

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

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| Planning Commission Meeting | November 18, 2014 | Call to Order: 7:00 P.M. | 2267 N 1500 W Clinton UT 84015 |
| Staff Present | Community Development Director Lynn Vinzant and Lisa Titensor recorded the minutes. | | |
| Public Present | Shirley Ferland, Mae Leishman, Jerry Coleman, Cole Cragun, Daniel Calligaro, Victor Calligaro | | |
| Pledge of Allegiance | Commissioner Briggs | | |
| Invocation or Thought | Commissioner Thompson | | |
| Roll Call & Attendance | Mayor Adams and Commissioner Ritchie were excused. | | |
| Approval of Minutes | Commissioner Coombs moved to approve the minutes of the November 4, 2014 Planning Commission meeting as amended, removing the duplicated CUP table and changing internal Steel walls. Commissioner Cressall seconded the motion. Commissioner Buckles abstained because he was not present at the meeting, all other present voted in favor of the motion. | | |
| City Council Report | Mr. Vinzant reported that the November 11, 2014 City Council meeting was cancelled in observance to the Veteran's Holiday. | | |
| Declarations of Conflict | There were none. | | |
| 7:10 P.M. - REQUEST FROM VICTOR CALLIGARO, REPRESENTING RESCUED TREASURERS, FOR A CONDITIONAL USE PERMIT TO OPERATE A WAREHOUSE FROM THE EXISTING BUILDING LOCATED AT 1572 NORTH 1000 WEST. | | | |
| Petitioner | Victor Calligaro -Rescued Treasurers, | | |
| Discussion | <p>Mr. Calligaro was present to address this issue with the Planning Commission. He explained he bids on abandoned storage units, brings the contents to this location, sorts the materials and then takes them to local swap meets. There will be no direct sales out of this building.</p> <p>Mr. Vinzant reviewed the following information included in the staff report with the Planning Commission:</p> <p>The City has been working with the owners of this building over the years to improve the appearance of the building. They have painted the building, added improved parking areas, landscaping, and structural modifications.</p> <ul style="list-style-type: none"> ▪ The site of this application has been used in the past as a warehouse, to store automotive parts. ▪ The limiting factor on this site is parking; a business with retail intent is not practical. ▪ Mr. Calligaro proposes three employees and no public sales or access to the business. ▪ Mr. Calligaro's business plan is to gather second hand items and resell them from other locations. <p>Staff concerns are:</p> <ul style="list-style-type: none"> ▪ This type of business can generate a great deal of waste or recyclable materials. There is not a dumpster enclosure at the building, there hasn't been a need based on the type of business. The other concern would be that a typical 3 yard dumpster would not be large enough. ▪ Parking has always been a concern for the site, there is no way to provide adequate parking for the square footage of the building short of demolishing part of the structure. ▪ Exterior storage. ▪ Size of the Structure: The south portion of the building makes the building too large to be a warehouse without being sprinkled. A firewall has been constructed; however there is a door in this firewall that will have to remain closed and locked. <p>Recommendations:</p> <ul style="list-style-type: none"> ▪ If a dumpster is needed for the business, a solid enclosure will be constructed on the site, which does not take up a parking space. The applicant will have the location approved by the Community Development Director. | | |

- Parking: the number of employees should be limited so that parking does not occur in the street.
 - Maintenance: The building is starting to show its age; maintenance of the building and site should be included.
- Firewall: The door in the firewall is to be locked and remain locked, if during an inspection by the Fire Department the door is found open, this CUP should be reviewed or possibly revoked.

Commissioner Thompson opened the public hearing at 7:30 p.m.

Shirley Furland, a near by neighbor expressed concern about noise.

Mr. Calligaro stated that the pick up trucks that haul the materials will load and unload inside the building. He said his hours of operation will be approximately 10:00 a.m. to 6:00 p.m.

Commissioner Thompson closed the public hearing at 7:34 p.m.

CONDITIONAL USE PERMIT

Street Address: 1572 North 1000 West
Land Use: Warehouse
Applicant: Victor Calligaro, Rescued Treasures
Land Serial #: 13-078-0044

This Conditional Use Permit (CUP) acknowledges that on November 18, 2014, the Clinton City Planning Commission approved the use of the above described property as a Warehouse for the storage of second hand items in preparation for resale off-site. This use is subject to the following conditions:

1. Signage: All signage shall comply with the Clinton City sign ordinance.
2. On Site Sale: No on site sale shall be permitted.
3. Outside Storage: No outside storage shall be permitted.
4. Dumpster: If a dumpster is need the location shall be approved by the Community Development Director, a solid enclosure with solid gates shall be constructed, if a dumpster larger than 3-yards or if more than one is needed it shall be kept within the building, the dumpster enclosure shall not take up a parking space.
5. Site Maintenance: The area of operation of the business shall be maintained to include the building, property, landscaping, and removal of waste and debris.
6. Parking: The number of parking spaces will limit the number of employees; employees or visitors to the business shall not park in the street.
7. Firewall: The integrity of the firewall between the south building and main structure shall be maintained and all doors in the firewall are to remain locked at all times. No activity, storage, personnel access, or other business activity is to be conducted in this space. The “south end” of the building is indicated on the attached drawing.
8. Complaints: Any complaints brought to the attention of the staff, that cannot be resolved, can be brought to the Planning Commission for additional review and adjustment to this Permit.
9. The expiration of this Conditional Use Permit will run with the Business.

CONCLUSION
Commissioner Buckles moved to approve the Conditional Use Permit for Rescued Treasures located at 1572 N 1000 W. Commissioner Labrecque 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 Thompson, aye.

WORK SESSION - DISCUSSION, CHAPTER 1,2 AND 4, SUBDIVISION ORDINANCE

Discussion
 The Planning Commission continued their discussion on Chapter 1 from the September 2, 2014 Work Session.

**CHAPTER 1
 GENERAL PROVISIONS**

26-1-1 Title
 26-1-2 Policy
 26-1-3 Purposes
 26-1-4 Authority

- 26-1-5 Jurisdiction
- 26-1-6 Enactment
- 26-1-7 Interpretation, Conflict, and Severability
- 26-1-8 Variances, Exceptions, and Waiver Of Conditions
- 26-1-9 Saving Provision
- 26-1-10 Reservations and Repeals
- 26-1-11 Enforcement, Violations and Penalties
- 26-1-12 Restrictions On Permit Or License Issuance
- 26-1-13 Constructive Notice of Time Periods
- 26-1-14 Cease And Desist, Or "Stop Work" Orders

Variances,:

- (1) Administration of Variances shall be as established in Utah State Code 10-9a-702.
- (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.
- (3) Procedures:
 - (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 § [REDACTED].
 - (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 § [REDACTED]. staff shall:
 - (i) Notify the Developer verbally followed by written notice of the issue and directing work on the area needing a variance be stopped; and
 - (ii) Notify the Developer of the time and date the variance will be presented to the BZA; and
 - (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.
- (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.

26-1-2 Saving Provision: These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided for in these regulations.

26-1-3 Reservations and Repeals: Upon the adoption of these regulations according to law, the Subdivision Regulations of Clinton City adopted April 9, 1985, as amended, are hereby repealed, except as to those sections expressly retained in these regulations.

26-1-4 Enforcement, Violations, And Penalties:

- (1) It shall be the duty of the Community Development Director to enforce these requirements and to bring to the attention of the City Attorney or his designated agent any violations of these regulations.
- (2) No owner, or agent of the owner, of any parcel of the land located in a final plat of the subdivision that has been approved by the Land Use Authority in accordance with the provisions of these regulations may transfer or sell any part of the subdivision until they have caused the plat to be filed with and recorded with the Davis County Recorder's Office.
- (3) The subdivision of any lot or any parcel of land by the use of deed metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument for the purpose of sale, transfer, lease, or

development is prohibited without being in compliance with the provisions of this Title.

(4) Inspections. The City shall inspect or cause to be inspected all buildings, streets, cement work, fire hydrants, and water supply, drain systems, storm water disposal and waste water disposal systems in the course of construction, installation or repair. Excavation for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved to be covered by the City. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the City. Funds held in bond or escrow will not be released for any work that has not been inspected by the appropriate City Department. Fees related to inspections shall be paid by the subdivider, developer or his representative as outlined in the Consolidated Fee Schedule.

(5) Violations and Penalties:

(a) Any violations of this Title shall be a Class 'C' misdemeanor;

(b) Where applicable, each day of noncompliance shall constitute a separate violation;

(6) Civil Enforcement. Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above; and,

(7) Certificates of Notice of Non-Compliance. A Certificate of Notice of Non-Compliance may be filed against properties in violation of this Title. Procedures for notice and recording of a Notice are outlined in Title 5, Chapter 7.

26-1-5 Restrictions On Permit Or License Issuance.

(1) No City officer or agent shall grant or issue any permit or license in contravention of the provisions of this Title.

(2) A City officer or agent is hereby authorized to withhold any permit or license for an independent project, or for a project within a development wherein said project or development has been determined to be out of compliance with applicable code, regulations, laws, agreements, conditions of approval, or other established requirements. This determination is to be made by the Public Works Inspector, Building Official or other individual appointed by the City to accomplish these inspections. Any appeal of that determination shall be pursuant to the applicable code, regulations, laws, agreements, etc.

(3) No permits or licenses shall be issued for any project within a development that has been issued an order to cease and desist or a "Stop Work" order, as set forth in this Chapter.

26-1-6 Constructive Notice Of Time Periods:

(1) All land owners, subdividers, contractors, developers, or applicants are obligated to be aware of and are deemed to have constructive notice of all time periods and/or deadlines and the effect of noncompliance with said time periods and/or deadlines as set forth in this Title relating to the application, processing and approval or other action relating to the subdivision of property.

(2) Nothing in this Title shall be construed as requiring the City to take any affirmative action to notify land owners, subdividers, contractors, developers, or applicants of any time periods and/or deadlines or the effect of noncompliance with said processing requirements set forth in this Title relating to the processing and approval or other action relating to the subdivision of property.

26-1-7 Cease And Desist, Or "Stop Work" Orders.

(1) Issuance. The Public Works Inspector, Building Official or other individual appointed by the City are hereby authorized to issue orders requiring that all activities within a development cease and desist, that all work therein be stopped, also known as a "Stop Work" order. This may be done upon the authorized person making the necessary findings as set forth herein.

(2) Findings. Any "Stop Work" order issued hereunder for a development must be based on any one (1) or more of the following:

(a) An activity or condition that is causing imminent peril to persons, property, facilities, or the general welfare of the City;

(b) An activity or condition that, while not causing imminent peril, if not immediately corrected will

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| | <p>likely result in causing said imminent peril, or creating a condition that would be a substantial detriment to the remainder of the development specifically or the City generally;</p> <p>(c) Persistent violations, that singularly may be easily correctable and not creating a perilous condition, which would bring into question the integrity of the work, the potential failure of which would cause damage to persons, property, facilities, or the general welfare of the City. For purposes of this Subsection "violations" means activity or conditions that either are contrary to codes, regulations, laws, conditions of approval, or agreements, or do not satisfy the requirements of said regulations, laws, conditions of approval, or agreements;</p> <p>(d) Any activity or condition that is in contravention or will result in a contravention of the applicable codes, regulations, laws, conditions of approval, or agreements; or</p> <p>(e) Any other activity or condition that if not addressed immediately is likely to result in irreparable harm or detrimental condition of a long term nature.</p> <p>(3) Notification. Upon determining to issue a "Stop Work" order, the authorized person will provide verbal notice to the "on site" or assigned manager of the development, and will post a written notice thereof in a conspicuous location or locations that would provide reasonable notice to those entering the development. A written notice will be provided to said manager as soon as is practical. The authorized person shall also provide notice to their supervisor and/or department director as soon as is practical. The notice is to contain a description of the condition or activity that is contrary to the applicable code, regulation, law, condition of approval, or agreement. Upon correction, the developer may call for an inspection, and if in compliance, the inspector may withdraw the "Stop Work" order.</p> <p>(4) Appeals. If a developer disagrees with any portion of the "Stop Work" order, the developer may appeal said order to the authorized person's division or department director. The division or department director is authorized to amend, modify, withdraw, or expand the order. The division or department director should respond to the appeal within one (1) business day. If the developer desires to appeal the decision of the division or department director, that appeal shall be in writing, submitted to the City Manager or the City Manager's designee. The response to that appeal should be within two (2) business days.</p> <p>(5) Violation.</p> <p>(a) It is unlawful for any person or entity, who knows or should have known of the issuance of a "Stop Work" order to continue or cause the continuance of work after the issuance of said order.</p> <p>(b) It is unlawful for any person to remove or cause to be removed any posted "Stop Work" order without the direct authorization of the City.</p> <p>(c) Such violations are class C misdemeanors and are punishable as such.</p> <p>(6) Remedies. The City is authorized to seek any and all remedies of law, both civil and criminal, including, but not limited to, injunctions, restraining orders, etc.</p> |
| ISSUES & CONCERNS | There were none. |
| ADJOURNMENT | 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 8:01 p.m. |