrier for the dumpster. Mr. Brimley said landscaping was allowed for screening. Commissioner Millard asked what the definition was for dumpster. Mr. Brimley said the City Code didn’t delineate the differences with what it was used for.

Councilmember LeBaron said since about 2013 storm water permitting requirements for municipalities were changed and that would be one of the reasons why the details on storm water detention were being required. Commissioner Millard asked if the surface of the property was always asphalt. Mr. Porter said it was always asphalt.

Chair Peterson reviewed the conditions of approval. She asked how the visual screening required in condition of approval number five could be accomplished. Commissioner Millard said with the type of dumpsters used the entire property should be screened.

Commissioner Browning said he wasn’t sure the ten percent landscaping could be met. Chair
Peterson asked for direction from the commissioners about the landscaping and screening. Commissioner Browning said staff could work out the details with the applicant. Commissioner Parkinson said the applicant should not be told exactly what to do, but allowed to indicate what landscaping and screening worked best.

Chair Peterson asked if North Davis Fire District had given approval for the site plan. Mr. Brimley said preliminary responses had been received and additional information was required. He said staff was working with the Fire District and the City Engineer to obtain final approval.

Jacob Fordham, Assistant City Attorney, referred to City Code § 11-11D-11D which stated that garbage dumpsters must be screen; however, dumpster was not defined. Commissioner Millard said the use of the dumpsters as a recycle bin was not the same as garbage. Commissioner Mabey said it was difficult to define what was in the dumpster. Chair Peterson said she was hesitant to not require the screened dumpster. Commissioner Millard said the code referred to “garbage dumpster.” Mr. Fordham said a garbage dumpster was a garbage dumpster.

Commissioner Jugler said he saw both sides of the argument but the intent of City Code was to screen the device. Commissioner Mabey agreed with Commissioner Jugler. Commissioner Millard said he saw garbage as different and the dumpster as a tool of the trade. Commissioner Roper said he had been in the facility and agreed with Commissioner Millard. Commissioner Browning said he preferred to go with the language written in the conditions of approval. Commissioner Parkinson said the dictionary defined a dumpster as “a container designed to receive, transport, and dump waste.” He said it was garbage or wood waste and the conditions listed were appropriate.

Chair Peterson said the majority of the commissioners recognized the dumpsters by ordinance and would need to be screened. She said any change to the ordinance would take several months and didn’t need to delay the project. Mr. Cragun said with the requirements given, the building probably wouldn’t be built this year. Chair Peterson said an escrow account could be set up for the cost of the landscaping to be completed in the spring. Mr. Cragun said the business was owned by a company in Salt Lake City which rented the facility; and the goal was to keep the business at the facility. He said they spoke with the Fire Marshall and know what the options were. Mr. Cragun said the ten percent landscaping was doable. He said they were ready to move ahead with the project.

APPROVAL OF SP 1509-0007, A REQUEST BY BRENT CRAGUN ON BEHALF OF R & G MOULDING AND THE PORTER FAMILY, TO CONSTRUCT AN ACCESSORY BUILDING LOCATED AT 560 SOUTH MAIN STREET. THE PRIMARY STRUCTURE ON THE SITE IS APPROXIMATELY 42,000 SQUARE FEET. THE TOTAL SQUARE FOOTAGE OF THE ACCESSORY BUILDING IS 6,480 SQUARE FEET. THE PROPERTY IS 2.69 ACRES IN SIZE AND LIES WITHIN THE (M-1) MANUFACTURING ZONE.

Commissioner Browning moved to approve SP-1509-0007, a request by Brent Cragun on behalf of R & G Moulding and the Porter Family, to construct an accessory building located at 560 South Main Street, based on the discussion and findings in the Staff Report.
with the following conditions:

1) At no time shall any structure be constructed in any required setback.
2) Applicant shall obtain all required permits and inspections for the structures.
3) Applicant is required to remove all weeds and other debris from the north and west sides of the property.
4) Applicant shall revise site plan with detailed information for the entire site along with landscaping and scaled drawings including all dimensions.
5) Applicant shall provide visual screening in the form of additional landscaping, vegetation, or fencing on the west and north sides of the building to mitigate site impacts from the adjacent public rights of way.
6) A minimum of 10 percent landscaping shall be provided and meet the minimum standards set forth in City Code § 11-13-23. 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.
7) Applicant to submit landscape plan to zoning administrator for review and approval. Planning Commission to allow Zoning Administrator to approve landscape plan that meets required 10 percent landscape.
8) Garbage dumpsters visible from any public right of way shall be screened in accordance with the City Land Use ordinance.
9) Accessory buildings shall be built with a finished, all weather exterior material, that matches the existing building and surrounding area.
10) Conformance with M-1 requirements and Chapter 18 Design Guidelines of the City Code is required.
11) Site Plan approval is subject to North Davis Fire District review and approval.
12) Site Plan approval is subject to engineer’s review and approval.
13) All conditions of approval shall be met prior to occupancy being granted for the building.
14) 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 Jugler. The motion carried on the following vote: Voting AYE: Commissioners Roper, Browning, Millard, Mabey, Parkinson and Jugler. Voting NO: None.

DISCUSSION ON CUP 1510-0003 AND SP 1510-0003, A REQUEST BY ROBERT LARSEN, ON BEHALF OF WESTBRIDGE AUTO, FOR CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL FOR AUTOMOBILE SALES LOCATED AT 545 SOUTH STATE STREET (TIN: 12-003-0127). THE PROPERTY IS LOCATED IN A C-2 ZONING DISTRICT AND IS APPROXIMATELY 1.27 ACRES IN SIZE.

Spencer Brimley said the proposal was for a motor vehicle sales lot. The site was previously used as a smoke shop and the change in use to motor vehicles sales required site plan approval plus a Conditional Use Permit (CUP). He said there would be no changes to the existing 2,400 square
foot building. Mr. Brimley said the site plan included green space buffer on the south end and planters with xeriscape on the west side of the property. He said a screened dumpster had been provided. Mr. Brimley said the site plan proposed 23 stalls for vehicles sales; however, staff recommended 20 stalls to avoid potential stacking and problems with circulation. He said there were six stalls provided for customer and employee parking which included one ADA stall. Mr. Brimley said the applicant would be required to obtain UDOT approval.

Commissioner Mabey asked if the parking lot had been striped. Mr. Brimley said it was not currently striped but would be required to have the standard 9 X 20 stall per vehicle. He reviewed the conditions of approval for the CUP and the site plan. He said staff recommended approval.

Robert Larsen, Westbridge Auto, said the green areas on the site plan had been landscaped. He said the customer parking in front of the building had been striped and the inventory parking area would be striped. Mr. Larsen said he didn’t have a problem with the proposal from staff for 20 stalls for vehicle sales. He said the face of the pole sign and the sign on the building would be changed. Mr. Larsen said he had been in the car sales business for 20 years.

Chair Peterson was concerned with the northwest corner parking stall. Mr. Larsen said the parking stalls would be angled and not as drawn on the site plan.

APPROVAL OF CUP 1510-0003, A REQUEST BY ROBERT LARSEN, ON BEHALF OF WESTBRIDGE AUTO SALES, FOR CONDITIONAL USE APPROVAL FOR AUTOMOBILE SALES LOCATED AT 545 SOUTH STATE STREET (TIN: 12-003-0127). THE PROPERTY IS LOCATED IN A C-2 ZONING DISTRICT AND IS APPROXIMATELY 1.27 ACRES IN SIZE.

Commissioner Mabey moved to approve as conditioned CUP 1510-0003 a request by Robert Larsen, on behalf of Westbridge Auto, for Conditional Use approval for automobile sales located at 545 South State Street (TIN: 12-003-0127), based on the discussion and findings in the Staff Report with the following conditions:

1) This Conditional Use Permit 1510-0003 is granted to Westbridge Auto sales for motor vehicle sales located at 545 South State St. (TIN: 12-003-0127).
2) No more than 20 cars for sale to be kept onsite. The entire inventory must be able to be parked on site and cannot overflow onto adjacent roads or parcels, or any area that does not meet requirements for the parking of vehicles. The site shall not have double parked vehicles and must maintain adequate circulation flow at all times.
3) Off-site parking for the purposes of inventory and customers shall be prohibited. Applicant will provide appropriately scaled stalls for all vehicles for sale and customer parking as required in City Code § 11-14-2(B), as amended in July 2015.
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) No vehicle repairs are allowed on this or subsequent properties that may be purchased by the applicant, and as such, no advertisement for any vehicle repairs will be permitted.
Seconded by Commissioner Jugler. The motion carried on the following vote: Voting AYE: Commissioners Roper, Browning, Millard, Mabey, Parkinson and Jugler. Voting NO: None.

APPROVAL OF SP 1510-0003, A REQUEST BY ROBERT LARSEN, ON BEHALF OF WESTBRIDGE AUTO, FOR SITE PLAN APPROVAL OF AN AUTOMOBILE SALES LOT LOCATED AT 545 SOUTH STATE STREET (TIN: 12-003-0127). THE PROPERTY IS LOCATED IN A C-2 ZONING DISTRICT AND IS APPROXIMATELY 1.27 ACRES IN SIZE.

Commissioner Roper moved to approve as conditioned SP 1510-0003 a request by Robert Larsen, on behalf of Westbridge Auto, for Site Plan approval of an automobile sales lot located at 545 South State Street (TIN: 12-003-0127), based on the discussion and findings in the Staff Report with the following conditions:

1) The Documents submitted for building permits shall be in substantial conformance with the documents submitted in Site Plan approval SP 1510-0003; however, they will also include and address the following:
   a. The final engineering design (construction drawings) submitted for site improvements shall meet City standards and be to the satisfaction of the City Engineer.
   b. Any final building plans submitted shall meet building safety standards and be to the satisfaction of the City Building Official.
   c. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. A minimum of one parking stall must meet ADA standards.
   d. Site circulation must be designed in such a manner that State Street is not affected. Adequate paved markings and/or signage shall be provided and incorporated on the site. No backing onto State Street shall be allowed. Parking areas shall be properly surfaced with concrete, asphalt, or masonry pavers, maintained in good condition, and kept free of weeds, dust, trash, and debris.
   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 10 percent landscaping shall be provided and meet the minimum standards set forth in City Code § 11-13-23. Landscaping must be maintained as shown in the approved drawings. Any dead trees or shrubs must be replaced.
   g. Proposed signage must meet Title 11, Chapter 15 standards of the City Code. Signs are not included as part of this Site Plan approval. Separate review and approval will be required.

2) Commercial waste services are required. If a garbage dumpster is desired, it must be screened as required by Clearfield City Code § 11-18-4C2.

3) Site Plan approval is subject to North Davis Fire District review and approval.

4) Site Plan approval is subject to engineering review and approval.

5) Site Plan approval is subject to obtaining any necessary permits or approvals including, but not limited to, a Conditional Use Permit from Clearfield City, as
well as any approvals of permits from UDOT (Utah Department of Transportation).

6) Pursuant to Land Use Ordinance § 11-13-23(B), (C) and (D), prior to issuing a building permit, the applicant must either bond, or establish an escrow account, to guarantee the installation of landscaping improvements.

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 Millard. The motion carried on the following vote: Voting AYE: Commissioners Roper, Browning, Millard, Mabey, Parkinson and Jugler. Voting NO: None.

DISCUSSION ON CUP 1510-0004 AND SP 1510-0004, A REQUEST BY ILGAR KASSOUMOV, ON BEHALF OF LA DUET AUTO SALES, FOR CONDITIONAL USE APPROVAL AND SITE PLAN APPROVAL FOR AUTOMOBILE SALES LOCATED AT 555 NORTH MAIN STREET (TIN: 14-090-0001). THE PROPERTY IS LOCATED IN A C-2 ZONING DISTRICT AND IS APPROXIMATELY 0.18 ACRES IN SIZE.

Spencer Brimley said the request was for motor vehicle sales. He said the proposal didn’t include the property to the north or west. Mr. Brimley said staff was concerned with meeting the ten percent landscaping requirement. Staff requested the applicant revise the site plan with more specific dimensions and scaled drawings. Mr. Brimley said four employee and customer stalls were proposed which included one ADA stall. He said the applicant was required to provide commercial waste services and approval from UDOT.

Commissioner Millard asked why the entire site was not being utilized. Mr. Brimley said there were three separate parcels and the primary use on one parcel was an accessory building. He said staff didn’t support the use of the property without a primary use and told the applicant the lots must be combined into one parcel. When the lots were combined the applicant could utilize the remaining property. Mr. Brimley said when the applicant purchased the other parcels and the lots were combined the applicant would apply for a subdivision plat and a site plan for the new parcel. Commissioner Millard asked what option was available for waste services. Mr. Brimley said a dumpster wouldn’t be required however commercial businesses were not allowed to use the City trash service.

Mr. Brimley reviewed the conditions of approval. Commissioner Parkinson was concerned with the number of parking stalls allowed because the drawing wasn’t to scale. Chair Peterson asked if there was enough information before the Commission for a decision to be made. Commissioner Mabey said it was difficult without the scaled drawing to determine the number of stalls allowed. Chair Peterson asked if the commissioners wanted the decision left for staff to determine the number of stalls allowed for vehicle sales. The commissioners said it was okay to have staff make the determination.

Ilgar Kassoumov, owner, said he had been in car sales for some time and was in the process of purchasing the additional property. He said he would be a good neighbor.
Chair Peterson said the hours of operation could be limited to mitigate impact to the neighborhood. She also requested that snow removal be added to condition of approval number two for the site plan. Mr. Kassoumov said there was a small dumpster at the north corner of the office.

Commissioner Parkinson was concerned about restricting on-street parking on Villa Drive for the business because it could affect the residents on Villa Drive. After some discussion it was determined that condition of approval number three for the CUP would be changed to exclude customer parking off-site.

Mr. Fordham said because the Planning Commission allowed staff to review the revised site plan he recommended the first sentence of condition of approval number two for the CUP be deleted and changed to state “Applicant shall receive approval from staff for the number of parking stalls, proper striping and site circulation.”

Chair Peterson was concerned with the visibility for the residents on Villa Drive entering onto Main Street. Commissioner Millard stated that the corner should meet the clear vision ordinance.

Mr. Kassoumov said the hours of operation would be 9:00 a.m. to 6:00 p.m. Chair Peterson said her opinion was that the hours of operation from 8:00 a.m. to 8:00 p.m. were reasonable. Mr. Kassoumov understood the surrounding property was residential and stated he would be a courteous neighbor.

Chair Peterson wanted the record to indicate that the finding and reasoning of the Planning Commission to grant leeway to staff was because there was significant information that was not reviewed because the drawings were not to scale and did not include the dimensions. The Commission was allowing staff to handle it administratively rather than have the item returned to the Planning Commission for further review. Commissioner Parkinson said as a planner he expected the planner to follow through with the assignments given to him.

APPROVAL OF CUP-1510 0004, A REQUEST BY ILGAR KASSOUMOV, ON BEHALF OF LA DUET AUTO SALES, FOR CONDITIONAL USE APPROVAL FOR AUTOMOBILE SALES LOCATED AT 555 NORTH MAIN STREET (TIN: 14-090-0001). THE PROPERTY IS LOCATED IN A C-2 ZONING DISTRICT AND IS APPROXIMATELY 0.18 ACRES IN SIZE.

Commissioner Parkinson moved to approve as conditioned CUP 1510-0004, a request by Ilgar Kassoumov, on behalf of La Duet Auto Sales, for Conditional Use approval for automobile sales located at 555 North Main Street (TIN: 14-090-0001), based on the discussion and findings in the Staff Report with the following conditions:

1) This Conditional Use Permit 1510-0004 is granted to La Duet Auto Sales for motor vehicle sales, located at 555 North Main St (TIN: 14-090-0001).

2) The applicant shall receive approval from staff for the number of parking stalls, proper striping, clear vision and site circulation. The entire inventory must be able to be parked onsite and cannot overflow onto adjacent roads or parcels. The site
shall not have double parked vehicles and must maintain adequate circulation flow at all times.

3) Off-site parking for the purpose of inventory shall be prohibited. Applicant will provide appropriately scaled stalls for all vehicles for sale and customer parking as required in City Code § 11-14-2(B), as amended in July 2015.

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) No vehicle repairs are allowed on this or subsequent properties that may be purchased by the applicant, and as such, no advertisement for any vehicle repairs will be permitted.

6) Hours of operation would be 8:00 a.m. to 8:00 p.m.

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

APPROVAL OF SP 1510-0004, A REQUEST BY ILGAR KASSOUMOV, ON BEHALF OF LA DUET AUTO SALES, FOR SITE PLAN APPROVAL OF AN AUTOMOBILE SALES LOT LOCATED AT 555 NORTH MAIN STREET (TIN: 14-090-0001). THE PROPERTY IS LOCATED IN A C-2 ZONING DISTRICT AND IS APPROXIMATELY 0.18 ACRES IN SIZE

Commissioner Mabey moved to approve as conditioned SP 1510-0004, a request by Ilgar Kassoumov, on behalf of La Duet Auto Sales, for Site plan approval of an automobile sales lot located at 555 North Main Street (TIN: 14-090-0001), based on the discussion and findings in the Staff Report with the following conditions:

1) The Documents submitted for building permits shall be in substantial conformance with the documents submitted in Site Plan approval SP 1510-0004; however, they will also include and address the following:
   a. Applicant will provide revised, scaled drawings for final review. Landscape plan detail as well as site dimensions and detail shall be provided for review and approval.
   b. The final engineering design (construction drawings) submitted for site improvements shall meet City standards and be to the satisfaction of the City Engineer.
   c. Any final building plans submitted shall meet building safety standards and be to the satisfaction of the City Building Official.
   d. The appropriate number of parking stalls shall be delineated and designed for the site and shown on required, revised construction drawings. A minimum of one parking stall must meet ADA standards.
   e. Site circulation must be designed in such a manner that Main Street is not affected. Adequate paved markings and/or signage shall be provided and incorporated on the site. No backing onto Main Street will be allowed. No parking shall obstruct any drive approach.
   f. New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.
g. A minimum of 10 percent landscaping shall be provided and meet the minimum standards set forth in City Code § 11-13-23. Landscaping must be maintained as shown in the approved drawings. Any dead trees or shrubs must be replaced.

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

2) Snow removal and commercial waste removal services are required. If a garbage dumpster is desired, it must be behind screening as required by Clearfield City Code § 11-18-4C2.

3) Site Plan approval is subject to North Davis Fire District review and approval.

4) Site Plan approval is subject to engineering review and approval.

5) Site Plan approval is subject to obtaining any necessary permits or approvals including, but not limited to, a Conditional Use Permit from Clearfield City, as well as any approvals of permits from UDOT (Utah Department of Transportation).

6) Pursuant to Land Use Ordinance § 11-13-23(B), (C) and (D), prior to issuing a building permit, the applicant must either bond, or establish an escrow account, to guarantee the installation of landscaping improvements.

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 Parkinson. The motion carried on the following vote: Voting AYE: Commissioners Roper, Browning, Millard, Mabey, Parkinson and Jugler. Voting NO: None.

DISCUSSION ON ZTA 1509-0006, AN AMENDMENT TO CLEARFIELD CITY CODE FOR PAWN AND SECOND HAND BUSINESSES

Spencer Brimley said the construction of a new building for a pawn business in October 2014 raised concerns from the public. In September 2015, Clearfield City Council enacted a temporary land use regulation which temporarily prohibited any new pawn businesses throughout the City. He said there were three pawn businesses in the City. Mr. Brimley said an informational staff report was prepared with ideas on how to proceed. He said there must be findings and factual evidence that would support any changes to the ordinance.

Mr. Brimley said in an Analysis of Impediments report that was prepared for the City the demographic information provided in the report identified Clearfield City as an area of low income within Davis County. He said pawn businesses locate in areas where individuals met that designation. He said the experience of law enforcement was that pawn businesses located in areas where there were low income individuals.

Mr. Brimley said the concerns expressed by the public in October 2014 were:

- Proximity to an elementary school and daycare facility
- Location near residential
- It would increase crime activity in the neighborhood
• Pawnshops should not be located in areas of targeted or lower income families
• Pawnshops will drive away other “good” business from the area.

Mr. Brimley said some of the concerns were just perception and not necessarily reality.

Mr. Brimley had provided to the commissioners regulations for pawn businesses from four Utah cities. He said topics for discussion could be:
• Use moved to new zoning district
• Distance restrictions
• Per capita restrictions
• Establish uniform definition for non-depository lending business and regulate them similarly

Mr. Brimley said the City regulated distance requirements on some businesses and asked if it was appropriate to add a distance regulation for pawn businesses to avoid clustering.

After some discussion the commissioners decided additional information and discussion was needed and they were asked to review the material given to them and the ordinance would be reviewed again at the next meeting.

STAFF REPORTS

Spencer Brimley reviewed the schedule of Planning Commission meetings for 2016. He said staff planned to increase the lead time to allow more time for staff to review the projects so the presentation to the Planning Commission was complete and ready for a decision.

Chair Peterson asked JJ Allen how long the process was from application to Planning Commission meeting. Mr. Allen said the new plan Mr. Brimley described was long overdue because in other cities developers that are regular applicants expect that type of due diligence and thoroughness. He said the City had been too accommodating. He said with the current number of staff members, he didn’t know if it was possible to handle two meetings a month. Mr. Allen said if the process was implemented and made thorough it might take longer but it was better to do it right. Mr. Brimley said it would be handled on a case by case basis as some projects required less lead time. Commissioner Parkinson said the cities where he had worked required a minimum of 28 days prior to the meeting.

JJ Allen said that Spencer Brimley had hired an intern which would hopefully help with the work load.

Jake Fordham - Nothing

PLANNING COMMISSIONERS’ MINUTE

Chair Peters – Welcomed Stuart Williams, City Attorney.
Commissioner Britton – said he would never spend 45 minutes talking about the color of an apartment building ever again.

Commissioner Parkinson – Nothing

Commissioner Browning – Nothing

Commissioner Roper – Nothing

Councilmember LeBaron – Welcomed the new city attorney. He thanked the commissioners for taking the time to look at the issues before them and he appreciated all they did.

Commissioner Millard – Said it was good having Councilmember LeBaron at the meetings. He told Chair Peterson congratulations.

Commissioner Mabey – Nothing

Commissioner Jugler – Welcomed Stuart Williams and said he looked forward to working with him. He thanked Councilmember LeBaron and soon to be Councilmember Peterson.

There being no further business to come before the Planning Commission, Commissioner Parkinson moved to adjourn at 9:38 P.M. Seconded by Commissioner Jugler.