

CLINTON CITY PLANNING COMMISSION MINUTES

Commissioner Tony Thompson
Commissioner Allen Labrecque
Commissioner Dave Coombs
Commissioner Jolene Cressall
Commissioner Jeff Ritchie
Commissioner Bob Buckles
Commissioner Jacob Briggs

Mayor L. Mitch Adams, City Council Representative

Planning Commission Meeting	August 19, 2014	Call to Order: 9:06 P.M.	2267 N 1500 W Clinton UT 84015
	At the beginning of the meeting audio difficulties were experienced. As a result, the first portion of the meeting was not captured on the recording. When the audio recorder began working Planning Commission Chair Thompson provided a brief explanation of the events of the meeting that occurred while the recorder was incapacitated.		
Staff Present	Community Development Director Lynn Vinzant and Lisa Titensor recorded the minutes.		
Public Present	Kelly Geisler, Wayne Geisler, Sam Buckley, Cindi Buckley, Billi Jo Maurer		
Pledge of Allegiance	Commissioner Ritchie		
Invocation or Thought	Commissioner Coombs		
Roll Call & Attendance	All were present.		
Declarations of Conflict	There were none.		
City Council Report	Mayor Adams reported on the July 12 & 13, 2014 Clinton City Council meetings as reported in the minutes.		
7:30 P.M. - REVIEW AND ACTION UPON A REQUEST FROM CINDI BUCKLEY, REPRESENTING KOOLKIDZ LLC FOR A SITE PLAN REVIEW AND CONDITIONAL USE PERMIT TO OPERATE A CHILDCARE FACILITY AT 1094 WEST 1800 NORTH, CLINTON.			
Petitioner	Cindi Buckley		
Discussion	<p>Cindi Buckley addressed the Planning Commission and explained:</p> <p>She is opening a new business in Clinton called “KoolKidz”. It will be a child care facility that will provide educational opportunities for the children who attend. There will be an after school program as well as summer programs available. She reported KoolKidz, llc is doing business as KoolKidz Academy. It initially will be an art academy with the option to eventually expand adding a daycare when additional funding is available. There will be preschool to offer educational opportunities such as art classes; engineering; music; summer programs; Exercise classes.</p> <p>Commissioner Cressall asked what age range will be.</p> <p>Ms. Buckley said the program will accommodate ages 2 years to 17 years with different options for different age groups.</p> <p>Mr. Vinzant reviewed the following information with the Planning Commission which was included in the staff report: “KoolKidz” Child Care Facility is both a preschool and daycare facility.</p> <ul style="list-style-type: none"> • PZ Review: <ul style="list-style-type: none"> ○ PZ Uses Table 19.4, 6.400, Nursery schools; day care centers with no overnight facilities are a Conditional Use, considered a commercial use and requires a design review. ○ It will be a Class VIII Land Use Intensity: area to the west and south are class III and to the east is class VIII ○ A buffer was established when the building was constructed to the west and south satisfactory for a Class VIII use within the building ○ The petitioner desires to fence an area on the south and west for outdoor recreation. The fenced area 		

- will not interfere with the required buffers.
- There is no limit on the hours of operation other than there can not be any overnight stays.
- Site Review
 - This is a proposed use for the vacant structure at 1094 West 1800 North. The landscaping and parking design were set with the site plan approval for the previous use and meet the requirements for this use.
 - Parking requirements based on the 6,000 square foot building are 1 / 500 square feet plus one for each employee at the highest shift. Based on square footage 12 spaces are required for the use and at this time the number of employees is not known. There are 40 spaces associated with the building that would allow 28 employees on the highest shift.
 - Vinyl fencing is recommended with the color to be earth tones. Chain link fence is not an approved fence in the design standards. §28-20-4(1)(i)
- Conditional Use Permit
 - Use does not appear to be detrimental to persons or property. § 28-5-5(1)
 - Use comports with the general Plan. § 28-5-5(2)
 - Basis for Issuance: §28-5-5
 - There may be some concern with this use in the middle of a retail complex. We have a similar use, but smaller, Kumon Learning Center. The biggest concern may be children running to and from vehicles; however this can be mitigated by requiring that parents to accompany children into the building. This is probably already a requirement however; we do not want a drop-off environment.
 - Traffic Pattern: There has been some concern expressed by other businesses in the development about the speed of cars in the parking lot and cutting the corner from 1000 West. Recommend this business be directed to educate its customers not to cut from 1000 West and to go slow past Sterling Tire.
 - Safety: Mostly related to the vehicle traffic.
- RECOMMENDATIONS
 - PZ Review: I have no additional requirements for this use in the Performance Zone.
 - Site Review: See the draft Site Plan Review
 - Conditional Use Permit: See the draft of the Conditional Use Permit.

Commissioner Thompson opened the public hearing at 9:33 p.m.

Kelly Geisler commented that she is a day care and preschool business owner in close proximity to this location. This will be the third large day care center in close proximity. In Clinton there are currently 196 open spots including family child care plus there will be over 118 additional with the new day care recently approved. She said that the children suffer when the program owners have to operate at a lower capacity. She identified that her facility offers service for infants through 12 years old. They have school and summer programs, the summer programs struggle. She has been in business since March 2012. She knows the business and collaborates and refers children to other facilities when necessary. She feels there is not a need to approve a third day care so close to her existing business.

Commissioner Thompson asked for additional public comment; there was none, therefore he closed the public hearing at 9:43 p.m.

Commissioner Cressall asked if her business has already been in operation.

Ms. Buckley responded she had a summer program; they will have an after school program.

Ms. Buckley identified there will not be certified teachers initially. The Director will be certified.

Mr. Vinzant clarified this is a day care facility; it is not a certified educational facility.

Ms. Buckley said this will be a child care facility with classes available. This will not be a school.

Commissioner Cressall asked if there will be a drop off zone or children will be required to be brought into the facility.

Ms. Buckley said that parents will bring the children into the facility.

	<p>Commissioner Thompson identified this is a Site Plan approval for “KoolKidz” located at 1094 W 1800 N.</p> <p>During the discussion the Planning Commission agreed to the following additional approval requirements / Comments</p> <p>Fencing: Fencing is to be heavy duty vinyl and to have an earth tone color; staff has review and approval authority. Discrepancies between staff and the petitioner shall be brought to the Commission for final review.</p> <p>Parking Lot Safety: Petitioner is encouraged to adopt reasonable measures to protect children in the parking lot and other high traffic areas. Provide information to customers to be cautious of other businesses customers in the parking lots.</p> <p>Exterior Lighting: No exterior lighting changes are proposed to the structure.</p> <p>Landscaping: Landscaping is to be maintained and any dead or removed landscaping is to be replaced with similar item as indicated on the landscape plan. If business leaves the building landscaping is to match landscaping established at the start of business</p> <p>Stormwater Detention: Storm water detention was established with the original site plan and no changes are necessary or permitted.</p> <p>Signage: All site and building signage shall meet the requirements of the City Ordinance.</p>
<p>CONCLUSION</p>	<p>Commissioner Coombs moved to approve the Site Plan for “KoolKidz” at 1094 W 1800 with conditions identified above. Commissioner Cressall seconded the motion. Voting by roll call is as follows: Commissioner Labrecque, aye; Commissioner Coombs, aye; Commissioner Cressall, aye; Commissioner Ritchie, aye; Commissioner Buckles, aye; Commissioner Briggs, aye; Commissioner Thompson, aye.</p>
<p>CONCLUSION</p>	
<p>CONDITIONAL USE PERMIT APPROVAL</p>	
	<p>Mr. Vinzant reviewed the following information included in the staff report:</p> <p style="text-align: center;">CONDITIONAL USE PERMIT</p> <p>Street Address: 1094 West 1800 North</p> <p>Land Use: Childcare Facility</p> <p>Land Serial #: 14-316-0005</p> <p>This Conditional Use Permit (CUP) acknowledges that on July 19, 2014, the Clinton City Planning Commission approved a request from Cindi Buckley to locate the Childcare Facility, KoolKidz, at the above described property. The KoolKidz Childcare Facility is subject to the following conditions:</p> <ol style="list-style-type: none"> 1. All signage shall comply with the Clinton City Sign Ordinance and be approved by the Community Development Department. Any discrepancy between the Department and petitioner shall be brought to the Planning Commission. 2. There shall be complete conformity with fire, building, plumbing electrical and health codes. 3. There shall be complete conformity with State and City codes. 4. Petitioner shall obtain and maintain a license from the Utah Department of Health, Office of Child Care Licensing, and a copy of the current license is to be kept on file with the City. 5. A Clinton City business license shall be obtained and maintained for the operation of the business. 6. Requirements of the site plan review shall be complied with and maintained. 7. There shall be no storage of any items, associated with the business, outside of the building or enclosed space. 8. The applicant will pick up all of the litter on-site, whether or not associated with the business, at least once daily, more often if needed. 9. A copy of the permit issued by the Davis County Health Department shall be placed on file with the City. A copy of the current permit shall be submitted each year with the renewal of the Business License.

	<p>10. The CUP is valid as long as the petitioner maintains a valid Clinton City Business License.</p> <p>11. The CUP may be reviewed by staff upon complaint and forwarded to the Commission for hearing upon recommendation from staff.</p> <p>The Conditional Use Permit may be revoked if the approved site plan or any of the conditions or terms is violated. This Conditional Use Permit shall expire and be null and void within one year of the approval unless substantial action is taken to develop the property according to the permit. This Conditional Use Permit is non-transferable and is only good for the current owner of the business. A conditional use shall not be enlarged, changed, extended or increased in intensity except by approval of the Planning Commission.</p> <p>Reviewed as a Public Hearing during a Public Meeting on July 1, 2014 where a vote of the Planning Commission approved the request.</p> <p><u>July 31, 2014</u> <u>NOTICE PUBLISHED</u></p> <p style="text-align: right;"><u>ANTHONY O. THOMPSON</u> <u>CHAIRMAN</u></p> <p>Commissioner Thompson opened the public hearing at 9:58 p.m.</p> <p>Kelly Geisler questioned if KoolKidz has received her child care licensing.</p> <p>Commissioner Thompson responded that compliance with state requirements is part of the approval requirement.</p> <p>Ms. Buckley responded that the State of Utah does not license for preschools if children are in the center for less than three hours. Summer camps if they do not go more than 20 consecutive days are exempt as well as long as kids are not present for more than 3 hours.</p> <p>Commissioner Thompson said he appreciates those in the child care business. He clarified the Planning Commission cannot restrict uses based on similar proximity to a similar business.</p> <p>The City wishes all the businesses well in the City.</p> <p>With no further public comment, Commissioner Thompson closed the public hearing at 10:05 p.m.</p>
CONCLUSION	<p>Commissioner Briggs moved to approve the Conditional Use Permit of “KoolKidz” located at 1094 W 1800 N with the 11 conditions identified above. Commissioner Coombs seconded the motion. Voting by roll call is as follows: Commissioner Labrecque, aye; Commissioner Coombs, aye; Commissioner Cressall, aye; Commissioner Ritchie, aye; Commissioner Buckles, aye; Commissioner Briggs, aye; Commissioner Thompson, aye.</p>
Approval of Minutes	<p>Commissioner Coombs moved to approve the minutes of the August 5, 2014 Planning Commission Meeting as discussed and amended. (A correction to address identified in the motion for Ordinance 14-05Z was corrected to read 2382 W 1800 N.) Commissioner Cressall seconded the motion. All those present voted in favor of the motion.</p>
WORK SESSION -	
ISSUES & CONCERNS	<p>Mr. Vinzant reported that training is available for the Planning Commission.</p> <p>Commissioner Buckles identified he needs to be excused from the September 16, 2014 Planning Commission meeting.</p> <p>Mr. Vinzant reported there will be another BZA Hearing on September 16, 2014 at 6 p.m.</p> <p>Commissioner Buckles asked for someone from the Planning Commission to fill in for him as the PC Liaison for the BZA.</p>
ADJOURNMENT	<p>Commissioner Ritchie moved to adjourn the meeting. Commissioner Briggs seconded the motion. All those present voted in favor of the motion. The meeting adjourned at 10:29 p.m.</p>