

**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**

<b>Planning Commission Meeting</b>	<b>October 21, 2014</b>	<b>Call to Order: 7:00 P.M.</b>	<b>2267 N 1500 W Clinton UT 84015</b>
<b>Staff Present</b>	Community Development Director Lynn Vinzant and Lisa Titensor recorded the minutes.		
<b>Public Present</b>	Cindi Buckley, Howard Kent		
<b>Pledge of Allegiance</b>	Commissioner Buckles		
<b>Invocation or Thought</b>	Commissioner Cressall		
<b>Roll Call &amp; Attendance</b>	All were present.		
<b>Approval of Minutes</b>	<b>Commissioner Buckles moved to approve the minutes of the October 7, 2014 Planning Commission meeting as amended (adding Commissioner Thompson gave the invocation or thought, changing power to detention in paragraph 3 on page 1). Commissioner Cressall seconded the motion. All voted in favor of the motion.</b>		
<b>City Council Report</b>	Mayor Adams reported the October 14, 2014 Planning Commission meeting was cancelled.		
<b>Declarations of Conflict</b>	There were none.		
<b>7:10 P.M. - REVIEW AND ACTION UPON A REQUEST FROM CINDI BUCKLEY, REPRESENTING KOOL KIDZ LLC, FOR A MODIFICATION TO THE APPROVED SITE PLAN TO OPERATE A CHILDCARE FACILITY AT 1094 WEST 1800 NORTH, CLINTON.</b>			
<b>Petitioner</b>	Cindi Buckley, representing Kool Kidz LLC		
<b>Discussion</b>	<p>Cindi Buckley of Kool Kidz LLC, reported that she did not understand that the fence would be required for the pre-school on August 19 when her Conditional Use Permit was initially granted; she understood it to be necessary once the day care opens. She went onto explained there is no reason for pre-school kids to go outside. They are only on the premises for approximately 2 ½ hours and there is a big room for children to play inside. Once funds are available for the daycare, the fence will be installed.</p> <p>Ms. Buckley stated she did a market survey regarding day cares for Clinton City. There are over 6,000 kids in Clinton City, of those, 64% use some type of daycare, 19% of those would use a daycare center, and potentially 758 kids in Clinton would use a day care center. She feels that competition in the market is healthy; Clinton will support the three potential day cares in the area. Her business is seeking a different niche, the intent is to have children 2 years and up with a focus on educational activities and programs. Preschool is for ages 3 to 6; however there are programs for other age groups. The intent is to have the daycare funded by the end of May.</p> <p>Mr. Vinzant reviewed the following information included in the staff report:</p> <p>The Planning Commission issued a CUP and site plan approval for Kool Kids Childcare Facility August 19, 2014. The petitioner has requested an amendment to the approved site plan. The Childcare Facility is intended to be a preschool and day care facility. The preschool will commence immediately and the day care will open once funding is obtained and the building is modified. One of the requirements of the site approval was the fenced play area, based on the day care requirements of the State.</p> <p>The petitioner is asking to have the site plan approval amended so that the fenced play area is only required when the day care opens.</p> <p>Report from August 19, 2014</p> <ul style="list-style-type: none"> <li>• “Kool Kidz” Child Care Facility is both a preschool and daycare facility.</li> </ul>		

- PZ Review:
  - 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 the 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 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, Kumon Learning Center. The biggest concern may be children running to and from vehicles; however this can be mitigated by requiring that parents accompany children into the building as not to allow for 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. Staff recommends 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: Staff has 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.

Project Information			
Applicant	Kool Kidz Childcare Facility	Building Square Footage	≈ 6,000
Property Address	1094 West 1800 North	Building Perimeter	N/A
Zoning	Performance Zone	Site Gross Size	N/A
Date of Hearing	August 19, 2014 October 21, 2014	Site Net Size	N/A
Date of Action	August 19, 2014 October 21, 2014	Architectural Score	N/A

Site Information				
Impervious Surface Ratio	85%			
	North	South	East	West
Buffer Requirement	Buffer requirements set with prior use are the same as for this use.			
Landscape Requirements	Landscaping was approved as part of the prior use and is the same for this use.			

Parking Requirements		
Type of Space (ref. § 28-4-5)	Square Footage	Stalls Required
Child Care 1 / 500	6,000	12
Employees 1 / Employee Highest Shift		

	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Total Required</td> <td style="width: 50%;"></td> </tr> <tr> <td colspan="2" style="text-align: center;">Total Stalls Available</td> </tr> <tr> <td colspan="2" style="text-align: right;">40</td> </tr> </table> <p>Additional Approval Requirements / Comments</p> <p>Narrative: Kook Kidz Childcare Facility proposes to operate a preschool and a day care facility.</p> <p>Fencing: Fencing is to be heavy duty vinyl earth tone in color; staff has review and approval authority. Discrepancies between staff and the petitioner shall be brought to the Commission for final review. A fenced play area is not required to meet the requirements of a preschool, however is required prior to commencing the day care facility to meet the requirements of the State.</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>Commissioner Thompson opened the public hearing at 7:30 p.m. With no public comment, he closed the public hearing at 7:30 p.m.</p>	Total Required		Total Stalls Available		40	
Total Required							
Total Stalls Available							
40							
<b>CONCLUSION</b>	<p><b>Commissioner Coombs moved to amend the Conditional Use Permit and Site Plan for Kool Kids LLC, to be located at 1094 W 1800 N to allow a provision for the fence to be installed before commencement of the operation of the day care facility. Commissioner Buckles seconded the motion. Voting by roll call is as follows: Commissioner Briggs, aye; Commissioner Buckles, aye; Commissioner Coombs, aye; Commissioner Cressall, aye; Commissioner Labrecque, aye; Commissioner Ritchie, aye.</b></p>						
<p><b>7:25 P.M. - REVIEW AND RECOMMENDATION TO THE CITY COUNCIL UPON A REQUEST FROM HOWARD KENT, REPRESENTING SALT LAKE INVESTMENT, FOR FINAL PLAT APPROVAL OF CLINTON HOMESTEAD EAST PHASE 3, TO BE LOCATED AT APPROXIMATELY 2465 NORTH 1500 WEST, CLINTON.</b></p>							
<b>Petitioner</b>	Howard Kent, representing Salt Lake Investment						
<b>Discussion</b>	<p>Mr. Kent explained he will locate and address the irrigation ditch issues with the irrigation company. An easement will be obtained and recorded against the property.</p> <p>Mr. Vinzant reported the following information which was presented in the staff report:  This subdivision was granted preliminary approval in 2008 and the downturn in the housing market caused a slow down in the progress of the phases. The petitioner is the same company that acquired the preliminary plat and there remains an escrow on phase 2.</p> <ul style="list-style-type: none"> <li>o This phase significantly matches the preliminary plat approved.</li> <li>o This subdivision is in the R-1-10 Zone.</li> <li>o The lots meet the minimum standards for the R-1-10 Zone</li> </ul> <p>Comments have been returned to the developer’s engineer for changes to the plat and engineering. Changes are not significant to the lot layout or subdivision.</p> <p>Commissioner Thompson opened the public hearing at 7:48 p.m. With no public comment he closed the public hearing at 7:49 p.m.</p>						
<b>CONCLUSION</b>	<p><b>Commissioner Ritchie moved to forward Resolution 18-14 Final Plat Approval of Clinton Homestead East Phase 3, to be located at approximately 2465 N 1500 W on to the City Council with a recommendation of approval with the following conditions:</b></p> <ol style="list-style-type: none"> <li><b>1 The City is to be reimbursed for the cost of installing the laterals on the lots fronting 1500 West.</b></li> <li><b>2 Developer is to provide credible documentation from the Roy South Branch Ditch Company, Davis Weber County Canal Company, indicating that the design of the flood irrigation ditch is acceptable or that the ditch can be abandoned and removed from the rear of the lots on the north end of the subdivision. If removed all pipe, headgates and boxes in the project shall be removed and any open pipes leading into the project area permanently plugged.</b></li> </ol>						

	<p><b>The petitioner has indicated that the flood irrigation pipe will not be abandoned.</b></p> <p><b>3 1500 West street shall not be cut during the development of the subdivision.</b></p> <p><b>4 It is the developer/contractor’s responsibility to comply with all Clinton City Standards, Ordinances, Staff, Engineer and requirements established during the approval process. Wherever there is a discrepancy between these drawings and City Standards the more stringent requirement will apply. If there is any doubt as to the requirement the developer is to seek clarification from the Community Development Department and obtain the determination in writing. Copies of the Standards are available at the Community Development Department.</b></p> <p><b>5 The developer/contractor is responsible for ensuring that all required inspections are performed by the Clinton City Public Works Department. If the developer is unsure of what inspections are required he can obtain a list from Public Works. The developer is cautioned not to proceed past an inspection point without ensuring that the inspection has been performed and work passed by Public Works.</b></p> <p><b>6 It is the developer/contractor’s responsibility to ensure adequate dust, trash and weed control practices are observed while any of the lots are under their control.</b></p> <p><b>Commissioner Buckles seconded the motion. Voting by roll call is as follows: Commissioner Briggs, aye; Commissioner Buckles, aye; Commissioner Coombs, aye; Commissioner Cressall, aye; Commissioner Labrecque, aye; Commissioner Ritchie, aye.</b></p>
<p>Commissioner Thompson called for the Planning Commission to take a break at 8:01 p.m. The meeting reconvened at 8:10 p.m.</p>	
<p><b>WORK SESSION DISCUSSION, CHAPTER 1,2 AND 4, SUBDIVISION ORDINANCE</b></p>	
	<p>The Planning Commission reviewed and discussed 26-1-8 Variances and agreed upon the following:</p> <p><b>26-1-1 Variances,:</b></p> <p>(1) Administration of Variances shall be as established in Utah State Code 10-9a-702.</p> <p>(2) The Board of Zoning Adjustments (BZA) may grant variances, to this Title upon establishment of findings in support of the requirements set forth in Utah Code 10-9a-702.</p> <p>(3) Procedures:</p> <p>(a) Petition by Developer. A petition for a variance to these conditions by the Developer shall be submitted, in writing, no later than presentation of the final plat to the Community Development Department for presentation to and consideration of the BZA. Presentation along with the Preliminary Plat is highly recommended. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The petition shall be accompanied by a fee as established in § ____.</p> <p>(b) Petition by City Staff. City Staff, upon finding need for an exception, may make petition to the BZA for action any time prior to Land Use Authority approval of the Final Plat. If after approval of the Final Plat City Staff finds the need for an exception, based upon conditions contrary to purposes of these Subdivision Regulations as outlined in § <b>Error! Reference source not found.</b> staff shall:</p> <p>(i) Notify the Developer verbally followed by written notice of the issue and directing work on the area needing a variance be stopped; and</p> <p>(ii) Notify the Developer of the time and date the variance will be presented to the BZA; and</p> <p>(iii) Present to the BZA, at the next available regularly scheduled meeting, the need for the variance and outline the findings for the need; the stage of construction; the affect on the subdivision plan and engineering; and, the cost to the developer and /or to the City for enforcing the change.</p> <p>(4) Petitions for a variance shall be heard at the next regularly scheduled meeting of the BZA. Exception: Conditions established for a Petition by City Staff outlined in (3)(b) above.</p>
<p><b>ISSUES &amp; CONCERNS</b></p>	<p><b>There were none.</b></p>
<p><b>ADJOURNMENT</b></p>	<p><b>Commissioner Coombs moved to adjourn the meeting. Commissioner Cressall seconded the motion. All those present voted in favor of the motion. The meeting adjourned at 9:34 p.m.</b></p>