PRESIDING: Timothy Roper Chair

PRESENT: Kathryn Murray Commissioner
Ron Jones Commissioner
Robert Browning Commissioner
Michael Millard Commissioner
Amy Mabey Commissioner
Brady Jugler Commissioner
Michael Britton Alternate Commissioner
Steve Parkinson Alternate Commissioner
Chris Uccardi Alternate Commissioner
Keri Benson Council Liaison

STAFF PRESENT: Stuart Williams City Attorney
JJ Allen Assistant City Manager
Spencer Brimley Development Services Manager
Jacob Fordham Assistant City Attorney
Christine Horrocks Building Permits Specialist

VISITORS: Michael Hansing, Anita L White, Payden McRoberts

The Pledge of Allegiance was led by Chair Roper.

APPROVAL OF MINUTES FROM JANUARY 6, 2016 PLANNING COMMISSION MEETING

Commissioner Mabey moved to approve the minutes from the January 6, 2016 meeting as written. Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Jones, Mabey, Millard, Murray, Browning and Jugler. Voting NO: None.

PUBLIC HEARING FOR PSP 1511-0006, A REQUEST BY ANITA WHITE, FOR PRELIMINARY SUBDIVISION PLAT APPROVAL LOCATED AT 591 SOUTH STATE STREET (TIN: 12-003-0037). THE PROPERTY IS APPROXIMATELY 0.658 ACRES AND LIES IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Chair Roper declared the public hearing open at 7:04 p.m. and asked for public comment.

There were no public comments.

Commissioner Murray moved to close the public hearing at 7:05 p.m. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Jones, Mabey, Millard, Murray, Browning and Jugler. Voting NO: None.
PUBLIC HEARING ON ZTA 1509-0006, A PROPOSED AMENDMENT TO THE CLEARFIELD LAND USE ORDINANCE TITLE 11 FOR PAWN AND SECONDHAND ESTABLISHMENTS.

Chair Roper declared the public hearing open at 7:06 p.m. and asked for public comment.

There were no public comments.

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

DISCUSSION ON PSP 1511-0006 AND FSP 1511-0006, A REQUEST BY ANITA WHITE, FOR PRELIMINARY SUBDIVISION PLAT APPROVAL AND FINAL SUBDIVISION PLAT APPROVAL LOCATED AT 591 SOUTH STATE STREET (TIN: 12-003-0037). THE PROPERTY IS APPROXIMATELY 0.658 ACRES AND LIES IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Spencer Brimley said there were two actions for the proposal for the White Subdivision, the preliminary subdivision plat was for Planning Commission approval and the final subdivision was a recommendation to the City Council. He said the proposal was to subdivide the 0.658 acre parcel into two lots. Mr. Brimley said there was a commercial building on the southern lot and the northern lot had a residential home with a detached garage. He said the city engineer requested infrastructure work be completed along 500 East and storm drain calculations provided. Mr. Brimley said because the proposal was not for development but to subdivide the property, staff recommended a deferral agreement be made. He said if in the future the property was developed the improvements would be required to be installed.

Mr. Brimley said staff recommended approval of the preliminary subdivision plat and recommendation of approval of the final subdivision plat to the City Council. He said the plat was consistent with the General Plan. He reviewed the conditions of approval. Mr. Brimley said there was one water meter for both buildings and condition of approval number two stated that separate utility connections must be provided for both lots.

Anita White, property owner, said she needed approval of the subdivision in order to obtain a reverse mortgage. She said the property had been in her family for many years.

Commissioner Murray asked if she agreed with the installation of the second water meter. Ms. White said she was fine with having the additional meter. Chair Roper asked if Ms. White was okay with the sidewalk improvements. Mr. Brimley said the recommendation from staff was the deferral agreement for the installation of the site improvements. He said any development of the site required the installation of the site improvements.

Commissioner Browning asked for clarification about the escrow agreement. Mr. Brimley said the requirement for the improvements could not be waived, but the City allowed for a deferral of
the improvements by escrow agreement. He said the deferral agreement was for the benefit of the
current property owner but it did not exempt future developers. Mr. Brimley said if there was any
development to the site then the improvements would be required. Commissioner Jones explained
an escrow agreement didn’t require money to exchange hands. He continued that in this situation
it was a contract between Clearfield City and the property owner.

APPROVAL OF PSP 1511-0006, A REQUEST BY ANITA WHITE, FOR PRELIMINARY
SUBDIVISION PLAT APPROVAL LOCATED AT 591 SOUTH STATE STREET (TIN: 12-
003-0037). THE PROPERTY IS APPROXIMATELY 0.658 ACRES AND LIES IN THE C-2
(COMMERCIAL) ZONING DISTRICT

Commissioner Browning moved to approve as conditioned, PSP 1511-0006: A request by
Anita White, for Preliminary Subdivision Plat approval located at 591 South State Street
(TIN: 12-003-0037), based on the discussion and findings in the Staff Report with the
following conditions:

1) The applicant shall correct the Plat to include all red-lines from Planning, Engineering, and Public Works Departments, including but not limited to necessary easements, addresses, and other call-outs as required.
2) Applicant shall provide proof of separate wet and dry utility connections for each lot in the proposed subdivision.
3) Pursuant to the Clearfield City Subdivision Ordinance § 12-4-5, an estimate of public improvements (as outlined in § 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits.
4) An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to recordation of the Final Plat, or a signed and executed Improvement Agreement for all required improvements including, detention areas, calculations and installation of sidewalk, curb, and gutter improvements that shall be required at the time new construction is proposed for either lot.
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.

RECOMMENDATION OF FSP 1511-0006, A REQUEST BY ANITA WHITE, FOR FINAL
SUBDIVISION PLAT APPROVAL LOCATED AT 591 SOUTH STATE STREET (TIN: 12-
003-0037). THE PROPERTY IS APPROXIMATELY 0.658 ACRES AND LIES IN THE C-2
(COMMERCIAL) ZONING DISTRICT

Commissioner Millard moved to recommend to the City Council approval as conditioned, FSP 1511-0006, a request by Anita White, for Final Subdivision Plat approval located at 591 South State Street (TIN: 12-003-0037), based on the discussion and findings in the Staff Report with the following conditions:
1) The applicant shall correct the Plat to include all red-lines from Planning, Engineering, and Public Works Departments, including but not limited to necessary easements, addresses, and other call-outs as required.

2) Applicant shall provide proof of separate wet and dry utility connections for each lot in the proposed subdivision.

3) Pursuant to the Clearfield City Subdivision Ordinance § 12-4-5, an estimate of public improvements (as outlined in § 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits.

4) An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to recordation of the Final Plat, or a signed and executed Improvement Agreement for all required improvements including, detention areas, calculations and installation of sidewalk, curb, and gutter improvements that shall be required at the time new construction is proposed for either lot.

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

DISCUSSION ON ZTA 1509-0006, A PROPOSED AMENDMENT TO THE CLEARFIELD LAND USE ORDINANCE TITLE 11 FOR PAWN AND SECONDHAND ESTABLISHMENTS.

Spencer Brimley said the Zoning Text Amendment (ZTA) was for additional regulations for pawn and secondhand businesses. He said pawn and secondhand businesses required a Conditional Use Permit (CUP) in the C-2 zone. Mr. Brimley said there were citizen concerns with the CUP discussion and approval for Pawn Depot in October 2014. He stated there were three existing pawn and secondhand businesses in Clearfield City.

Mr. Brimley said information about pawn and secondhand businesses was presented to the Planning Commission and the ZTA was discussed in November 2015 and January 2016. He said the consideration for changes was because of the citizen concerns voiced at the Planning Commission meeting in October 2014. Mr. Brimley said pawn shops were similar in nature to non-depository lending establishments (NDLE) and most studies referred to both uses in the same context. He said Clearfield City Code § 11-13-29 included an additional regulation to NDLE related to per capita. Mr. Brimley said public transportation provided anonymous travel and Clearfield City had many transit options available.

Mr. Brimley said land use and business license regulations were the only ways for the City to protect citizens and economic interests. He stated some cities had distance requirements and those distances varied. Mr. Brimley reviewed the proposed language with the commissioners.

Commissioner Mabey said the General Plan encouraged a diversity of businesses and it was her opinion that the ordinance helped with the diversity.
Mr. Brimley said the proposed changes allowed for additional pawn or secondhand businesses within the City. He said the existing three pawn and secondhand businesses in the City would be allowed to continue but if the business was discontinued, the site would be evaluated based on the current code.

Mr. Brimley said the City Code required the pawn and secondhand businesses to be located in the C-2 zone and the new language would be added to Title 11, Chapter 13 Supplementary Conditions. Commissioner Jugler asked about a requirement for distance from schools and public uses. Mr. Brimley said it was staff’s decision to consider commercial property first and that a more in-depth analysis was needed for additional requirements.

RECOMMENDATION FOR ZTA 1509-0006, A PROPOSED AMENDMENT TO THE CLEARFIELD LAND USE ORDINANCE TITLE 11 FOR PAWN AND SECONDHAND ESTABLISHMENTS.

Commissioner Jones moved to recommend to the City Council approval of ZTA 1509-0006, a request by Clearfield City for a proposed text amendment to the Clearfield City Land Use Ordinance Title 11 Chapter 13 for Pawn and Secondhand Businesses, based on findings and discussion in the Staff Report to include the following:

11-13-35 – Pawn and Secondhand Businesses

A. Pawn and Secondhand Businesses:

1. No pawn or secondhand business shall be located within one mile (5,280 feet) of any other pawn or secondhand business. The distance shall be measured in a straight line between the closest property lines of the lots upon which they are located.

2. A pawn or secondhand business shall not be located within eight hundred eighty feet (880’) from any non-depository lending establishment.

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

STAFF REPORTS

Spencer Brimley welcomed Councilmember Keri Benson as the Council Liaison, Ron Jones as a new member of the Planning Commissioner and Chris Uccardi an alternate member. He stated that Commissioner Mabey was reappointed for another five years.

Mr. Brimley said Scott Hess received grant money for a small area plan for the downtown area, 650 North to 700 South. He said an advisory committee was being organized to determine how to use the grant money. He said Commissioners Mabey, Murray and Jugler had been invited from the Planning Commission to participate on the committee. Mayor Shepherd and two members of the City Council, along with developers, private citizens and business owners had been invited to join the committee.

For information to the commissioners Mr. Brimley stated that Clearfield City and Syracuse City applied for and received street funds from Wasatch Front Regional Council that helped with
funding for installation of a road with curb, gutter and sidewalks about 500 West, south of 1700 South. He said 500 West was the boundary between Clearfield and Syracuse.

Mr. Brimley said the Planning Commission would be involved in updating the General Plan. He said the purpose of a General Plan was to guide the long range planning in the community. He said the document talked about objectives and goals and was not a lengthy document. Mr. Brimley said the responsibility of the Planning Commission was to advise staff. He said the goal was to present the plan to City Council for adoption by December 2016. Mr. Brimley said public meetings would be held and citizen comments would be obtained through surveys and questionnaires. Commissioner Mabey asked when the public meetings would be held. JJ Allen said the City Council held neighborhood meetings where the City leadership could interact with the residents. He said the General Plan would be discussed at the neighborhood meetings which would be held March 1st and 15th and April 19th.

PLANNING COMMISSIONERS’ MINUTE

Commissioner Jones – said he was happy to be on the Planning Commission, he enjoyed serving.

Commissioner Mabey – Nothing

Commissioner Millard – Welcomed the new commissioners

Commissioner Murray – Nothing

Commissioner Browning – Nothing

Commissioner Jugler – Thanked staff for the preparation made for the meetings.

Commissioner Roper – Welcomed the new commissioners and thanked Commissioner Mabey for recommitting. He reminded the commissioners to be on time. He said his personal commitment was to be ready and prepared for each meeting.

There being no further business to come before the Planning Commission, **Commissioner Jones moved to adjourn at 7:50 P.M. Seconded by Commissioner Mabey.**