

CLINTON CITY PLANNING COMMISSION MINUTES

Commissioner Tony Thompson
Commissioner Sam DeLong
Commissioner Allen Labrecque
Commissioner Dave Coombs
Commissioner Jolene Cressall
Commissioner Jeff Ritchie

Mayor L. Mitch Adams, City Council Representative

Planning Commission Meeting	January 7, 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	James Grubb, Chet and Sharilyn Hartley, John Diamond, John Owens, Jonathan Owens, Justin Gort		
Pledge of Allegiance	Jolene Cressall		
Invocation or Thought	Dave Coombs		
Roll Call & Attendance	As a new Planning Commission, each Commissioner introduced themselves. Commissioner DeLong was excused from the meeting.		
Election of Chair and Vice Chair	<p>Commissioner Cressall nominated Commissioner Thompson as Chair, Commissioner Labrecque seconded the motion.</p> <p>Commissioner Coombs nominated Commissioner Labrecque as Vice Chair, Commissioner Cressall seconded the motion.</p> <p>By secret ballot and majority vote Commissioner Thompson was elected as Chair, Commissioner Labrecque was elected as Vice Chair.</p>		
Review of Rules and Procedures	Mr. Vinzant reviewed the rules and regulations for Planning Commission meetings with the Planning Commission members as part of their annual training requirement.		
Declarations of Conflict	<p>Commissioner Thompson stated he is personally acquainted with James Grubb who has a Conditional Use Permit request to operate a 24 hour gym before the Planning Commission. He said he does not feel the relationship poses a conflict of interest on this issue.</p> <p>Commissioner Labrecque motioned to allow Commissioner Thompson to vote on the matter of the Conditional Use Permit to open a 24 hour gym. Commissioner Coombs seconded the motion. All those present voted in favor of the motion.</p>		
City Council Report	Mayor Adams reported on the December 10, 2013 City Council Meeting as recorded in the minutes.		
8:00 PM PUBLIC HEARING - REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A PLACE OF WORSHIP, CORNERSTONE BIBLE CHURCH, TO BE LOCATED AT 928 WEST 1800 NORTH SUITES H AND I. CONSIDERATION FOR EXITING OUT OF THE REAR OF THE BUILDING WILL ALSO BE REVIEWED IN RELATION TO THE ORIGINAL SITE PLAN.			
Petitioner	Justin Gort, Cornerstone Bible Church		
Discussion	<p>Justin Gort was present to address this issue with the Planning Commission. He addressed the following which was identified in the staff report:</p> <ul style="list-style-type: none"> • The Cornerstone Bible Church has been operating under a Conditional Use Permit. • Operation will be on Sunday and evenings after other businesses in Kali Plaza have closed. • The Church will occupy two bays in Kali Plaza equaling 1906 square feet. The Building Code sets the occupancy load based on a calculation of 7 square feet (net) for non organized seating, the space will not be filled with chairs but if it were, there would be 272 chairs. The parking requirement for 272 chairs is 68, based on one space per 4 seats. Kali Plaza has 74 parking spaces. There is ample parking for the Church to function however this becomes a limiting factor for other businesses in the Plaza. <p>While Kali Plaza does not have enough parking stalls to facilitate the businesses and the Church the Church lends itself to occupancy in this type of facility by allowing for double use of the parking stalls due to the off-set hours of operation.</p>		

	<p>Mr. Vinzant stated that staff recommended approval of the Conditional Use Permit for Cornerstone Bible Church.</p> <p>The Planning Commission discussed the request; at issue were landscaping, parking and hours of operation.</p>
Public Comment	<p>Commissioner Thompson opened the public hearing at 8:16 p.m. and asked for public comment, there was none, therefore he closed the public hearing at 8:17 p.m.</p>
CONCLUSION	<p style="text-align: center;">Conditional Use Permit</p> <p>This Conditional Use Permit (CUP) acknowledges that on January 7, 2014, the Clinton City Planning Commission approved locating the Cornerstone Bible Church to 928 West 1800 North Suites H and I. The Cornerstone Bible Church is subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Any vegetation removed to create the needed exit out of the rear of the building is to be replaced in another location behind the building. Due to the weather of the season the applicant will establish a Landscape Escrow Agreement for any vegetation needing to be replaced at the time the Building Permit is taken out. All vegetation will be planted by June 1, 2014. 2. This permit is considered even though there is not adequate parking to facilitate the Church and other occupants of Kali Plaza due to the off hour use associated with the Church compared to the other occupants of Kali Plaza. All assembly activities associated with the Church will be scheduled during the off hours of the other occupants of the Plaza. If parking for other occupants of the Plaza becomes an issue review of this permit shall be accomplished as outlined in this CUP. 3. Complete compliance with the requirements of the adopted building codes for this type of use. 4. This CUP is only valid for the site requested in the applicant’s petition to the Planning Commission. 5. The CUP may be reviewed by staff upon complaint and forwarded to the Commission for hearing upon recommendation from Staff. <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 January 7, 2014, where a vote of the Planning Commission approved the request.</p> <p>Commissioner Buckles moved to approve the Conditional Use Permit for the Cornerstone Bible Church to be located at 928 West 1800 North Suites H and I with the stipulation that items 1 – 5 of the Conditional Use Permit are met. Commissioner Coombs seconded the motion. Voting by roll call is as follows: Commissioner Labrecque, aye; Commissioner Coombs, aye; Commissioner Buckles, aye; Commissioner Cressall, aye; Commissioner Ritchie, aye; Commissioner Thompson, aye.</p>
<p>PUBLIC HEARING 8:15 P.M. - REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A 24 HOUR INDOOR ATHLETIC AND EXERCISE FACILITY, MUSCLE FACTORY RIPPED, TO BE LOCATED AT 1933 N 2000 WEST SUITE 5.</p>	
Petitioner	<p>Mike Kehoe, landowner</p>
Discussion	<p>Jim Grub and Chet Hartley were present to address this issue with the Planning Commission.</p> <p>Mr. Grub addressed the following information included in the staff report with the Planning Commission:</p> <p>This business is going to be located in Clinton Towne Center.</p> <ul style="list-style-type: none"> • As with the previous application, parking becomes the issue with this use. Each of the satellite pads, Wendy’s, Wells Fargo, etc, is calculated with their own parking areas. The retail area connected to Macy’s is calculated based on one parking area per 200 square feet. (55,960 square feet not including Muscle Factory area)

	<ul style="list-style-type: none"> • Muscle Factory, 4,400 square feet, is calculated on one parking area per 100 square feet. • There are 352 parking areas not directly associated with the satellite pads. The retail area will require 279 parking stalls and the Muscle Factory will require 44 parking stalls. There is ample parking on the site. <p>The Commission may think that the location of the stalls is at issue considering that the area being occupied is rather congested with high use retail with few stalls at that end of the Center compared to the number of stalls on the west side. This development has CC&R's that give equal passage to all businesses in the Center so this does not become a concern to the City.</p> <p>The Planning Commission discussed CC&R's.</p>
Public Comment	<p>Commissioner Thompson opened the public hearing at 8:59 p.m. and asked for public comment, there was none; therefore he closed the public hearing at 9:00 p.m.</p>
CONCLUSION	<p style="text-align: center;">Conditional Use Permit</p> <p>This Conditional Use Permit (CUP) acknowledges that on January 7, 2014, the Clinton City Planning Commission approved the Muscle Factory, Ripped and Fit Fitness Center to be located at 1933 North 2000 West, Suite 5. The Muscle Factory, Ripped and Fit Fitness Center is subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Hours of operation may be 24 hours per day. 2. Petitioner must comply with Davis County Health Department requirements. 3. It has been brought to the attention of the Commission that there is a discrepancy within the Clinton Towne Center "Declarations" pertaining to this type of use within this building. While it is not the position of the Commission to enforce the "Declarations" of the Center it becomes incumbent upon the Commission to take appropriate action to insure that issues that can be mitigated via a Conditional Use Permit are established. Due to this issue this Conditional Use Permit may be reviewed if this issue is not resolved within the guidelines of the "Declarations." 4. Any time there is not an attendant on the premises the facility is to be provided with a 24 hour per day security alarm system with conveniently located activation stations, fully monitored by an alarm company, and the facility will not be accessible at any time the alarm system is not operable. <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 January 7, 2014, where a vote of the Planning Commission approved the request.</p> <p>Commissioner Buckles moved to approve the Conditional Use Permit for Muscle Factory , Ripped and Fit Fitness Center to be located at 1933 North 2000 West, Suite 5 with the stipulation that conditions 1 – 4 are met. Commissioner Cressall seconded the motion. Voting by roll call is as follow: Commissioner Labrecque, aye; Commissioner Coombs, aye; Commissioner Buckles, aye; Commissioner Cressall, aye; Commissioner Ritchie, aye; Commissioner Thompson, aye.</p>
<p>PUBLIC HEARING 8:30 P.M. - REQUEST FROM AUTOZONE FOR A SITE PLAN REVIEW TO MODIFY AN EXISTING STRUCTURE LOCATED AT 1961 NORTH 2000 WEST.</p>	
Petitioner	<p>Phillip Pecard</p>
Discussion	<p>John Owens representing Autozone was present to address the issue with the Planning Commission.</p> <p>Mr. Owens identified that Auto Zone would like to open in the old Family Dollar location.</p> <p>The following information was provided to the Planning Commission in the staff report:</p> <p>This structure was constructed prior to the establishment of the architectural standards set in Title 28 (Zoning</p>

Ordinance) Chapter 20 (Central Business District Design Standards). During the establishment of Chapter 20 the desire was to have existing buildings come into compliance over time through changes in use and upgrade during maintenance cycles.

- There are no changes proposed to the parking lot.
- The changes to the building include:
 - Removal of the peak centered over the front awning
 - Widening the front awning
 - New shingles
 - Increasing the front glass area
 - Signage
- Signage: § 24-4-2(6) outlines the size of wall signage
 - Primary wall may not be more than 10% of the area of the front of the building: $18.3' \times 70.5' = 1290.15 \times 0.1 = 129 \text{ sq.ft.}$
 - The sign on the front of the building: $3.5' \times 40.5' = 141 \text{ sq.ft.}$ This sign exceeds the maximum size requirement.
 - Secondary wall may not be more than 5% of the area of the side of the building: $18.3' \times 114.3' = 2,091 \text{ sq.ft.} \times 0.05 = 104 \text{ sq.ft.}$
 - The sign on the side of the building: $3.5' \times 114.3' = 400 \text{ sq.ft.}$ This sign exceeds the maximum size requirement.
 - If the red, white, and orange band are not considered part of the sign the actual "Auto Zone" sign on the side of the building is $3.5' \times 21.16' = 74.06$ which meets the requirements of the sign ordinance. However, if this full area is not counted as signage then refer to § 28-20-4 of the Zoning Ordinance.
 - Under § 24-5-1 the existing pole sign is nonconforming and can be used by the petitioner as long as the only change is to replace the face. ***{Staff has looked further into the ordinance and determined the ordinance will not allow the pole sign to remain on the premise with the new business.}***
- Windows:
 - § 28-20-4(1) (f) windows should have a clustered appearance with tall narrow windows. Prairie architecture typically has divided light windows on the top as seen in the pictures in the ordinance.
- Color Scheme: § 28-20-4(1)(e)
 - There is no indication of the color of the shingles to be placed on the awning.
 - The desire of this section of the code is to have subdued colors throughout the City and consistency of design.
 - The white band around the front and side of the building is an issue.
 - If the orange and red are determined to be not a part of the sign then they need to be addressed and brought into compliance.
 - Companies with color logos such as Auto Zone indicates have been dealt with in the past by altering the colors. An example of this is Les Schwab. Their buildings are usually red and white while the building in Clinton is more of light beige and rust brown.

RECOMMENDATION:

- Problem Areas:
 - Modifications to the awning are an improvement when evaluating related to standards.
 - Front signage exceeds the allowable area.
 - Side signage exceeds the allowable area unless the white, orange, and red band is not considered part of the sign.
 - If the band is not part of the sign the colors do not meet the design intent of the Central Business District.
- Trademark architectural features have been an issue in the past yet has been able to be overcome as pointed out with Les Schwab. These items can be through small changes in design.
 - Windows should be split across the top with vertical mullions included to create a more compliant feature. This can be done without obstructing the view into the building.
 - Colors can be modified.

Signs can be decreased in size.

Mr. Owens stated that AutoZone would like to use the existing pole sign. They would also like to confirm that the actual dimension on the building sign is $36.4' \text{ W} \times 3.5' \text{ H} = 127.39 \text{ sq. ft.}$ which is in compliance with the ordinance.

Regarding the side of the building, they want to paint AutoZone with strips in contrasting paint. He said their position is that it is within the size requirement of the ordinance.

	<p>The store front expansion will include the detail above the windows as requested.</p> <p>The color changes will be made as well. The white will be changed to off white. The red will be changed to brown. The stripes and the roof will be brown; they will be painted not illuminated.</p> <p>The Planning Commission asked that clarification be identified in the minutes and the site plan that the colors will be modified to off white and brown. Eliminate the reference to the color scheme located in the lower left corner of the drawing.</p> <p>Mr. Vinzant explained that based on the new drawing the sign will be in compliance with the ordinance. Regarding the side, what is sign and what is paint is not specific in the ordinance. A new color sheet more specific in nature to the presentation given to the Planning Commission tonight will be needed.</p> <p>Mayor Adams questioned the side signage and allowing orange to be used.</p> <p>Mr. Allen replied that the orange on the side will not be illuminated.</p>
Public Comment	<p>Commissioner Thompson opened the public hearing at 9:27 p.m. and asked for public comment, there was none; therefore he closed the public hearing at 9:28 p.m.</p>
Discussion	<p>Commissioner Thompson expressed concern that the existing lights projects down into traffic. He said he would like the light canopies adjusted down.</p> <p>Commissioner Thompson noted there is sufficient parking.</p> <p>In regards to the color pallet, he said a motion to table or direction to staff for corrected drawings is necessary.</p> <p>Mayor Adams questioned again the side wall sign and if it meets the ordinance. He stated that he feels the orange stripe is part of AutoZone’s logo and thus part of the sign. He said the City needs to stay consistent and findings would be necessary to allow what is being proposed.</p> <p>Mr. Vinzant read from the ordinance regarding Signs – Area of - Wall Sign: <i>(2) Wall Signs: The area shall be within a single, continuous perimeter composed of any straight-line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated based upon a continuous perimeter composed of any straight-line geometric figure which encloses the extreme limits of the advertising message.</i></p> <p>Commissioner Thompson asked for clarification on the wall as the background with no added decoration.</p> <p>Mr. Vinzant clarified the ordinance states that the maximum size for the side wall sign is 104 square feet.</p> <p>Mayor Adams recommended allowing enough orange stripes to make up the difference and then requiring more muted tones as in the prairie architecture.</p> <p>Mr. Allen stated the ordinance requires a contrasting color scheme and AutoZone would like the contrasting color as well. They feel what they have submitted meets ordinance requirements.</p> <p>Mr. Labrecque said he feels the orange is acceptable.</p> <p>Commissioner Buckles said he doesn’t feel it is a contrasting color scheme it is a logo.</p> <p>The Planning Commission discussion turned back to the pole sign.</p> <p>Mayor Adams asked Mr. Vinzant for clarification on 24-5-1.</p> <p>Mr. Vinzant clarified he misread the ordinance regarding the pole sign. After reconsideration the pole sign will not be allowed to be changed to be used by AutoZone. He read: <u>24-5-1 Nonconformity.</u> <i>Regulation, Containment, and Elimination. In order to minimize confusion and unfair competitive disadvantage to</i></p>

	<p><i>those businesses which are required to satisfy the current sign ordinance standards, the City intends to apply firm regulation of existing nonconforming signs with a view to their eventual elimination. This goal shall be achieved by strictly construing limits on change, expansion, alteration, abandonment, and restoration. Excluding normal maintenance and repair, a nonconforming sign shall not be moved, altered (including face changes) or enlarged unless it is brought into complete compliance with this Chapter.</i></p> <p>Commissioner Thompson read from paragraph (3): <i>Within forty-five (45) calendar days after vacation of an existing business, any on-site nonconforming signs must be removed or brought into compliance by the property owner. If removal does not occur, Clinton City may have the entire nonconforming sign (both face and structure) removed through the processes specified in Section 24-9-2.</i></p> <p>He clarified according to the ordinance, the pole sign would need to be removed and replaced with a monument sign. Family Dollar has vacated the location.</p> <p>Mr. Allen replied this is not acceptable to AutoZone. He will need to take this up with AutoZone management.</p> <p>Mr. Vinzant clarified AutoZone was given the correct ordinance.</p> <p>Mayor Adams identified that the intent of the City is to eliminate pole signs, that’s why the ordinance is so specific.</p> <p>Mr. Vinzant further explained that before the current ordinance was adopted, there were businesses that had the variances recorded against the property. This property does not have this variance.</p> <p>Commissioner Thompson called for a motion to table the issue or approve the request with conditions.</p> <p>Mr. Allen commented that AutoZone would prefer a decision so they can either reconsider the purchase of the property or modify their plans to meet the ordinance requirements.</p>
<p>CONCLUSION</p>	<p>Commissioner Cressall moved to approve the site plan for AutoZone with the following conditions</p> <ul style="list-style-type: none"> ▪ Color pallet to be modified - Red (banding)stripe changed to brown; White changed to be off white (brown tone) ▪ Pole street sign to be removed and replaced with monument sign as defined in the sign ordinance ▪ Wall sign to be modified to comply with wall sign requirement in the ordinance ▪ Lighting to be modified – parking lot lights to be adjusted to limit the excess light that shines into 2000 west drive lanes taking into account safety within the parking lot. ▪ Six month expiration if no action is taken ▪ And give direction to staff to see that items 1 -5 identified above are followed through with to bring the site into compliance with the current ordinances and color scheme. <p>Commissioner Labrecque seconded the motion. Voting by roll call is as follows: Voting by roll call is as follows: Commissioner Labrecque, aye; Commissioner Coombs, aye; Commissioner Buckles, aye; Commissioner Cressall, aye; Commissioner Ritchie, aye; Commissioner Thompson, aye.</p> <p>Mr. Vinzant clarified 24-9-3 identifies the appeal process.</p>
<p>WORK SESSION</p>	
<p>Petitioner</p>	<p>Planning Commission</p>
<p>Discussion</p>	<p>The Planning Commission ran out of time and will review the following at the next Planning Commission meeting.</p> <p>Review of proposed changes to Title 24, Signs and Advertising Devices and Title 28 Chapter 3, Regulations Applicable to all Zones.</p> <p>Upcoming Issues, Zoning Ordinance Chapter 17</p>
	<p>Commissioner Cressall moved to table the work session to the January 21, 2014 Planning Commission Meeting. Commissioner Buckles seconded the motion. All those present voted in favor of the motion.</p>
<p>Planning Commission</p>	<p>Commissioner Thompson appointed Commissioner Buckles to act as the Planning Commission liaison for the BZA.</p>

<p>Representative appointment to the BZA</p>	
	<p>Mayor Adams commented that he feels the new Planning Commission will do a great job and appreciates their willingness to serve.</p>
	<p>Commissioner Buckles suggested that the approval of the minutes be taken immediately following the public hearing portion of the meeting.</p> <p>Mr. Vinzant said he will list the minutes on the agenda according to the rules of procedure and the Planning Commission can amend the agenda as desired.</p>
<p>Approval of Minutes</p>	<p>Commissioner Buckles moved to approve the minutes of the December 3, 2013 Planning Commission Minutes as amended. Commissioner Labrecque seconded the motion. All those present voted in favor of the motion.</p>
<p>ADJOURNMENT</p>	<p>Commissioner Cressall moved to adjourn the meeting. Commissioner Coombs seconded the motion. All those present voted in favor of the motion. The meeting adjourned at 10:45 p.m.</p>