

## CLEARFIELD PLANNING COMMISSION MEETING

November 6, 2013

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

PRESENT: Norah Baron Commissioner  
Keri Benson Commissioner  
Randy Butcher Commissioner  
Joel Gaerte Commissioner  
Ron Jones Commissioner  
Timothy Roper Alternate Commissioner  
Michael LeBaron Council Liaison

ABSENT: Becky Brooks Commissioner

STAFF PRESENT: Brian Brower City Attorney  
JJ Allen Assistant City Manager  
Scott Hess Development Services Manager  
Christine Horrocks Building Permits Specialist

VISITORS: Robert Browning, Koral Vasquez, Anthony Vasquez, Matt Bailey, David Harper, Mike Christensen, Kathryn Murray, Kraig Raines, Kati Sandlund, Amber Huntsman, Ivy LeBaron

Pledge of Allegiance was led by Chair Peterson.

### APPROVAL OF MINUTES FROM OCTOBER 2, 2013 PLANNING COMMISSION MEETING

**Commissioner Butcher moved to approve the October 2, 2013 minutes as written. Seconded by Commissioner Benson. The motion carried on the following vote: Voting AYE: Commissioners Baron, Benson, Butcher, Jones and Roper. Voting NO: None.**

### APPROVAL OF AGENDA

**Commissioner Jones moved to approve the agenda as written. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Benson, Butcher, Jones and Roper. Voting NO: None.**

### DISCUSSION ON SP 1310-0002, A REQUEST FOR SITE PLAN APPROVAL FOR BURGER KING LOCATED AT 729 NORTH MAIN STREET

Scott Hess, Development Services Manager, said the changes to the site were the addition of a second drive-thru lane, a few structure changes at the front of the building and the addition of a small building on the rear (west) side of the building for refrigeration units. Mr. Hess said the existing landscaping met minimum requirements, extra parking spaces were added, and surface

drainage was taken care of. He stated staff recommended approval as conditioned. The commissioners did not have any questions for David Harper who was representing Burger King.

APPROVAL OF SP 1310-0002, SITE PLAN APPROVAL FOR BURGER KING LOCATED AT 729 NORTH MAIN STREET

**Commissioner Jones moved to approve as conditioned, SP 1310-0002, site plan approval for Burger King, based on discussion and findings in the staff report. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Baron, Benson, Butcher, Jones and Roper. Voting NO: None.**

Commissioner Gaerte arrived at 7:07 p.m.

DISCUSSION ON SP 1310-0003, REQUEST FOR SITE PLAN APPROVAL FOR LIFETIME PRODUCTS LOCATED AT BUILDING H-4, FREEPORT CENTER

Scott Hess said the site plan request was for an addition of approximately 5,000 square foot non-enclosed awning to Building H-4, a 125,000 square foot building occupied by Lifetime Products. He said the findings for deviations from City Code were: 1) the proposal was a small addition to an existing structure, 2) the property and surrounding properties were developed heavy industrial uses and 3) the addition was consistent with heavy industrial developments and other materials in the immediate vicinity. Mr. Hess said staff recommended approval as conditioned. Commissioner Butcher asked if the addition affected parking. Mr. Hess said it would cover an existing area used for shipping and receiving and would not affect any parking on site. Chair Peterson reviewed the findings for deviations.

APPROVAL OF SP 1310-0003, SITE PLAN APPROVAL FOR LIFETIME PRODUCTS LOCATED AT BUILDING H-4, FREEPORT CENTER

**Commissioner Butcher moved to approve as conditioned, SP 1310-0003, site plan approval for Lifetime Products building addition, based on discussion and findings in the staff report. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Benson, Butcher, Gaerte, Jones and Roper. Voting NO: None.**

DISCUSSION ON SP 1310-0005, REQUEST FOR SITE PLAN APPROVAL FOR A SALON LOCATED AT 279 SOUTH STATE STREET

Scott Hess said the building was vacant for approximately 12 years. He said construction had started. Mr. Hess said the fencing plan included a six foot wooden security fence on a portion of the north property line and then at the back of the parking area with additional landscaping. He said the ten percent landscaping requirement was met. Mr. Hess said the parking lot was designed prior to a drainage plan being provided. He said one condition of approval was prior to occupancy the drainage plan would be submitted to address how the onsite surface water was collected and retained. Mr. Hess said staff would hold the certificate of occupancy until the drainage plan was

approved. He reviewed the conditions of approval. Mr. Hess indicated on the map where the fencing would be placed. Commissioner Butcher asked if the drainage plan was included in conditions of approval "1a". Mr. Hess said it was and the direction of the drainage from the parking surface would determine what was required. Commissioner Butcher asked if exterior lighting was required. Kraig Raines, property owner, said lights would be on the northeast and southeast corners of the building, over the entry way and a sidelight over the back door. There would be lights on three sides of the building; the north side adjacent to residential use did not have exterior lighting. Chair Peterson asked Mr. Raines about the fence. Mr. Raines said the wooden fence would be four feet tall until it reached the adjacent house and then it would be six feet tall. Chair Peterson asked about the drainage plan. Mr. Raines said he spoke with an engineer and they would work with the city engineer to determine the best drainage plan. Mr. Hess said a condition could be added that stated that backing onto State Street was not allowed. The commissioners wanted to add condition number eight not allowing backing onto State Street.

APPROVAL OF SP 1310-0005, SITE PLAN APPROVAL FOR A SALON LOCATED AT 279 SOUTH STATE STREET

**Commissioner Jones moved to approve as conditioned, SP 1310-0005, site plan approval for a salon located at 279 South State Street, based on the findings and discussion in the staff report including an additional condition number eight to read, "No backing onto State Street." Seconded by Commissioner Gaerte. The motion carried on the following vote: Voting AYE: Commissioners Baron, Benson, Butcher, Gaerte, Jones and Roper. Voting NO: None.**

PUBLIC HEARING AND DISCUSSION ON RZN 1304-0007, A REQUEST FOR REZONE FROM C-2 (COMMERCIAL) AND M-1 (MANUFACTURING) TO MU (MIXED USE) FOR APPROXIMATELY 72 ACRES LOCATED AT 1250 SOUTH STATE STREET

Chair Peterson continued the public hearing from the October 2, 2013 meeting. There were no additional comments from the public.

**Commissioner Gaerte moved to closed the public hearing at 7:29 p.m. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Baron, Benson, Butcher, Gaerte, Jones and Roper. Voting NO: None.**

Scott Hess stated the majority of the changes requested from the City Council and Planning Commission joint work session on October 16, 2013, were addressed and included in the draft from Thackeray Garn dated October 2013-2. He said if the changes were not made then the reason was explained by the developer. Mr. Hess reviewed the changes and issues from the MDP (Master Development Plan): 1) the residential building fronting State Street would not be able to have ground floor retail because the ingress/egress from State Street and the site configuration didn't make it practical. The residential structure would be scaled similar to the flex buildings to the north and more visually consistent. 2) Relocation of the street connecting 1000 East was not moved to the south side of the school. 3) The central community plaza was still in discussion because it would reduce the street network. In the future if it became a community plaza the street

could be closed for a City event, but until then it functioned better as a thoroughfare. 4) Pedestrian connection to Oakstone and Freeport Center has been shown on the plans. 5) The Depot street alignment was still under consideration. Mr. Hess said the City and the developer would work together to create a resolution on the street connection, understanding that the General Plan for a couple of decades had shown a Depot Street connection. He said at site plan approval the details would be worked out.

Mr. Hess said some changes on pages 52 and 54 were requested for consistency. He said City staff and the developer had worked together and reached an agreement with the phasing and materials. He said there was not a development agreement available for Planning Commission review, but it would be presented for approval with the re-zone and the MDP. Mr. Hess said staff recommended approval as written with a few minor changes understanding that the document would go through one final edit for consistency and then be recommended to the City Council for approval.

Commissioner Jones said staff had addressed most of his concerns. Commissioner Benson questioned some of the wording about the review by the Planning Commission. Brian Brower, City Attorney, said the wording had been changed to, "Other appropriate materials shall be reviewed by and are subject to approval from the Planning Commission prior to use." Mike Christensen said he was fine with the language and recommended two or three types of materials rather than a percentage. He said he would prefer at least two.

There was discussion on the layout of the streets connecting to 1000 East. Commissioners had concerns about the noise levels for the existing residents near the new road, safety of children crossing the street to the school, the amount of traffic on 1000 East and the number of lanes that would be provided. Mr. Christensen explained the reasons for the placement of the streets connecting to 1000 East. He said the street would be more appealing. Mr. Christensen said the main access to the development would be on State Street. He said school crossings would be implemented as in other areas of the City to help with safety. Mr. Christensen said the exact design of the street had not yet been determined.

Chair Peterson had a minor question on page 86 about the sentence which read, "At the developers' option, public space shall be permitted as either private public space, private common public space or any combination of both." She asked who made the decision on private or public space. Mr. Christensen said the main public space was in the center of the project and there were other areas which would be retained by the developer. He said the charter school green space could possibly be used after school hours. Chair Peterson asked if the open space included the acreage of the school grounds. Mr. Hess said the area was included, the agreement stated it was a dual use facility. Brian Brower said, referring to the sentence Chair Peterson talked about, that the intent was not to apply private/public space to the entire site but to individual buildings. He said the concern could be addressed by being more specific in the language.

Chair Peterson asked how the temporary signage on page 94 would be handled. Scott Hess said the code could conform to the current sign code. Chair Peterson asked the commissioners if they had concerns with the temporary sign issue being reviewed by staff and handled administratively.

No concerns were mentioned. Mr. Hess said current City Code listed permitted and conditional uses. He said anything not listed was prohibited. Chair Peterson said she preferred that conditional uses were not allowed, it was either permitted or not. Commissioner Jones asked if the issues with Depot Street connecting the development to the northwest area needed to be discussed. Chair Peterson said the affected neighbors needed to be informed about the street alignment. Mr. Hess said at site plan approval the connection would be reviewed. He said the street would be included in the development agreement and tied to a traffic study in phase 4. The changes requested were reviewed.

ACTION ON RZN 1304-0007, A REQUEST FOR REZONE FROM C-2 (COMMERCIAL) AND M-1 (MANUFACTURING) TO MU (MIXED USE) FOR APPROXIMATELY 72 ACRES LOCATED AT 1250 SOUTH STATE STREET

**Commissioner Butcher moved to recommend approval of RZN 1304-0007, the Clearfield Station rezoning with its associated master development plan and with the following actions:**

- 1) Sections 4.1.f and 4.1.g on pages 52 and 54 change the language as noted in the discussion for consistency throughout the document.**
- 2) The call out of prohibited uses and conditional uses would be stricken.**
- 3) The temporary signage on page 94 would be handled administratively.**
- 4) The language on page 86 would be added to clarify that public space would be designated building by building and not project wide.**

**Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Baron, Benson, Butcher, Gaerte, Jones and Roper. Voting NO: None.**

STAFF REPORTS

Scott Hess said the next meeting would probably be discussion of General Plan amendments and possibly some training.

PLANNING COMMISSIONERS' MINUTE

Commissioner Roper – Nothing

Commissioner Butcher – Thanked everyone for their review of the documents and patience with his input.

Commissioner Jones – Thanked staff and Mike Christensen for the work on the project.

Councilmember LeBaron – Said 11 years ago he participated as a citizen on a committee to study the development of the UTA site. He said thank you as a citizen for the work completed to get the project to this point.

Commissioner Benson – Nothing

Commissioner Baron – Nothing

Commissioner Gaerte – Apologized for being late.

Commissioner Peterson – Appreciated the commissioners going through the document. She asked staff to work on a minor site plan review for administrative review.

Brian Brower – Appreciated all the commissioners' efforts. He told the commissioners the development agreement was over 40 pages without the exhibits. He said in the interest of all parties, UTA, the developer and the City, it was important that the language in the document accurately reflected the bargain that had been reached so that into the future all parties were protected and received the benefit of the bargain. He stated a land use attorney helped with drafting of the development agreement.

There being no further business to come before the Planning Commission, **Commissioner Jones moved to adjourn at 8:26 p.m.**