The Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF MINUTES FROM THE AUGUST 5, 2015 PLANNING COMMISSION MEETING

Commissioner Roper moved to approve the minutes of the August 5, 2015 Planning Commission meeting as submitted. Seconded by Commissioner Millard. The motion carried on the following vote. Voting AYE: Commissioners Roper, Murray, Millard and Peterson. Voting NO: None. Commissioner Britton did not vote.

PUBLIC HEARING ON RZN 1507-0009, A REQUEST BY CRAIG CARTER ON BEHALF OF DAVIS SCHOOL DISTRICT FOR A REZONE OF PROPERTY FROM COMMERCIAL (C-2) TO PUBLIC FACILITIES ZONE (PF), LOCATED AT 1760 SOUTH MAIN STREET (TIN: 12-242-0002). THE TOTAL PROPERTY IS APPROXIMATELY 0.83 ACRES

Chair Peterson declared the public hearing open at 7:12 p.m.

PUBLIC COMMENT:
None
Spencer Brimley stated staff received a comment that economic development opportunities might be mitigated by the rezone. Mr. Brimley said because it was a parking lot the opportunity was still available.

**Commissioner Murray moved to close the public hearing at 7:13 p.m. Seconded by Commissioner Roper.** The motion carried on the following vote: Voting AYE: Commissioners Britton, Millard, Murray and Roper. Voting NO: None.

**PUBLIC HEARING ON CUP 1508-0001, A REQUEST BY GERRARDAS DOESBURG, ON BEHALF OF JD SPECIAL SERVICES, FOR A CONDITIONAL USE PERMIT FOR AUTOMOBILE INSPECTIONS LOCATED AT 442 N MAIN STREET SUITE D (TIN: 14-094-0034). THE PROPERTY IS APPROXIMATELY 0.575 ACRES AND LIES IN THE C-2 (COMMERCIAL) ZONING DISTRICT**

Chair Peterson declared the public hearing open at 7:14 p.m.

**PUBLIC COMMENT:**
None

**Commissioner Murray moved to close the public hearing at 7:13 p.m. Seconded by Commissioner Britton.** The motion carried on the following vote: Voting AYE: Commissioners Britton, Millard, Murray and Roper. Voting NO: None.

**PUBLIC HEARING ON RZN 1507-0006, A REQUEST BY BRIAN ROBBINS AND RICK SCADDEN ON BEHALF OF WILCOX FARMS FOR A REZONE OF A PORTION OF PROPERTY FROM COMMERCIAL (C-2) TO RESIDENTIAL (R-3), LOCATED AT 850 WEST 1600 SOUTH (TIN: 12-391-0014). THE TOTAL PROPERTY IS APPROXIMATELY 3.371 ACRES, WITH THE REZONE REQUEST TOTALING 2.25 ACRES**

Chair Peterson declared the public hearing open at 7:16 p.m.

**PUBLIC COMMENT:**
None

**Commissioner Britton moved to close the public hearing at 7:17 p.m. Seconded by Commissioner Roper.** The motion carried on the following vote: Voting AYE: Commissioners Britton, Millard, Murray and Roper. Voting NO: None.

**DISCUSSION ON RZN 1507-0009, A REQUEST BY CRAIG CARTER ON BEHALF OF DAVIS SCHOOL DISTRICT FOR A REZONE OF PROPERTY FROM COMMERCIAL (C-2) TO PUBLIC FACILITIES ZONE (PF), LOCATED AT 1760 SOUTH MAIN STREET (TIN: 12-242-0002). THE TOTAL PROPERTY IS APPROXIMATELY 0.83 ACRES**

Spencer Brimley said the proposal was for rezone of a parcel that was just less than one acre from C-2 (Commercial) to PF (Public Facilities) to facilitate a stand-alone parking lot. He said even
though a parking lot probably wasn’t the highest and best use for the property, staff recommended approval due to the need. Mr. Brimley said if the rezone was approved the applicant would be required to apply for site plan approval.

Tim Leffel, Davis School District (DSD), said Antelope Elementary had adequate parking during the day but additional parking was needed for extracurricular activities after school.

Commissioner Britton asked if a traffic impact study was done and if there were concerns with the traffic for the adjacent business. Mr. Brimley said the use was to accommodate an existing need and no additional traffic was anticipated. Chair Peterson said her children attended Antelope Elementary. She said parents tried to access the travel lane adjacent to the school when the children were dropped off and picked up which caused stacked traffic. Commissioner Britton said his opinion was that the additional parking was a good use of the land; he was concerned that the driveways were too close. Chair Peterson said that access to the Chevron was commonly made through the north access and the access adjacent to the subject parcel was used to exit the Chevron property.

Commissioner Murray asked what would happen to the Chelemes Property between the school and the subject parcel. Mr. Leffel said Mr. Chelemes had offered to lease or provide a right-of-way through the 30 foot strip if DSD wanted to integrate the two parking lots. He said DSD wanted to wait until the rezone was approved. Mr. Leffel said there was about a five foot elevation difference between the existing parking lot and the new parcel. Sam Chelemes said he owned the property to the west of the proposed parking lot and the ground level difference between his property and the parking lot was about four or five feet and he would like a retaining wall and fence to keep trash from his property. Mr. Chelemes was told those issues would be addressed at site plan approval.

Brian Brower, City Attorney, said he understood the property was under contract and suggested at the time the rezone was presented to the City Council, if the property was not owned by DSD, a condition of approval be added that the use must be for public or quasi-public use or that the rezone was conditioned upon the property being owned by DSD.

RECOMMENDATION OF RZN 1507-0009, A REQUEST BY CRAIG CARTER ON BEHALF OF DAVIS SCHOOL DISTRICT FOR A REZONE OF PROPERTY FROM COMMERCIAL (C-2) TO PUBLIC FACILITIES ZONE (PF), LOCATED AT 1760 SOUTH MAIN STREET (TIN: 12-242-0002). THE TOTAL PROPERTY IS APPROXIMATELY 0.83 ACRES

Commissioner Millard moved to recommend approval to the Clearfield City Council of RZN 1507-0009, a rezoning of approximately 0.808 acres of land from (Commercial) C-2 to (Public Facilities) PF zoning, based on the findings and discussion in the Staff Report. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Britton, Millard, Murray and Roper. Voting NO: None.
DISCUSSION ON CUP 1508-0001, A REQUEST BY GERRARDAS DOESBURG, ON BEHALF OF JD SPECIAL SERVICES, FOR A CONDITIONAL USE PERMIT FOR AUTOMOBILE INSPECTIONS LOCATED AT 442 N MAIN STREET SUITE D (TIN: 14-094-0034). THE PROPERTY IS APPROXIMATELY 0.575 ACRES AND LIES IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Spencer Brimley said the Conditional Use Permit (CUP) was for JD Special Services and there was a previous business existing at the location, Weston’s Emission Services. He said there were no proposed changes to the site. Mr. Brimley said after review staff recommended changing condition of approval number one to state: “This Conditional Use Permit is issued to JD Special Services for an automotive emissions and inspection use at 442 N. Main Street Suite #D. No other automobile repair and service is approved with this request.”

Commissioner Jugler entered at 7:30 p.m.

Mr. Brimley said condition of approval number three said the parking for the use shall be striped or identified. He said staff suggested the applicant be required to have at least four spaces delineated for its customers. He said staff recommended approval based on the conditions of approval.

Gerrardas Doesburg, owner, said the business would be performing inspections and emissions. He said in response to a question from Commissioner Murray that there would be a new sign.

APPROVAL OF CUP 1508-0001, A REQUEST BY GERRARDAS DOESBURG, ON BEHALF OF JD SPECIAL SERVICES, FOR A CONDITIONAL USE PERMIT FOR AUTOMOBILE INSPECTIONS LOCATED AT 442 N MAIN STREET SUITE D (TIN: 14-094-0034). THE PROPERTY IS APPROXIMATELY 0.575 ACRES AND LIES IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Commissioner Britton moved to approve as conditioned, CUP 1508-0001, a Conditional Use Permit for an automotive repair use, JD Special Service, located at 442 N. Main Street Suite #D, based on the findings and discussion in the Staff Report with the following conditions:

1) This Conditional Use Permit is issued to JD Special Services for an automotive emissions and inspection use at 442 N. Main Street Suite #D. No other automobile repair and service is approved with this request.

2) The use is subject to meeting the provisions of Title 5 Chapter 4 Automobile Recycling and Repair of the Municipal Code.

3) Parking for the use shall be striped or identified and shall include no less than four designated parking stalls for JD Special Services.

4) No outdoor storage is permitted. This includes, but is not limited to items such as materials, automobiles, automobile parts, or the like. Violation of this is subject to initiating the revocation process of this Conditional Use Permit.

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) Any additional signage shall be reviewed and approved under a separate sign permit.
Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Britton, Millard, Murray, Roper and Jugler. Voting NO: None.

DISCUSSION ON RZN 1507-0006, A REQUEST BY BRIAN ROBBINS AND RICK SCADDEN ON BEHALF OF WILCOX FARMS FOR A REZONE OF A PORTION OF PROPERTY FROM COMMERCIAL (C-2) TO RESIDENTIAL (R-3), LOCATED AT 850 WEST 1600 SOUTH (TIN: 12-391-0014). THE TOTAL PROPERTY IS APPROXIMATELY 3.371 ACRES, WITH THE REZONE REQUEST TOTALING 2.25 ACRES

Spencer Brimley said the request was to rezone 2.25 acres from C-2 (Commercial) to R-3 (Residential). He said the master street plan was recently amended which removed 750 West from the master street plan as well as the connection with 1600 South. Mr. Brimley said the staff report included a history of Wilcox Farms subdivision which was provided for information only. He said the rezone was in compliance with the General Plan. Mr. Brimley said staff recommended a favorable recommendation to the City Council with conditions. He said City Council could require a development agreement as part of its approval.

Joe Barber, attorney for Wilcox Farms, said there were concerns voiced when the rezone was requested in May 2015 and it was his position that all concerns had been addressed and resolved. Mr. Barber said one concern was the number of units allowed. He said City Ordinance § 11-9E-8 allowed for 16 dwelling units per acre. He said the acreage allowed for 36 units; however, the request was for 30 units. Mr. Barber said there were adequate open space and parking. He said the number of units that could be built with the R-2 zone didn’t make the project economical and sustainable.

Mr. Barber said the property was surrounded by commercial property and the R-3 zone fit perfectly within the scenario to sustain the commercial development. He said a deed restriction was proposed for Lot 15 to restrict it from future development as multi-family. Mr. Barber said a proposed development agreement had been drafted. He said the property had not been sold in 17 years as commercial and the R-3 was the best and highest use for the property.

Rick Scadden said three different real estate brokerage firms were asked to provide an opinion on the property and none of brokerage firms thought they could sell the property as single family property. He said it was his opinion that 30 families would be a benefit to the local businesses. Mr. Scadden presented a rendering of the proposed buildings.

Chair Peterson cautioned the commissioners that while there was a conceptual layout provided the proposal was a rezone for density only. Commissioner Roper said his opinion was that R-3 was the best use for the area. Commissioner Millard said he agreed. Commissioner Murray said it was probably the best use for the property. Chair Peterson said her opinion was the configuration made sense.
Commissioner Murray asked about the deed restriction on Lot 15. Mr. Barber said Lot 15 was the last vacant lot of the Wilcox Farms subdivision and the deed restriction stated that Lot 15 would not be rezoned as multi-family. Brian Brower said his advice to the City Council was to rezone the property and not have the deed restriction. He said a rezone was better protection for the City. He said the current use could continue but he did not have a good comfort level with deed restriction.

JJ Allen said the current zoning on Lot 15 was A-1 (Agriculture) and the future land use map in the General Plan showed the property as Residential and his opinion was that the General Plan could be amended to change the future use of Lot 15 from Residential to Commercial or Manufacturing Use. Mr. Brower said if it remained residential it would be allowed to be rezoned to multi-family.

RECOMMENDATION OF ON RZN 1507-0006, A REQUEST BY BRIAN ROBBINS AND RICK SCADDEN ON BEHALF OF WILCOX FARMS FOR A REZONE OF A PORTION OF PROPERTY FROM COMMERCIAL (C-2) TO RESIDENTIAL (R-3), LOCATED AT 850 WEST 1600 SOUTH (TIN: 12-391-0014). THE TOTAL PROPERTY IS APPROXIMATELY 3.371 ACRES, WITH THE REZONE REQUEST TOTALING 2.25 ACRES

Commissioner Roper moved to recommend to the City Council approval as conditioned, RZN 1507-0006, a request by Brian Robbins and Rick Scadden on behalf of Wilcox Farms for a Rezone of 2.25 acres of property from Commercial (C-2) to Residential (R-3), located at 850 West 1600 South (TIN: 12-391-0014), based on the discussion and findings in the Staff Report with the following conditions:

1. This Zoning Map 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. Should the City Council accept the rezone of this property, prior to issuance of building permits for multi-family residential on the split-zoned parcel, it shall be properly subdivided through the City’s subdivision process and a final plat be approved, fully executed, and recorded.

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

STAFF REPORTS

Spencer Brimley proposed that at the end of each Planning Commission meeting there would be feedback on the applications that had been discussed to help determine what information would help the commissioners. Brian Brower liked the idea but was concerned that there would be discussion on items after they were approved. He said it shouldn’t be a discussion of issues pertinent to a specific application. Mr. Brimley said it would reference the ordinances that pertained to the discussion items and how the information could be better addressed. The commissioners thought it was a good idea.
PLANNING COMMISSIONERS’ MINUTE

Commissioner Britton – nothing

Commissioner Millard – nothing

Brian Brower – said Jake Fordham was learning land use law and may not be to all meetings, but would be to some meetings to observe.

Commissioner Murray – nothing

Commissioner Roper – nothing

Commissioner Jugler – asked if precedence was being set with an hour long meeting.

Chair Peterson – said she was contacted by Commissioner Allen who said he would be sending his resignation due to personal and professional commitments. He would send a letter to the Mayor.

Commissioner Jugler - said he wasn’t expecting to be on the dais for the meeting and asked if notice could be sent notifying the commissioners of any excused absences. Mr. Brimley said it could be done and staff would find a way. Brian Brower reminded the commissioners if an email was sent to not reply to all. He said the Planning Commission Rules and Regulations required attendance and it was to the commissioners’ advantage to have an absence excused.

There being no further business to come before the Planning Commission, Commissioner Murray moved to adjourn at 8:10 P.M. Seconded by Commissioner Millard.