The Pledge of Allegiance was led by Chair Roper.

APPROVAL OF MINUTES FROM AUGUST 3, 2016 PLANNING COMMISSION MEETING

Commissioner Mabey moved to approve the minutes of the August 3, 2016 Planning Commission meeting as written. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Jones, Mabey, Millard, Murray, Jugler and Browning. Voting NO: None.

PUBLIC HEARING FOR ZTA 1607-0003, A ZONING TEXT AMENDMENT TO TITLE 11, REQUESTED BY CLEARFIELD CITY STAFF FOR THE PURPOSE OF REGULATING THE KEEPING OF BEES WITHIN CLEARFIELD CITY. ALSO, THIS ZONING TEXT AMENDMENT WILL CONSIDER CORRECTIONS TO REFERENCES TO COMMUNITY DEVELOPMENT DIRECTOR AND COMMUNITY DEVELOPMENT DEPARTMENT WITHIN TITLE 11, CHAPTERS 2, 5, 13 AND 15

Chair Roper declared the public hearing open at 7:01 p.m.
PUBLIC COMMENT:

Rodney Marchant, Syracuse, Davis County Swarm Coordinator said there were hives in Clearfield and some were wild and some were illegal. He said the Davis County Beekeepers Association (DCBA) requested Clearfield City’s ordinance be changed so that it allowed the keeping of bees. He said bees were directly responsible for 30 percent and indirectly responsible for 90 percent of the food that we eat. Mr. Marchant said most people didn’t differentiate between bees and wasps. He said wasps were more aggressive and bees were gentle. He said it was a high priority of DCBA to train beekeepers. Mr. Marchant had read the proposed amendments and requested that usage of side yards be allowed and requested the ordinance be changed so it included a fenced side yard.

Richard Homer, Layton, DCBA President, had concerns with hives not being allowed in the side yard and it was his opinion that it was excessive to mark the hive with the name, address, telephone number and State registration number. Mr. Homer said the State only required the registration number. He said it was difficult to put all the information on the side of the hive and said a name and the State registration number should be adequate. Mr. Homer said fenced yards were not as important as to where the hive was placed. He said a flight path was needed ten feet in front of the hive.

Commissioner Mabey moved to close the public hearing at 7:08 p.m. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Jones, Mabey, Millard, Murray, Jugler and Browning. Voting NO: None.

PUBLIC HEARING FOR CUP 1608-0006, A REQUEST BY CLEARFIELD CITY STAFF ON BEHALF OF REAGAN OUTDOOR ADVERTISING FOR A CONDITIONAL USE PERMIT FOR THE RELOCATION OF A BILLBOARD TO BE RELOCATED FROM 100 SOUTH STATE STREET TO 1499 SOUTH STATE STREET (TIN: 09-022-0069). THE PROPERTY IS APPROXIMATELY 2.08 ACRES AND LIES IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Chair Roper declared the public hearing open at 7:09 p.m.

There was no public comment.

Commissioner Jones moved to close the public hearing at 7:20. Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Jones, Mabey, Millard, Murray, Jugler and Browning. Voting NO: None.
DISCUSSION ON CUP 1608-0006, A REQUEST BY CLEARFIELD CITY STAFF ON BEHALF OF REAGAN OUTDOOR ADVERTISING FOR A CONDITIONAL USE PERMIT FOR THE RELOCATION OF A BILLBOARD TO BE RELOCATED FROM 100 SOUTH STATE STREET TO 1499 SOUTH STATE STREET (TIN: 09-022-0069). THE PROPERTY IS APPROXIMATELY 2.08 ACRES AND LIES IN THE C-2 (COMMERCIAL) ZONING DISTRICT.

Spencer Brimley, Development Services Manager, said the development of the City Centre apartments necessitated the billboard sign at approximately 100 South State Street to be shifted south. He said staff recommended the sign be moved south to 1499 South State, by the veterinary office.

Mr. Brimley said billboards were regulated by the State. Clearfield City Ordinance § 11-15-8-F states, “No new billboards shall be permitted after the effective date hereof.” (11-24-2009). He said this was an existing billboard that would be relocated. All billboards within the City were off-premise signs and were considered non-conforming. Mr. Brimley said it was more desirable for the billboard sign to be moved from the downtown area.

Commissioner Browning said there were different types of billboards and asked what the sign would be. Mr. Brimley said the sign would be a monopole as least 45 feet tall and the same size as the previous sign. Commissioner Murray asked if the new sign could be bigger than existing sign. Mr. Brimley said City Ordinance limited the square footage of the sign; however, the Planning Commission could require the sign to not exceed the square footage of the sign to be relocated. He said the existing sign met the size requirements for a billboard sign.

Commissioner Jones said condition of approval number three required the relocated billboard to conform to all City ordinances. Commissioner Browning was concerned with the assumption that the sign would be the same size and height but the size wasn’t noted. Commissioner Jones said if the sign met the requirements of the City Ordinance said he would approve the sign to be bigger if the new sign fit within the guidelines.

Guy Larsen, Reagan Outdoor Advertising, said the sign that was taken down was 12 X 25 or 300 square feet and he said a condition of approval could state that the sign could not exceed 300 square feet. He said the application was to build a 300 square foot sign on a monopole.

Commissioner Murray asked if the sign would be digital. Mr. Larsen said it would not be digital at this time. Chair Roper asked if the Planning Commission would review any changes to the sign. Mr. Brimley said the Planning Commission a condition of approval could be added that stated any changes must be presented for approval. Commissioner Mabey asked if changes were made to the previous sign would it have been reviewed by Planning Commission. Mr. Brimley said that a face change of the sign wouldn’t require Planning Commission approval.

Commissioner Murray stated there were regulations on lumens if the sign went digital. Mr. Larsen said any changes to the sign would meet City Code.
Commissioner Jones asked if the size of the sign needed to be included in the conditions of approval. Mr. Larsen said for clarification that the sign was 300 square feet on each side for a total of 600 square feet.

APPROVAL OF CUP 1608-0006, A REQUEST BY CLEARFIELD CITY STAFF ON BEHALF OF REAGAN OUTDOOR ADVERTISING FOR A CONDITIONAL USE PERMIT FOR THE RELOCATION OF A BILLBOARD TO BE RELOCATED FROM 100 SOUTH STATE STREET TO 1499 SOUTH STATE STREET (TIN: 09-022-0069). THE PROPERTY IS APPROXIMATELY 2.08 ACRES AND LIES IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Commissioner Jones moved to approve as conditioned CUP 1608-0006, a request by Clearfield City Staff on behalf of Reagan Outdoor Advertising for a Conditional Use Permit for the relocation of a billboard sign to be relocated from 100 South State Street to 1499 South State Street, based on discussion and findings in the Staff Report noting the sign cannot exceed 300 square feet per side with the following conditions:

1) This Conditional Use Permit is for the relocation of a legal nonconforming billboard owned by Reagan Outdoor Advertising. The legal nonconforming billboard will be relocated from 100 South State Street to 1499 South State Street (TIN: 09-022-0069).

2) The structure of the relocated existing legal nonconforming billboard shall be a monopole, with a height not to exceed 45 feet and will not obstruct sight triangles or the visibility of adjacent commercial buildings. Each sign face shall not exceed 300 square feet per side.

3) The relocated existing legal nonconforming billboard shall conform to all applicable federal, state, and local laws, including but not limited to the City’s applicable regulations.

4) Approval from UDOT for the location of this relocated existing legal nonconforming, with any conditions required.

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

DISCUSSION ON FSP 1608-0001, A REQUEST BY MIKE FORD FOR FINAL SUBDIVISION PLAT APPROVAL TO AMEND LOTS 8 & 9 OF THE WILCOX FARMS AMENDED SUBDIVISION TO CREATE THE CLEARFIELD BUSINESS PARK CONDOMINIUMS, A CONDO PROJECT, LOCATED AT 939 AND 919 WEST 1600 SOUTH (TIN: 12-391-0009, 12-391-0008). THE PROPERTY IS APPROXIMATELY 1.31 ACRES AND LIES IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Spencer Brimley said the request was to amend Wilcox Farms Lots 8 and 9 with the two lots being combined and then subdivided into 12 lots. He said the 12 lots would be individually owned with common space for parking and landscaping to be utilized by all tenants. He said it
was consistent with the General Plan and was zoned C-2 (Commercial). The entrance would be along 1600 South. Mr. Brimley said the building official had reviewed the plans and saw no issues or concerns.

He said the Codes Covenants and Restrictions (CC&R’s) was a private document; however, the City reviewed the CC&R’s to ensure it was in conformance with City Code. He said the City requested a few changes for consistency. He said staff recommended Planning Commission recommend approval to the City Council.

RECOMMENDATION OF FSP 1608-0001, A REQUEST BY MIKE FORD FOR FINAL SUBDIVISION PLAT APPROVAL TO AMEND LOTS 8 & 9 OF THE WILCOX FARMS AMENDED SUBDIVISION TO CREATE THE CLEARFIELD BUSINESS PARK CONDOMINIUMS, A CONDO PROJECT, LOCATED AT 939 AND 919 WEST 1600 SOUTH (TIN: 12-391-0009, 12-391-0008). THE PROPERTY IS APPROXIMATELY 1.31 ACRES AND LIES IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Commissioner Jugler moved to recommend to the City Council approval of FSP 1608-0001, a request by Mike Ford for final subdivision plat approval to amend lots 8 & 9 of the Wilcox Farms Amended Subdivision to create the Clearfield Business Park Condominiums, based on the discussion and findings provided in the Staff Report with the following conditions:

1) The final condominium plat shall meet City standards and be to the satisfaction of the City Engineer, by meeting the requirements set forth in the letter dated August 5, 2016, prior to recordation.
2) Final review of the private covenants and restriction documents shall be completed by the City Attorney and any comments generated be appropriately addressed, prior to recordation of the associated documents and of the plat.
3) The private covenants and restrictions required (pursuant to Clearfield City Land Use Ordinance § 11-13-24), any amendment, and any instrument affecting the property or any unit therein, shall be approved by the city attorney, planning commission, and city council, and shall be recorded with the county recorder.

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

DISCUSSION ON SP 1608-0001, A REQUEST BY MIKE FORD FOR SITE PLAN APPROVAL OF A MULTI-TENANT BUILDING, LOCATED AT 939 AND 919 WEST 1600 SOUTH (TIN: 12-391-0009 & 12-391-0008). THE PROPERTIES ARE APPROXIMATELY 1.31 ACRES AND LIE IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Spencer Brimley said the shell building would be built and then the interior would be completed for each tenant. He said because the tenants of the building were not determined it was difficult to figure the required number of parking stalls. He said 50 parking stalls were required which allowed 2.4 stalls per unit. Mr. Brimley said the two end units were a little bit larger. He said the landscaping was a typical plan with screening along 1600 South to keep headlights off traffic and screening along the eastern side with detention and grass along the back.
Mr. Brimley said the applicant would have brick and stucco for the Façade which was consistent with Chapter 18 Design Standards. He said a dumpster must be screened and on site. He said fencing was not required. Staff recommended approval.

Commissioner Murray asked if the buildings were two stories. Mr. Brimley said the building was only one story with oversized garage doors.

Thomas Hunt, Reeve and Associates, said the garage doors were approximately 12 feet high. He said a motorhome or large boat could be parked in the bay. He said there were many uses for the doors which included storage. Commissioner Mabey asked where the dumpster would be located. Mr. Hunt said there would be two, one on the east side and one on the west side.

APPROVAL OF SP 1608-0001, A REQUEST BY MIKE FORD FOR SITE PLAN APPROVAL OF A MULTI-TENANT BUILDING, LOCATED AT 939 AND 919 WEST 1600 SOUTH (TIN: 12-391-0009 & 12-391-0008). THE PROPERTIES ARE APPROXIMATELY 1.31 ACRES AND LIE IN THE C-2 (COMMERCIAL) ZONING DISTRICT

Commissioner Jugler moved to approve as conditioned, SP 1608-0001, a request by Mike Ford for Site Plan approval of a multi-tenant building, located at 939 and 919 West 1600 South, based on the findings and discussion in the Staff Report.

1) The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1608-0001; however, they will also include and address the following:
   a. Final approval of the site plan contingent on approval of the Amended Plat, 1608-0001.
   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. The final building plans submitted shall meet building safety standards and be to the satisfaction of the City Building Official.
   d. The final building plans shall meet the minimum standards for building materials as established in § 11-11B-12(D) as well as § 11-18.
   e. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. A minimum of two (2) parking stalls must meet ADA standards.
   f. Site circulation must be designed in such a manner that on site traffic flow is not impeded. Adequate paved markings and/or signage shall be provided and incorporated on the site.
   g. Each use will require review and approval from Clearfield City Staff, to insure parking requirements are met.
   h. New lighting for the site, for both parking lot and exterior to the building shall be shown on the construction documents and meet City Code.
   i. A minimum of 10% landscaping shall be provided and meet the minimum standards set forth in § 11-13-23 for the minimum amount of trees and shrubs.
j. All landscaping will be watered by an automatic irrigation system, to be submitted and approved by staff.

k. Proposed signage must meet City Code Title 11, Chapter 15 standards. Signs are not included as part of this Site Plan approval. Separate review and approval will be required.

2) The garbage dumpster must be provided and screened.

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

4) Applicant is responsible to obtain and provide to staff any necessary reviews and approvals from North Davis Sewer District.

5) Should the landscape not be installed prior to Certificate of Occupancy, pursuant to Land Use Ordinance § 11-13-23(B), (C) and (D) Final building permit approval is subject to the applicant establishing an escrow account, as reviewed and approved by the City Engineer and City Attorney.

6) 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 Jones, Mabey, Millard, Murray, Jugler and Browning. Voting NO: None.

DISCUSSION ON ZTA 1607-0003, A REQUEST BY CLEARFIELD CITY STAFF FOR ZONING TEXT AMENDMENTS WITHIN TITLE 11 LAND USE, TO CONSIDER SUPPLEMENTAL REGULATIONS FOR THE KEEPING OF BEES IN THE R-1, A-1 AND A-2 ZONING DISTRICTS. ALSO, THIS ZONING TEXT AMENDMENT WILL CONSIDER CORRECTIONS TO REFERENCES TO COMMUNITY DEVELOPMENT DIRECTOR AND COMMUNITY DEVELOPMENT DEPARTMENT WITHIN TITLE 11, CHAPTERS 2, 5, 13 AND 15. THESE CHANGES WOULD BE EFFECTIVE ACROSS ALL APPLICABLE PARCELS OF PROPERTY AND ZONES WITHIN CLEARFIELD CITY

Spencer Brimley said the proposed beekeeping ordinance had been discussed at previous meetings. He provided the commissioners a copy of a letter from the State supporting the beekeeping ordinance.

Mr. Brimley said staff reviewed the information provided by the Davis County Beekeepers Association. He said the lot size and number of hives allowed was changed because the majority of the lots in Clearfield were less than .25 acre. Mr. Brimley said most lots were narrow there were concerns with the bee’s flight and the impact a beehive would have in a side yard. He said it was determined to keep the distance as great as possible and the rear yard was the appropriate location. Mr. Brimley asked the commissioners if the side yards should be included or just the rear yards.

Chair Roper said the definition of rear yard needed to be clarified. Commissioner Browning suggested a requirement of five feet from the adjoining property and a fenced yard. Commissioner Millard recommended a fenced yard not to include any portion in front of the front
plane of the house. Commissioner Murray said the definition of side and rear yards had been discussed in the past. She said most side yards were small but questioned if corner lots would be allowed to be used for beekeeping. Chair Roper was comfortable with stating an enclosed area. Commissioner Murray said there could still be the requirement to have the hives five feet away from the adjoining property.

Commissioner Browning said the ordinance needed to be precise so that the beekeeper and the neighbor were both protected. Chair Roper suggested the hive must be placed in an enclosed protected area, fenced in side or back yard but not in the front yard. Commissioner Millard said if the bees were in an enclosed area it helped eliminate the nuisance aspect of the hive.

Mr. Brimley said if the Planning Commission suggested wording different than the proposed ordinance the changes needed to be articulated specifically and the reasons why.

Commissioner Mabey asked if the ordinances that were researched from other cities addressed the side yards. Mr. Brimley said there was not any justification for side yard or no side yard.

Commissioner Browning asked the purpose for the name, address, phone number and registration number being noted on the beehive. Mr. Brimley said it was to allow ownership of the hives. Commissioner Mabey said the address would help in case the phone number wasn’t working. Mr. Brimley said it was erring on the side of more information rather than less was helpful. It was determined that if there was an emergency more information would help to contact the hive owner rather than wait to contact the State.

Chair Roper said he would be recommending to the City Council the decision of the Planning Commission and asked the commissioners to state reasons for the recommendation. Commissioner Mabey expressed her opinion that more information didn’t hurt and adding an address took additional effort. Commissioner Jones agreed. Commissioner Millard agreed with the information that was required on the hive, but wanted to change the back yard to fenced yard. Commissioner Murray said the only alteration she recommended was changing to an enclosed area. Commissioner Jugler said he was satisfied with the phone number and State registration number on the hive and the hive being allowed in an enclosed rear or side yard area. He then said he was okay without the enclosure requirement. Commissioner Murray said if the regulation was allowed without the enclosure it was opening it up for all side yards. Her opinion was that it must be restricted to an enclosed area for safety. Commissioner Browning agreed that all the information should be included on the hive and the hive located in an enclosed area.

Mr. Brimley said the City Council was the ultimate decision maker and the members of the DCBA would be given the opportunity to speak during the public hearing at the City Council meeting on September 27th.
RECOMMENDATION OF ZTA 1607-0003, A REQUEST BY CLEARFIELD CITY STAFF FOR ZONING TEXT AMENDMENTS WITHIN TITLE 11 LAND USE, TO CONSIDER SUPPLEMENTAL REGULATIONS FOR THE KEEPING OF BEES IN THE R-1, A-1 AND A-2 ZONING DISTRICTS. ALSO, THIS ZONING TEXT AMENDMENT WILL CONSIDER CORRECTIONS TO REFERENCES TO COMMUNITY DEVELOPMENT DIRECTOR AND COMMUNITY DEVELOPMENT DEPARTMENT WITHIN TITLE 11, CHAPTERS 2, 5, 13 AND 15. THESE CHANGES WOULD BE EFFECTIVE ACROSS ALL APPLICABLE PARCELS OF PROPERTY AND ZONES WITHIN CLEARFIELD CITY

Commissioner Millard moved to recommend approval of ZTA 1511-0005 to the City Council, a request by Clearfield City Staff for Zoning Text Amendments within Title 11 Land Use, to consider supplemental regulations for the keeping of bees in the R-1, A-1 and A-2 zoning districts. Also, this zoning text amendment will consider corrections to references to community development director and community development department within Title 11, Chapters 2, 5, 13 and 15, based on the findings and discussion in the Staff Report with the an alteration to state that hives “may be maintained in a fenced yard of any residential lot up to one quarter (1/4) acres. No hives should be located in a front yard.” Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Jones, Mabey, Millard, Murray, Jugler and Browning. Voting NO: None.

DISCUSSION ITEMS

Downtown Small Area Plan

Spencer Brimley asked the commissioners to review the downtown small area plan and provide feedback to him no later than September 16th and said if they wanted a digital copy of the plans to send him an email. He said a public hearing would be held during the October meeting for consideration and recommendation to City Council.

Mr. Brimley gave an overview of the small area plan and explained the layout of the corridor. He said the goal was to create a space that would bring life back to Clearfield City. The plan encouraged people to get out of their cars and walk. Mr. Brimley said this was a long term goal and would be an exhibit to the General Plan.

Chair Roper asked how the comments should be submitted. Mr. Brimley said the document could be redlined and brought to the office or send via email.

General Plan Update

Mr. Brimley said the General Plan maps had been updated and were included in the packets given to the commissioners. He said one item that needed to be updated on the master street plan was a pedestrian bridge that connected Clearfield Station across the rail to Freeport Center. He said grant funding had been received to help with the bridge.
Commissioner Browning stated the street map had SR193 as a future street and should be updated. Mr. Brimley asked to have any recommendations for changes to the maps given to him by September 16th.

Commissioner Browning asked what the difference was between the development on the east side and west side of 1000 West. JJ Allen, Assistant City Manager, said the key was that the developer of the Ninigret Industrial Park in Syracuse sold the lots and the property owner across the street, Freeport Center Associates, would only lease.

COMMUNICATION

Mr. Brimley said on September 29, 2016 there was a form based code meeting at Farmington City offices from 10:30 a.m. to noon. He said Clearfield City would be applying for additional funds from Wasatch Front Regional Council for evaluation and creation of a form based code.

TRAINING

Mr. Brimley showed two videos from the LUAU website about Legislative Body and Appeal Authority. He suggested that the commissioners visit the website for more details on land use subjects.

STAFF COMMUNICATIONS

Mr. Brimley said permits were issued for City Centre. He said there was a lot going on with the General Plan and Downtown Small Area Plan and ordinance updates. He appreciated the time, efforts and willingness of the commissioners.

PLANNING COMMISSIONERS’ MINUTE

Commissioner Jones – said there were 108 days until Christmas and Betos has a country burrito that was mostly bacon.

Commissioner Mabey – thanked staff for their hard work and the intern for the updated maps.

Commissioner Millard – thanked Councilmember Benson for listening to the crackers comment at the last meeting.

Commissioner Murray – nothing

Commissioner Jugler – said you’re welcome for the cracker comment last meeting.

Commissioner Browning – said he was happy to live in Clearfield and was happy to be on the Planning Commission. He said the improvements on South Main were wonderful. He said the trails in Clearfield had been sealed and looked great.
Councilmember Benson – you are welcome.

Chair Roper – thanked the commissioners for the time spent in behalf of the City.

There being no further business to come before the Planning Commission, Commissioner Jones moved to adjourn at 8:37 P.M. Seconded by Commissioner Mabey.