The meeting was called to order at 7:10 p.m.

The Pledge of Allegiance was led by Commissioner Roper.

APPROVAL OF MINUTES FROM DECEMBER 2, 2015 PLANNING COMMISSION MEETING

Commissioner Murray moved to approve the minutes of the December 2, 2015 Planning Commission Meeting as presented. Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Murray, Browning, Millard, and Parkinson. Voting NO: None. Commissioner Mabey abstained from the vote. Commissioner Britton was not on the dais and did not vote.

Commissioner Britton was invited to sit at the dais as Commissioner Jugler was not in attendance.

ELECTION OF CHAIR AND VICE-CHAIR FOR 2016

Commissioner Mabey nominated Commissioner Roper for Chair. There were no further nominations. Commissioner Parkinson moved to close the nominations. Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Murray, Browning, Millard, Parkinson and Britton. Voting NO: None. Commissioner Roper was elected Chair upon the following vote: Voting AYE for
Commissioner Roper: Commissioners Browning, Mabey, Millard, Murray, Britton and Parkinson. Voting NO: None.

Commissioner Millard nominated Commissioner Murray for Vice Chair. There were no further nominations. Commissioner Mabey moved to close the nominations. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Murray, Browning, Millard, Parkinson and Britton. Voting NO: None.

Commissioner Murray was elected Vice Chair upon the following vote: Voting AYE for Commissioner Murray: Commissioners Browning, Mabey, Millard, Murray, Britton and Parkinson. Voting NO: None.

APPROVAL OF 2016 MEETING SCHEDULE

Commissioner Mabey moved to approve the Planning Commission meeting schedule as presented. Seconded by Commissioner Millard. The motion carried upon the following vote: Voting AYE: Commissioners Murray, Browning, Mabey, Millard, Britton and Parkinson. Voting NO: None.


Chair Roper declared the public hearing open at 7:19 p.m.

PUBLIC COMMENT:
None

Commissioner Murray moved to close the public hearing at 7:20 p.m. Seconded by Commissioner Millard. The motion carried upon the following vote: Voting AYE: Commissioners Murray, Millard, Mabey, Browning, Parkinson and Britton. Voting NO: None.

PUBLIC HEARING ON CUP 1512-0002, A REQUEST BY MATT GERTGE ON BEHALF OF LET THEM BE KIDS DAYCARE CENTER, FOR CONDITIONAL USE APPROVAL FOR THE EXPANSION OF AN EXISTING DAYCARE FACILITY, INCLUDING A GYMNASIUM, LOCATED ON AN ADJACENT PARCEL AT APPROXIMATELY 800 WEST 1600 SOUTH (TIN: 12-391-0014). THE PROPERTY IS LOCATED IN THE C-2 ZONING DISTRICT AND IS APPROXIMATELY 3.61 ACRES IN SIZE (THOUGH IN THE PROCESS OF BEING SUBDIVIDED)

Chair Roper declared the public hearing open at 7:21 p.m.
PUBLIC COMMENT:
Commissioner Britton moved to close the public hearing at 7:22 p.m. Seconded by Commissioner Millard. The motion carried upon the following vote: Voting AYE: Commissioners Murray, Millard, Mabey, Browning, Parkinson and Britton. Voting NO: None.


Spencer Brimley said the request was for an amendment to an existing plat located on the Clearfield City and Syracuse City border. He said the parcel was within Clearfield City, was approximately 1.02 acres and was part of a larger subdivision located in Syracuse City. Mr. Brimley said the amended plat would resolve an illegal lot split and allow for the approval of the new parcels as legal lots. He reviewed the conditions of approval.

Noah Steele, Syracuse City Planner, said Syracuse City was working with Ivory Homes to create a trail head that would benefit citizens of Clearfield City as well as Syracuse City.

Commissioner Browning asked where the trail would go. Mr. Steele said the trail would be under the powerline corridor.


Commissioner Murray moved to recommend to the City Council approval of FSP 1512-0003, a request by Syracuse City for an amendment to the Ninigret Field Subdivision Plat, for a 1.02 acre parcel. The site is located in the vicinity of the Clearfield and Syracuse city limits, at approximately 700 South and 1360 West (TIN: 12-766-0004). The property is in the A-1 (Agricultural) zoning district, based on the discussion and findings provided in the Staff Report with the following conditions:

1) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer, by meeting the requirements set forth in the letter dated December 8, 2015.

2) Pursuant to the Clearfield City Subdivision Ordinance § 12-4-5, an estimate of public improvements (as outlined in City Code § 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney.
3) Site will be maintained by property owner, in accordance with Clearfield City Code.
4) Deteriorated or damaged sidewalk and concrete will need to be replaced or installed.
5) Installation of required improvements or an escrow account shall be established prior to recordation of the Final Plat as outlined in City Code § 12-4-6.

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


Spencer Brimley said the subdivision amendment was required to create a parcel for the Monterrey Trailhead. He said the site had access from 700 South. Mr. Brimley said landscaping of the site must meet Clearfield City Code § 11-13-23. He said there was a light pole that would be removed to provide access to the site. Mr. Brimley reviewed the conditions of approval. He said the applicant had responded to the conditions. He said a garbage dumpster was not required for the site; however, a trash receptacle would be required.


Commissioner Millard moved to approve SP 1512-0003, a request by Syracuse City for site plan approval for a trailhead on a 1.02 acre parcel. The site is located in the vicinity of the Clearfield and Syracuse city limits, at approximately 700 South and 1360 West (TIN: 12-766-0004), based on discussion and findings in the staff report with the following conditions:

1) Site Plan approval is subject to North Davis Fire District review and approval.
2) Site Plan approval is subject to engineering review and approval.
3) 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.
4) Landscaping islands shall be provided at a minimum of every 12 stalls and be designed to meet requirements within City Code § 11-14-5F.
5) Landscaping must be provided at 10% minimum. Any storm detention facility may be included in the total landscaping calculation, but must be properly landscaped and irrigated per City Code § 11-13-23.
6) No garbage dumpster or garbage dumpster enclosure may be kept on the property, but a trash can shall be required for the development.
7) Site will be maintained in accordance with Clearfield City Code. Property owner is responsible for the maintenance and up keep of the property and will be responsible for keeping the site clean and safe.

8) Site Plan approval is subject to obtaining any necessary permits or approvals including but not limited to a subdivision plat approval.

9) 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 Murray. The motion carried on the following vote: Voting AYE: Commissioners Murray, Millard, Mabey, Browning, Parkinson and Britton. Voting NO: None.

DISCUSSION ON CUP 1512-0002 AND SP 1512-0002, A REQUEST BY MATT GERTGE ON BEHALF OF LET THEM BE KIDS DAYCARE CENTER, FOR CONDITIONAL USE APPROVAL AND SITE PLAN APPROVAL FOR THE EXPANSION OF AN EXISTING DAYCARE FACILITY, INCLUDING A GYMNASIUM, LOCATED ON AN ADJACENT PARCEL AT APPROXIMATELY 800 WEST 1600 SOUTH (TIN: 12-391-0014). THE PROPERTY IS LOCATED IN THE C-2 ZONING DISTRICT AND IS APPROXIMATELY 3.61 ACRES IN SIZE (THOUGH IN THE PROCESS OF BEING SUBDIVIDED)

Spencer Brimley said the conditional use permit (CUP) was for an additional facility for Let Them Be Kids. He said because the new building was on a separate parcel a dumpster would be required on each site. He said a landscape island would be required for every twelve stalls. Mr. Brimley said a cross access agreement would be required to be recorded for the shared parking. He said the engineer and architect were working on revised building plans because the building exceeded the allowed height limit by one foot. Mr. Brimley said the proposed building materials met the requirements of City Code § 11-18. He reviewed the conditions of approval. He said daycare facilities were regulated by the State and written approval from the State was required. Mr. Brimley said staff was concerned with potential traffic problems in the dead end street and requested further clarification on drop off and pick up configuration and required that it would be maintained in the parking lot on the site. He said condition of approval number four stated that no less than 48 parking stalls would be provided with three required ADA accessible.

Commissioner Parkinson was concerned with the number of parking stalls required and asked how many stalls were required. Mr. Brimley said the applicant proposed 48 parking stalls however the ADA accessible stalls would reduce that number and the requirement for the use was 42 stalls. Commissioner Parkinson was concerned with condition of approval number four and suggested the number of stalls be removed and the condition stated that the applicant would meet the parking requirement as stated in City Code. He said it was his opinion that condition of approval number three should be included with the site plan and not with the CUP.

Matt Gertge, developer, said it was acceptable to have the requirement to meet City Code and stated that the proposed location of the dumpster was at the end of the north parking area. Commissioner Murray asked if the subdivision plat needed to be recorded prior to construction of the new building. Mr. Brimley said the building permit would not be issued until the plat was
recorded. Commissioner Murray said the site plan did not indicate a pattern for drop off to prevent traffic problems.

Monica Gailey, owner, said the business was child care; therefore, drop off lanes were not needed because parents were required to physically check the children in to the facility; the children were not dropped off. She said there was not adequate parking at the current location with six stalls for 90 families and she didn’t foresee a problem with the increased number of parking stalls that were being added. Commissioner Millard said directional lines would not be required to be painted, but a plan was in place. Ms. Gailey said they would have signs which indicated entrance and exit only.

Commissioner Murray clarified the changes to the conditions of approval for the CUP eliminated condition of approval number three from the CUP and included it in the conditions of approval for the site plan. She said condition of approval number four would be amended to state that the number of parking stalls must meet City Code.

Commissioner Parkinson asked what was required for the condition of approval for drop off and pick up. Mr. Brimley said staff wanted to know how the site would flow with the entrance and exit. He said Let Them Be Kids owned and would utilize both parcels. Jacob Fordham, Assistant City Attorney, stated the cross access agreement would cover the legal details.

APPROVAL OF CUP 1512-0002, A REQUEST BY MATT GERTGE ON BEHALF OF LET THEM BE KIDS DAYCARE CENTER, FOR CONDITIONAL USE APPROVAL FOR THE EXPANSION OF AN EXISTING DAYCARE FACILITY, INCLUDING A GYMNASIUM, LOCATED ON AN ADJACENT PARCEL AT APPROXIMATELY 800 WEST 1600 SOUTH (TIN: 12-391-0014). THE PROPERTY IS LOCATED IN THE C-2 ZONING DISTRICT AND IS APPROXIMATELY 3.61 ACRES IN SIZE (THOUGH IN THE PROCESS OF BEING SUBDIVIDED)

Commissioner Britton moved to approve as conditioned, CUP 1512-0002, a request by Matt Gertge on behalf of Let Them Be Kids Daycare Center, for Conditional Use Approval for the amended site plan of an existing daycare facility, including a gymnasium, located on an adjacent parcel at approximately 800 West 1600 South (TIN: 12-391-0014), based on the findings and discussion in the Staff Report with the following conditions:

1) This Conditional Use Permit is for Let Them Be Kids Daycare center located at approximately 800 W 1600 S.
2) Written approval from the State of Utah shall be provided regarding the use and configuration of the open space located on the site within the C-2 zone. The outdoor play area shall be fully fenced, and located entirely within the C-2 zone.
3) Number of stalls to be provided as required in Clearfield City Code § 11-14 for the approved use. Applicant will provide ADA accessible stalls for new site building, for a total of three (3) for the entire site.
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.
Seconded by Commissioner Parkinson. The motion carried on the following vote: Voting
AYE: Commissioners Murray, Millard, Mabey, Browning, Parkinson and Britton. Voting
NO: None.

APPROVAL OF SP 1512-0002, A REQUEST BY MATT GERTGE ON BEHALF OF LET
THEM BE KIDS DAYCARE CENTER, FOR SITE PLAN APPROVAL FOR THE
EXPANSION OF AN EXISTING DAYCARE FACILITY, INCLUDING A GYMNASIUM,
LOCATED ON AN ADJACENT PARCEL AT APPROXIMATELY 800 WEST 1600 SOUTH
(TIN: 12-391-0014). THE PROPERTY IS LOCATED IN THE C-2 ZONING DISTRICT AND
IS APPROXIMATELY 3.61 ACRES IN SIZE (THOUGH IN THE PROCESS OF BEING
SUBDIVIDED)

Commissioner Parkinson moved to approve as conditioned, SP 1512-0002, a request by
Matt Gertge on behalf of Let Them Be Kids Daycare Center, for Site Plan Approval for the
expansion of an existing daycare facility, including a gymnasium, located on an adjacent
parcel at approximately 800 West 1600 South (TIN: 12-391-0014), based on the findings and
discussion in the Staff Report.

1) The Documents submitted for building permits shall be in substantial
conformance with the documents submitted in Site Plan approval SP 1512-0002;
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. Number of stalls to be provided as required in Clearfield City Code § 11-14
      for the approved use. The appropriate number of parking stalls shall be
      delineated and designed for the site and shown on submitted construction
      drawings. No less than three (3) parking stalls must meet ADA standards.
   d. Site circulation must be designed in such a manner that 1600 South is not
      negatively affected or blocked. Adequate paved markings and/or signage
      shall be provided and incorporated on the site. 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. Applicant will provide a designated walkway between buildings, within the
      parking lot. It shall be striped appropriately for pedestrians walking between
      buildings.
   f. No parking or waiting is allowed in the cul-de-sac or along 1600 South or 900
      West. All vehicle pick up and drop off shall be provided within the parking
      lot and shall not impact sidewalks or public streets.
   g. New lighting for the site, either parking lot or exterior to the building shall be
      shown on the construction documents and meet City Code.
   h. A minimum of 10% 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.
Proposed signage must meet City Code § 11-15 standards. Signs are not included as part of this approval. Separate review and approval will be required for any and all signs.

2) Applicant will provide cross access agreement between the two parcels for the purpose of sharing parking and allowing vehicular egress. Directions for drop off and pick up configuration shall be provided in striping and wayfinding signs.

3) Commercial waste services are required. Garbage dumpster must be screened as required by Clearfield City Code § 11-11B-12.

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

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

6) 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 or permits from the State of Utah.

7) 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.

8) 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 Britton. The motion carried on the following vote: Voting AYE: Commissioners Murray, Millard, Mabey, Browning, Parkinson and Britton. Voting NO: None.

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

Spencer Brimley said since Planning Commission discussion on November 4, 2015 staff had researched pawn businesses. He said the research suggested that over time if not responded to appropriately the use could cause negative impact on growth for economic development. He said staff recommended that distance be the basis for regulating pawn and secondhand businesses.

Mr. Brimley showed the commissioners a map that indicated the location of pawn businesses and also the non-depository lending establishments within Clearfield City. He said the non-depository lending establishments were regulated by distance and per capita. He said staff recommended pawn and secondhand businesses be regulated by distance only. Mr. Brimley said the distance requirement would avoid clustering.

Mr. Brimley displayed a spreadsheet of several cities that had distance regulations for pawn businesses. Commissioner Britton asked what the rationale was for avoiding clustering of any business. Mr. Brimley said it was good practice to allow the pawn business within the cities, but not in one spot. Commissioner Britton compared it to the clustering of restaurants. Mr. Brimley said there was a national study that discussed uses that were undesirable. He said his opinion was that it was in the best interest of the City to respond to the concerns of the citizens to create regulation that was neither non-threatening nor caused additional negative impacts to businesses.
Commissioner Millard stated for disclosure that he was a detective with Salt Lake City and served on the State Pawn Board. He said there was good information presented to the Planning Commission and hoped it was passed on to the City Council. Commissioner Millard said there were a couple of issues with pawn shops. He said one was that the criminal element figured out which pawn shops did things wrong and then would frequent those businesses. He said there was also the criminal without available transportation that would steal from an individual and then go to the pawn business down the street. Commissioner Millard said when the shops were in one area the criminal could take items to each shop. He said the elimination of clustering minimized potential theft in the area. Commissioner Millard stated that clustering was not good.

Commissioner Browning said during the discussion on non-depository lending establishments it was mentioned that military personnel were preyed upon by that type of business. His opinion was that it was good that the pawn businesses were spread out. Commissioner Mabey said she liked the distance requirement. Mr. Brimley said the City should be considerate of all citizens to ensure that they weren’t preyed upon by any particular business. Commissioner Britton asked if the proposal was approved would it remove existing businesses. Mr. Brimley stated the change in ordinance applied only to new businesses.

Commissioner Parkinson said his opinion was that the language that was included for the termination of a business license for pawn and secondhand businesses should apply to all businesses and not just a select few. Mr. Fordham said the language was to inform businesses of what was triggered with the new regulations.

Commissioner Britton asked if everything was working then why make a change. Mr. Brimley said there currently was not a distance requirement for pawn and secondhand businesses. Chair Roper said regulations were put in place for mitigation of future issues. Commissioner Murray said the non-depository lending establishments regulations for population and distance were approved because the number of those businesses was increasing in the City and Clearfield City was not big enough to have more than three or four. She said pawn and secondhand businesses weren’t a problem at this time, but the City didn’t want them to become a problem. Chair Roper said it was putting a formal regulation in place. Commissioner Millard said there were businesses that didn’t want to be located near pawn shops. He said all pawn businesses had stolen items but not all items in the pawn shop were stolen.

Mr. Brimley stated there would be a formal public hearing at the February meeting on the zoning text amendment for the pawn and secondhand businesses with the recommendation of the language as was proposed in the presentation.
STAFF REPORTS

Spencer Brimley said the agenda for the February meeting would have a subdivision approval and a couple of zoning text amendments. He showed the commissioners a binder that would be available for their use during Planning Commission meetings. Commissioner Britton asked to have a map included.

PLANNING COMMISSIONERS’ MINUTE

Commissioner Browning – Happy New Year

Commissioner Mabey – Congratulations to the new chair and vice chair.

Commissioner Millard – Congratulations

Commissioner Murray – Nothing

Commissioner Britton – Congratulations

Commissioner Parkinson – Thanked Mr. Brimley for his work on the pawn shop ordinance. He said as a planner he had insight that most didn’t and said he was sorry for the grief he caused Mr. Brimley. He gave condolences to the chair and vice chair.

Chair Roper – Thanked the commissioners for the opportunity to serve as chair. He said Happy New Year and he looked forward to serving with the commissioners in the coming year.

There being no further business to come before the Planning Commission, Commissioner Murray moved to adjourn at 8:43 P.M. Seconded by Commissioner Millard.