

**CLINTON CITY PLANNING COMMISSION MINUTES**

**Commissioner Dave Coombs (Chair)**  
**Commissioner Bob Buckles (Vice Chair)**  
**Commissioner Tony Thompson**  
**Commissioner Allen Labrecque**  
**Commissioner Jolene Cressall**  
**Commissioner Jeff Ritchie**  
**Commissioner Jacob Briggs**

<b>Planning Commission Meeting</b>	<b>April 21, 2015</b>	<b>Call to Order: 7:00 P.M.</b>	<b>2267 N 1500 W Clinton UT 84015</b>
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<b>Staff Present</b>	Community Development Director Lynn Vinzant and Lisa Titensor recorded the minutes.
<b>Public Present</b>	Tracy and Jennie Probert, Kyle Hardy, Jeff Diamond, Chris Look
<b>Pledge of Allegiance</b>	Commissioner Briggs
<b>Invocation or Thought</b>	Commissioner Coombs
<b>Roll Call &amp; Attendance</b>	All were present.
<b>City Council Report</b>	Mr. Vinzant reported on the April 14, 2015 City Council Meeting as recorded in the minutes.
<b>Approval of Minutes</b>	<p><b>Commissioner Cressall moved to approve the March 3, 2015 Planning Commission Minutes as amended. Commissioner Buckles seconded the motion. All voted in favor of the motion.</b></p> <p><b>Commissioner Buckles moved to approve the March 17, 2015 Planning Commission Minutes as amended. Commissioner Briggs seconded the motion. Commissioner Coombs abstained because he was not present at the meeting; all others voted in favor of the motion.</b></p>
<b>Declarations of Conflict</b>	There were none.

**PUBLIC HEARING 7:10 P.M. - REVIEW AND ACTION UPON A REQUEST FROM SNOW STORM SHAVED ICE, LLC, REPRESENTED BY JENNIE PROBERT, FOR A CONDITIONAL USE PERMIT TO OPERATE A TEMPORARY MOBILE STORE, SHAVED ICE STAND, AT 928 WEST 1800 NORTH, CLINTON, UT.**

<b>Discussion</b>	<p>Tracy Probert addressed the Planning Commission to explain this will be a family run business. He feels that Clinton is a good choice for the shaved ice stand. He would like to modify his application to allow for a drive up window. The drive up window will face to the east to avoid excessive heat for the building and customers in the afternoon. The entrance will be on 925 West and the exit will be on 1800 North. Through research, he has found that having a drive up could increase business as much as 50%.</p> <p>The Planning Commission expressed concern for the safety of customers who are on foot.</p> <p>Mr. Probert said that some type of aesthetically pleasing barrier could be installed to increase safety.</p> <p>Mr. Vinzant clarified there is a limit of two parking stalls to accommodate the barrier. If parking becomes an issue on this site, it will need to be addressed. Because the nature of the daycare business also located in this plaza is for daytime hours and parents generally just drop off and pick up their children, parking should not be an issue. He identified another consideration is parking for the church that is also located in the same plaza. He clarified that permission from the land lord will need to be obtained.</p> <p>Mr. Probert clarified for the Planning Commission he anticipates to be open for business from May 23 to the end of September.</p> <p>Mr. Vinzant reviewed the following information included in the staff report with the Planning Commission:</p> <p>Tropical Aloha Shaved ice Shack already has a Conditional Use Permit, issued 6-17-2013, for this site. Tropical has not renewed their Clinton City Business License for 2015. A letter has been sent to Tropical stating that their Conditional Use Permit has been revoked because the business license has not been renewed.</p> <p>The proposed site is in the Performance Zone. The architectural standards, historically, have not been an issue when dealing with this type of temporary structure.</p> <p>He reviewed the CUP included in the staff report with the Planning Commission. He said he does not recommend a</p>
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bond as outlined in § 28-23-10.

Mr. Probert asked if he could place a table on site.

Commissioner Coombs opened the public hearing at 7:44 p.m. With no public comment, he closed the public hearing at 7:45 p.m.

**Commissioner Cressall moved to approve the following Conditional Use Permit for Snow Storm Shaved Ice. Commissioner Ritchie seconded the motion.**

### **Conditional Use Permit**

**This Conditional Use Permit (CUP) acknowledges that on April 21, 2015, the Clinton City Planning Commission approved Jennie Probert, Snow Storm Shaved Ice Structure for a Temporary Mobile Store may be located at 928 West 1800 North. The Temporary mobile Store is subject to the following conditions:**

**CONCLUSION**

- 1. No additional signage, other than located on the Temporary Mobile Store, is to be placed on the property or any other location in the City. All signage shall comply with the Clinton City Sign Ordinance.**
- 2. This CUP is only valid for the site requested in the applicant’s petition to the Planning Commission.**
- 3. This permit is for the season 1 May through 30 September and the Temporary Mobile Store is to be removed from the property no later than one week after seasonal closing.**
- 4. If sales are discontinued from the Temporary Mobile Store for more than two weeks, fourteen calendar days, the Temporary Mobile Store is to be removed within one week.**
- 5. The CUP may be reviewed by staff upon complaint and forwarded to the Commission for hearing upon recommendation from Staff.**
- 6. A trash receptacle, designed to keep wind from blowing the contents out, for customer use, shall be located adjacent to the Temporary Mobile Store. This receptacle shall be emptied as required to prevent the spread of trash and at the end of each work day.**
- 7. There shall be no storage of any items, associated with the business, outside of the Snow Storm Shaved Ice Structure other than a freezer and customer seating area are allowed within the two parking stall site. All facilities will be secured when the business is not in operation.**
- 8. The applicant will pick up the site of all litter, whether or not associated with the business, at least daily, more often if needed.**
- 9. The CUP is for a five-year period, 2015 being the first year.**
- 10. Power connection to the outlet shall be adequately protected from vehicular and pedestrian traffic, the connection and protection shall be inspected by the Clinton City Building inspector.**
- 11. A copy of the executed lease contract shall be provided to the Community Development Department before the Snow Storm Shaved Ice Structure is moved onto the site.**
- 12. A document shall be provided to the City indicating that there is not a valid lease existing between the property owner and Aloha Shaved Ice.**
- 13. A copy of clearance from Davis County Health Department shall be placed on file with the City at the start of each season.**
- 14. If a Clinton City Business License is not obtained, for the appropriate year, by April 15<sup>th</sup> this Conditional Use Permit becomes invalid.**
- 15. If approved, in writing copy to City, by the property owner, a drive up window will be permitted, a modified site plan shall be provided to the City indicating the location of pedestrian windows, drive up window, and a means of preventing walk up customers from straying into the drive lane. If the drive up window becomes a problem associated with parking, pedestrian safety, or traffic flow, the use of the drive up window will stop, upon direction by City Staff, until reviewed by the Planning Commission to evaluate continued use.**

	<p><b>The Conditional Use Permit may be revoked if the approved site plan or any of the conditions or terms are 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 permit shall also expire if a permitted zoning use replaces it or if the use is discontinued for a continuous period of one year. 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</b></p> <p><b>Reviewed as a Public Hearing during a Public Meeting on April 21, 2015 where a vote of the Planning Commission approved (denied) the request.</b></p> <p style="text-align: center;">-----  <b>DAVE COOMBS</b>  <b>CHAIRMAN</b></p> <p><b>Voting by roll call is as follows: Commissioner Briggs, aye; Commissioner Buckles, aye; Commissioner Ritchie, Commissioner Labrecque, aye; Commissioner Cressall, aye; Commissioner Thompson, aye; Commissioner Coombs, aye.</b></p>
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**PUBLIC HEARING 7:20 P.M. – CONDITIONAL USE PERMIT – REVIEW AND ACTION UPON A REQUEST FROM MACEY’S, FOR A CONDITIONAL USE PERMIT TO OPERATE A TEMPORARY MOBILE STORE, FIREWORKS STAND, AT 2062 WEST 1800 NORTH, CLINTON, UT.**

<b>Discussion</b>	<p>Kyle Hardy representing TNT Fireworks was present to address this request with the Planning Commission. He explained TNT contracts for the lease with Macey’s who contracts with other individuals to operate the stands for fund raising opportunities.</p> <p>Mr. Vinzant explained this is a renewal of an existing CUP. There have not been any issues related to this CUP other than improper signs which are removed by staff. He encouraged Mr. Hardy not to provide illegal signs to the lessee’s.</p> <p>Commissioner Coombs opened the public hearing at 8:00 p.m.; there was no public comment, therefore he closed the public hearing at 8:01 p.m.</p>
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<b>CONCLUSION</b>	<p><b>Commissioner Buckles moved to approve the following CUP for TNT Fireworks to operate a temporary mobile fireworks store. Commissioner Labrecque seconded the motion.</b></p> <p style="text-align: center;"><b>Conditional Use Permit</b></p> <p><b>This Conditional Use Permit (CUP) acknowledges that on April 21, 2015, the Clinton City Planning Commission approved TNT Fireworks for a Temporary Mobile Store within the southeast corner of the Macey’s parking lot, located 2062 West 1800 North. The Temporary Mobile Store is subject to the following conditions:</b></p> <ol style="list-style-type: none"> <li><b>1. A Clinton City business license is required, along with all of the required inspections (Fire and Building departments). If a Clinton City Business License is not obtained, for the appropriate year, by April 15<sup>th</sup> this Conditional Use Permit becomes invalid.</b></li> <li><b>2. All signage shall comply with the Clinton City Sign Ordinance.</b></li> <li><b>3. The tent is erected no earlier than two weeks prior to the date of legal sales as established by the State and shall be removed within one week after the date of legal sales as established by the State.</b></li> <li><b>4. This CUP is only valid for the site requested in the applicant’s petition to the Planning Commission.</b></li> <li><b>5. The CUP may be reviewed by staff upon complaint and forwarded to the Commission for hearing upon recommendation from Staff.</b></li> <li><b>6. A trash receptacle, designed to keep wind from blowing the contents out, for customer use, shall be located adjacent to the Temporary Mobile Store. This receptacle shall be emptied as required to prevent the spread of trash and at the end of each work day.</b></li> <li><b>7. The applicant will pick up the site of all litter, whether or not associated with the business, at least daily, more often if needed.</b></li> <li><b>8. The CUP is for a five-year period, 2015 being the first year.</b></li> <li><b>9. Power connection to the outlet shall be adequately protected from vehicular and</b></li> </ol>
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pedestrian traffic, the connection and protection shall be inspected by the Clinton City Building inspector.

- 10. A copy of the executed lease contract shall be provided to the Community Development Department before the structure is moved onto the site.

The Conditional Use Permit may be revoked if the approved site plan or any of the conditions or terms are 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 permit shall also expire if a permitted zoning use replaces it or if the use is discontinued for a continuous period of one year. 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

Reviewed as a Public Hearing during a Public Meeting on April 21, 2015 where a vote of the Planning Commission approved (denied) the request.

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**DAVE COOMBS**  
**CHAIRMAN**

**Voting by roll call is as follows: Commissioner Briggs, aye; Commissioner Buckles, aye; Commissioner Ritchie, Commissioner Labrecque, aye; Commissioner Cressall, aye; Commissioner Thompson, aye; Commissioner Coombs, aye.**

**PUBLIC HEARING 7:30 P.M. – SUBDIVISION PRELIMINARY PLAT REVIEW. - REVIEW AND ACTION UPON A REQUEST FROM CHRIS LOOCK, FOR APPROVAL OF THE PRELIMINARY PLAT OF CLINTON MEADOWS SUBDIVISION, LOCATED AT APPROXIMATELY 3400 WEST ON THE NORTH SIDE OF 1800 NORTH, NORTH OF THE LAYTON CANAL AND SOUTH OF THE DAVIS STORM CHANNEL.**

**Discussion**

Chris Loock stated this preliminary request is for a basic subdivision. The second access will be across the canal to the south and will tie in with another adjacent new subdivision as well as with a West Point subdivision. An Interlocal Agreement will need to be established between Clinton and West Point.

Mr. Vinzant reviewed the information included the staff report with the Planning Commission.

1. The name of the subdivision is to be Clinton Meadows North
2. Lot numbering is to be sequential starting with one (1)
3. Plans can not be approved without a way of connecting this street and the utilities to 1800 North being a part of the plans. Contact Weber Basin Water and Bureau of Reclamation for design criteria to include fencing and gating requirements.
4. Addresses have been provided
5. Indicate frontage at the 30-foot set back point on cul-de-sac lots, minimum is 110 feet.
6. A 6-foot chain link fence will be required against the 2050 N storm channel and Layton Canal (north, east, south sides of subdivision)
7. Street numbers are to be 3460 West, 3380 West, 3300 West, 3430 West and 2000 North.
8. Staff will present the idea to the Council to install a culvert in the 2050 Storm Channel to facilitate development of a road to the north in the future. This would be done independent of the development and no sooner than all improvements have been installed to the north. If the Council agrees with recommendation a sleeve will be required around utilities going under the future culvert.
9. All irrigation structures are to be abandoned and removed unless there is a down stream user that will be affected. All irrigation sources will be permanently blocked where they come off of a main source unless a user is still served then disconnected and blocked from the last user.
10. Recommend storm drain in 3380 not run north, place a box at the east and west sides of the north end and drain direct to 2050 Channel with outlet structure. Davis Co. shall approve design of outlet structure.
11. Storm drain inlet boxes are desired to be on property line unless significantly impractical. Driveways will not be allowed to cross over a storm drain box.
12. Maximum gutter run for storm water is 400-feet to an inlet box.
13. 4-foot manholes required at ends of land drain, 5-foot where it drops into the storm drain on the west end of the project.
14. Land drain is to join storm drain 18-inches above the storm drain pipe.
15. Secondary water to be stubbed across 2050 channel, if City is permitted to install culvert in channel main must be

	<p>in sleeve under the channel, stub will extend to plug and thrust block if needed.</p> <ol style="list-style-type: none"> <li>16. A valve is to be located at the north end of 3380 North.</li> <li>17. Sewer connects to West Point manhole in Derby Acres. Clinton sewer is to be on south side of 2000 N, transition from WP manhole to first manhole at intersection 3460 W.</li> <li>18. Sewer manholes to be 5-foot at turns or junctions.</li> <li>19. City standard blow-off at ends of culinary water mains.</li> <li>20. Culinary water to connect with 10-inch HDPE main on north side of 2050 channel, if City is permitted to install culvert in channel main must be in sleeve under the channel.</li> <li>21. Valves are to be installed in three directions at connection with HDPE main, connection is to be a tee with stub to plug and thrust block.</li> <li>22. Culinary and secondary water mains are to have 90° junctions and intersections.</li> <li>23. Fire Hydrant locations: lot 125 west side; lot 104 corner west side; Lot 115/116 property line; lot 114 corner south side.</li> <li>24. Interlocal agreement with West Point City is required to be in place before subdivision is approved for drainage of sanitary sewer.</li> <li>25. Ped Ramp corner lot 114</li> <li>26. City Streetlights are to be installed per staff requirements.</li> <li>27. Soils analysis with road buildup design required, recommend a joint study be accomplished with Clinton Meadows South.</li> </ol> <ul style="list-style-type: none"> <li>▪ This property was recently rezoned to Agricultural Estates A-E</li> <li>▪ The only lot design specification not verified is the lot frontage for the cul-de-sac lots. The frontage is measured at the setback point and it is to be 110-feet.</li> <li>▪ Because the plan proposes more than 30 lots on a dead end road and there is no design for a crossing of the Layton Canal he recommends the action be tabled. He recommends the public hearing be opened, public comment be taken and the hearing remain open with a set date for the schedule.</li> <li>▪ Clinton Meadows South, the property on the south side of the Layton Canal, fronting on 1800 North, is scheduled for May 5<sup>th</sup>; this may be a consideration in scheduling the date to reopen the hearing.</li> </ul> <p>He explained these comments are provided as information for the finalization of the preliminary plat and development of the final plat. Additional comments may be necessary when these changes are included and upon further review of the final plat.</p> <p>Commissioner Coombs opened the public hearing at 8:23 p.m.</p>
<b>CONCLUSION</b>	<p><b>Commissioner Thompson moved to table the Clinton Meadows North Subdivision Preliminary Plat to the May 5, 2015 Planning Commission meeting with the public hearing to remain open. Commissioner Cressall seconded the motion. All voted in favor of the motion.</b></p>
<b>WORK SESSION – SUBDIVISION ORDINANCE REVIEW</b>	
	<p>Mr. Vinzant explained there are significant changes from the 2015 Legislature that needs to be incorporated into the Subdivision Ordinance before further review can continue.</p> <p>Mr. Vinzant reported the City Council received a request to revisit the Chicken Ordinance to allow chickens based on acreage rather than zones. The Planning Commission acknowledged that enforcement is an issue; they were in consensus to review the Chicken Ordinance and to discuss the potential to allow rabbits in City limits as well.</p>
<b>ISSUES &amp; CONCERNS</b>	<p>The Planning Commission discussed graffiti concerns and debris left at new construction locations.</p>
<b>ADJOURNMENT</b>	<p><b>Commissioner Buckles moved to adjourn the meeting. Commissioner Thompson seconded the motion. All those present voted in favor of the motion. The meeting adjourned at 8:52 p.m.</b></p>