The Pledge of Allegiance was led by Chair Roper.

APPROVAL OF MINUTES FROM MARCH 2, 2016 PLANNING COMMISSION MEETING

Commissioner Mabey moved to approve the minutes from the March 2, 2016 meeting as presented. Seconded by Commissioner Murray. The motion carried on the following vote:
Voting AYE: Commissioners Jones, Mabey, Millard, Murray Browning and Jugler. Vote NO: None.

PUBLIC HEARING ON CUP 1602-0002, A REQUEST BY PATRICIO VARELA, FOR A CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE SALES LOT LOCATED AT 447 NORTH MAIN STREET (TIN: 14-090-0039). THE PROPERTY IS APPROXIMATELY 0.18 ACRES.

Chair Roper declared the public hearing open at 7:03 p.m. and asked for public comment.

There were no public comments.
Commissioner Jones moved to close the public hearing at 7:04 p.m. Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Jones, Mabey, Millard, Murray Browning and Jugler. Vote NO: None.

PUBLIC HEARING ON CUP 1602-0003, A REQUEST BY VERIZON WIRELESS FOR A CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATIONS TOWER CONSISTING OF AN ANTENNA MOUNTED TO A MONOPOLE WITH EQUIPMENT SHED AND GENERATOR LOCATED ON SITE. THE ZONING ON THE PROPERTY IS C-2 (COMMERCIAL) AND LOCATED AT 1412 SOUTH LEGEND HILLS DRIVE (TIN: 09-320-0009). THE PROPERTY IS APPROXIMATELY 4.84 ACRES IN SIZE.

Chair Roper declared the public hearing open at 7:05 p.m. and asked for public comment.

PUBLIC COMMENT

Steve Parkinson, Clearfield, was concerned with the location of the tower and asked if it was possible to move the tower 20 to 30 feet to the south where it would be more hidden from public view. Spencer Brimley said elevation was an issue and the applicant stated the currently designated location was best. He said the applicant could speak to the technicality of the location. Mr. Parkinson said he didn’t understand how 30 to 40 feet made a difference.

Commissioner Millard moved to close the public hearing at 7:07 p.m. Seconded by Commissioner Jugler. The motion carried on the following vote: Voting AYE: Commissioners Jones, Mabey, Millard, Murray Browning and Jugler. Vote NO: None.

DISCUSSION ON CUP 1602-0002, A REQUEST BY PATRICIO VARELA, FOR A CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE SALES LOT LOCATED AT 447 NORTH MAIN STREET (TIN: 14-090-0039). THE PROPERTY IS APPROXIMATELY 0.18 ACRES.

Spencer Brimley stated there was a car lot on the site in the past but it had ceased operation. He said the applicant, Mr. Varela, had proposed more cars on the site, but the amount was reduced to eight vehicles for inventory and the other parking stalls would be for employee, customer and ADA accessible parking. Mr. Brimley said car lots were a conditional use in the C-2 zone and because twelve months had not lapsed since the previous car lot terminated business, site plan approval was not required. He said there were items that were requested to be cleaned up and fixed which included the fence along the western boundary of the property. Mr. Brimley reviewed the conditions of approval.

Patricio Varela, applicant, requested the Planning Commission give him 90 days to get the fence repaired. Mr. Brimley stated that all conditions of approval needed to be met before the business license would be issued. He said previously businesses were allowed to start business without having met the conditions and then the issues were never resolved. Mr. Varela said he didn’t have the funds to have the repairs made immediately.
Commissioner Millard asked if there was a requirement for the fence. Mr. Brimley said one issue was who owned the fence and City code required separation between commercial and residential uses. Mr. Brimley said because it was a commercial property and was on Main Street the intent was to improve the look and feel of the property for a new business. He said the property owner should be aware of the requirement that a new business on the property needed to meet the City Code.

Commissioner Mabey asked how the applicant would make improvements to the fence if it didn’t belong to the commercial property. Mr. Brimley suggested that the property owners work together to resolve the issue. He said it was his opinion that the fence was for the commercial property.

Commissioner Murray said there were trees along the property on Villa Drive. She said they were trash trees but could look nice. She said there were weeds which needed to be cleaned up along the fence area. Commissioner Murray said a new business was being established and the City wanted to clean the area up, and, therefore, a condition for the business was to have the fence repaired. She understood it would cost money, but the current procedure was established because of past experience.

Commissioner Browning asked to have condition of approval number nine reworded to say the fence shall be repaired. Jacob Fordham, Assistant City Attorney, suggested wording for condition of approval number nine: “Fencing along west property line shall be consistent with Clearfield City Code § 11-11-B-12(C) as approved by staff. Chain-link is not permitted adjacent to residential or a public right of way. Fencing must be a solid visual barrier of acceptable materials.”

Commissioner Jugler asked if the applicant would be required to repair the fence regardless of who owned it. Commissioner Murray said the City Code stated that a fence was required between commercial and residential uses irrespective of ownership.

Mr. Brimley read from City Code § 11-11-B-12(C) “Walls or fences may be required along all property lines which are adjacent to a residential zone or use or public right of way. The exact location, height and type of materials of the wall or fence shall be approved by the planning commission as part of the site plan approval process.” He said the request was not for site plan approval and the fence existed so if the fence was a commercial fence, staff wanted the fence to be brought to City standards. He said if the fence was on the residential property there wasn’t much that could be required. Mr. Brimley was confident that with the proposed language there would be a resolution.

Commissioner Jugler asked Mr. Varela what would be done to guarantee test drives would not use adjacent residential streets as stated in condition of approval number seven. Mr. Varela said a salesman would accompany each test drive.
APPROVAL OF CUP 1602-0002, A REQUEST BY PATRICIO VARELA, FOR A CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE SALES LOT, LOCATED AT 447 NORTH MAIN STREET (TIN: 14-090-0039). THE PROPERTY IS APPROXIMATELY 0.18 ACRES.

Commissioner Browning moved to approve as conditioned CUP 1602-0002, a request by Patricio Varela for a conditional use permit for an automotive sales lot located at 447 North Main Street (TIN: 14-090-0039), based on the findings and discussion in the Staff Report with the following conditions:

1) This Conditional Use Permit is for RA-ZZA Motor vehicle sales, located at 447 North Main Street.
2) No more than eight (8) cars for sale at any one time. The entire inventory must be able to be parked on site 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. Off-site parking for the purposes of inventory will be prohibited.
3) Applicant will provide appropriately scaled stalls for all vehicles for sale and customer parking as required in Clearfield City Code § 11-14-2(B).
4) 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.
5) CUP approval is subject to North Davis Fire District review and approval.
6) Any other businesses proposed to be located on the same site, prior to obtaining a business license, will require review and approval by the Planning Commission. Additional parking requirements necessary for additional businesses may require amending this Conditional Use Permit and any other conditions deemed appropriate to mitigate additional impacts on surrounding properties.
7) The test drive routes are prohibited from using adjacent residential roads, including but not specifically limited to Villa Drive and Lakeview.
8) No parked cars shall be permitted blocking the northern access driveway on Main Street. Use of Villa Drive to deliver, remove, or transport cars shall be prohibited.
9) Fencing along west property line shall be consistent with Clearfield City Code § 11-11B-12(C) as approved by Staff. Chain-link is not permitted adjacent to residential or a public right of way. Fencing must be a solid visual barrier of acceptable materials.
10) 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 Jones. The motion carried on the following vote: Voting AYE: Commissioners Jones, Mabey, Millard, Browning and Jugler. Voting NO: Commissioner Murray.
DISCUSSION ON CUP 1602-0003 AND SP 1602-0003, A REQUEST BY VERIZON WIRELESS FOR A CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL FOR A WIRELESS COMMUNICATIONS TOWER CONSISTING OF AN ANTENNA MOUNTED TO A MONOPOLE WITH EQUIPMENT SHED AND GENERATOR LOCATED ON SITE. THE ZONING ON THE PROPERTY IS C-2 (COMMERCIAL) AND LOCATED AT 1412 SOUTH LEGEND HILLS DRIVE (TIN: 09-320-0009). THE PROPERTY IS APPROXIMATELY 4.84 ACRES IN SIZE.

Spencer Brimley said Verizon Wireless requested approval for a wireless tower to be located at the Legend Hills office complex. He said the proposal was for 720 square feet of leased space and would be adjacent to 1400 South. Mr. Brimley said the proposed tower was similar to the one at 650 North Main. He said the tower was 80 feet tall plus a six foot lightning rod. He said the removal of three parking stalls and a tree would not create any noncompliant issues for parking or landscaping. He said the applicant would plant three additional trees.

Mr. Brimley said a wall around the facility would mirror the dumpster enclosure and blend with the site. He said all the ground equipment would be screened. He said there was no impact to residential uses. Mr. Brimley said wireless towers within Clearfield City were at capacity and Verizon Wireless proposed the new tower which allowed for co-location. He said staff recommended approval of the conditional use permit and site plan for the wireless communications tower and reviewed the conditions of approval for both. Mr. Brimley said staff had been working with Verizon Wireless for several months to move the tower, but there were technical issues.

Nefi Garcia was present representing the Verizon Wireless. He said the site complied with all City ordinances.

APPROVAL OF CUP 1602-0003, A REQUEST BY VERIZON WIRELESS FOR A CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATIONS TOWER CONSISTING OF AN ANTENNA MOUNTED TO A MONOPOLE WITH EQUIPMENT SHED AND GENERATOR LOCATED ON SITE. THE ZONING ON THE PROPERTY IS C-2 (COMMERCIAL) AND LOCATED AT 1412 SOUTH LEGEND HILLS DRIVE (TIN: 09-320-0009). THE PROPERTY IS APPROXIMATELY 4.84 ACRES IN SIZE.

Commissioner Millard moved to approve as conditioned CUP 1602-0003, a request by Daniel Thurgood, on behalf of Verizon Wireless, for a Conditional Use Permit for the construction of a wireless communications facility, based on the findings and discussion in the Staff Report with the following conditions:

1) This Conditional Use Permit is for a 720 square foot building and ground lease for a Verizon Wireless communications facility located at approximately 1412 South Legend Hills Drive. Submitted construction documents shall be in conformance with the plans submitted for CUP-SP 1602-0003.
2) Architectural design and building materials must be in compliance with the City’s Land Use Ordinance, design guidelines and compatible with surrounding structures in the area.

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

APPROVAL OF SP 1602-0003, A REQUEST BY VERIZON WIRELESS FOR SITE PLAN APPROVAL FOR A WIRELESS COMMUNICATIONS TOWER CONSISTING OF AN ANTENNA MOUNTED TO A MONOPOLE WITH EQUIPMENT SHED AND GENERATOR LOCATED ON SITE. THE ZONING ON THE PROPERTY IS C-2 (COMMERCIAL) AND LOCATED AT 1412 SOUTH LEGEND HILLS DRIVE (TIN: 09-320-0009). THE PROPERTY IS APPROXIMATELY 4.84 ACRES IN SIZE.

Commissioner Millard moved to approve as conditioned SP 1602-0003, a request by Daniel Thurgood, on behalf of Verizon Wireless, for Site plan approval for the construction of a wireless communications facility, based on the findings and discussion in the Staff Report with the following conditions:

1) The approval of SP 1602-0003 is subject to approval of CUP 1602-0003 for a wireless communications facility at 1412 South Legend Hills Drive.

2) Fencing shall be provided for the entire perimeter of the ground lease equipment, and on the site. Fencing around the facility shall consist of similar colors and materials so as to blend with the other buildings located on the site.

3) Architectural design and building materials must be in compliance with City Land Use Ordinance, design guidelines and must be compatible with surrounding structures in the area.

4) Applicant will provide additional trees and shrubs as shown in the landscape plan and will utilize existing irrigation system.

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

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

DISCUSSION OF CHANGES TO PUBLIC HEARINGS/MEETINGS

Spencer Brimley said after discussion at the March meeting, staff proposed changes to Clearfield City Code Title 11 Chapter 1, Table 11.2, Public Notice Requirements.

Mr. Brimley said for a conditional use permit the recommendation was for removal of the notice published in the newspaper, the notice sent to “Affected Entities” and the notice posted in three public locations. He said the changes did not remove the requirement that the public be notified.
Mr. Brimley said there would be a public meeting rather than a public hearing. He said public input was appreciated and was part of the discussion; the decisions made by the Commission must be made based on ordinances and not on public clamor. He said a public meeting notice would be sent to the property owners within 300 feet of the subject property and the property owners would have the opportunity to discuss any issues or concerns with staff.

Mr. Brimley said for subdivision plats the recommended changes removed the requirement that the notice was posted in three public places. He said the changes were made to be more consistent and in line with State Law.

Mr. Brimley asked the commissioners to examine column four of Table 11.2 which changed the notification to the applicants from ten business days before the meeting to three business days. He said the change was because staff reports were not prepared ten days prior to the meeting and it was consistent with State Law.

Commissioner Millard said the changes were good because the City didn’t want citizens to think their opinion wasn’t important and didn’t matter.

Mr. Brimley said City Council directed staff and the City Recorder to work on a notice that was more detailed and encouraged interaction prior to the meeting. He said it allowed one on one discussion and a more reasoned response. He said in the future the ordinance would be brought to the Planning Commission to make recommendation to the City Council for the changes requested.

DISCUSSION ON CHANGES TO THE SUBDIVISION PROCESS

Spencer Brimley said there was discussion in 2012 that removed the City Council as Appeal Authority and created a hearing officer. The change was not made to Clearfield City Code Title 11 Chapter 1, Table 11-1.

Mr. Brimley said the subdivision process was reviewed at the March Planning Commission meeting and it was discussed that for a preliminary subdivision plat the Planning Commission would be the advisory body with the City Council as the Land Use Authority. He said there was also discussion that staff evaluate the final subdivision plat and then the Planning Commission consider approval of the final subdivision plat. He said the proposed changes were requested by City Council but he included the notes from the discussion at the previous meeting. Mr. Brimley said Commissioner Jones commented at the March meeting that if the plat was already approved why have it be brought back to the Planning Commission for final approval when it was just lines on a page.

Commissioner Parkinson said other cities have the final subdivision plat approval as administrative which eliminated the need for the plat to return to the Planning Commission.

Mr. Brimley said in his opinion the difference between a preliminary and final subdivision plat was contours. He said on a final subdivision plat the lines that defined the lots were being
approved. He said the final subdivision plat was basically approving what had been approved with the preliminary subdivision plat. Mr. Brimley said staff would be supportive with the administrative responsibilities of the final subdivision plat, but also realized that the Planning Commission had a part in the process.

Commissioner Mabey asked about the time frame for approval if the final subdivision plat was to go to the Planning Commission meeting. Mr. Brimley said after the preliminary subdivision plat was approved the applicant would need to make any necessary changes and then submit the final subdivision plat for consideration. He said the monthly meeting made it difficult at times, but the final subdivision plat needed to have Planning Commission approval prior to going to the City Council.

STAFF REPORTS

Spencer Brimley said the last City Council open house was on April 19th at Wasatch Elementary and asked the commissioners to attend if possible. He said the last small area plan meeting would be held on April 28th. He said the last meeting had great discussion. Mr. Brimley said staff was working with Wasatch Front Regional Council, UTA and other partners to create a draft plan that would be presented at the meeting on April 28th.

Mr. Brimley said there would be a joint work meeting with the City Council in May to discuss the small area plan.

Commissioner Roper encouraged the commissioners to attend the small area plan meeting. Mr. Brimley said there had been about 200 respondents to survey number two to date. He said the consultants were, at the moment, at Kent’s market taking a survey.

Mr. Brimley said the agenda for the meeting in May had grown. He wanted to have a work session and discussion on the General Plan but with the size of the May’s agenda the discussion might be in June with a brief discussion at the May meeting.

PLANNING COMMISSIONERS’ MINUTE

Commissioner Jones – Nothing

Commissioner Mabey – Thanked staff members for their work.

Commissioner Millard – Nothing

Commissioner Murray – Said she was asked if she wanted to state why she voted against the auto sales conditional use permit. She said when she served on the City Council the goal was to upgrade Clearfield City. She said the City Council worked hard to make Clearfield a place where businesses and people wanted to come. Commissioner Murray said economic development was on the top of the list. She commented it was a disservice to the City and the applicant when the ordinances weren’t followed. Commissioner Murray expressed her opinion that if City standards
were lowered then Clearfield City would decline and she wanted the City to look nice.

Commissioner Browning – Nothing

Commissioner Jugler – Appreciated staff for making the commissioners jobs easier.

Commissioner Roper – Thanked the commissioners for their time and comments.

There being no further business to come before the Planning Commission, Commissioner Murray moved to adjourn at 8:19 P.M. Seconded by Commissioner Mabey.