



**CLINTON CITY PLANNING COMMISSION
CITY HALL
2267 North 1500 W Clinton UT 84015**

Planning Commission Members

*Chair – Jacob Briggs
Vice Chair – Gary Tyler
Tony Thompson
Jolene Cressall
Andy Hale
Dereck Bauer
Dan Evans*

Date of Meeting	May 1, 2018	Call to Order	7:02 p.m.
Staff Present	Community Development Director Will Wright and Lisa Titensor recorded the minutes.		
Citizens Present	Diane Soter		
Pledge of Allegiance	Commissioner Evans		
Prayer or Thought	Commissioner Tyler		
Roll Call & Attendance	Present were: Commissioner’s Dereck Bauer, Jolene Cressall, Gary Tyler, Tony Thompson, Dan Evans, Commissioner Hale and Jacob Briggs		
City Council Report	Mr. Wright reported the April 24, 2018 City Council Meeting was cancelled.		
Declaration of Conflicts	There were none.		
Approval of Minutes	Commissioner Tyler moved to approve the April 17, 2018 Planning Commission minutes. Commissioner Bauer seconded the motion. Commissioners’ Thompson, Tyler, Cressall, Bauer, Evans and Briggs voted in favor. Commissioner Hale abstained because he was not in attendance at the meeting.		
7:05 P.M. – CONDITIONAL USE PERMIT REQUEST FROM DIANE & JAMES SOTER TO OPERATE A SHAVE ICE STAND LOCATED AT APPROXIMATELY 2122 WEST 1800 NORTH (IN AN AREA OF THE MACEY’S PARKING LOT).			
Petitioner	Diane and James Soter, owners of the Shave Ice Trailer		
Discussion	<p>Diane Soter explained her request is for a conditional use permit to place a Hokulia Shave Ice Structure at 2122 W 1800 N in the parking lot where Maceys used to be. This use was previously approved for another business franchisee.</p> <p>Mr. Wright reviewed the following information included in the staff report:</p> <ol style="list-style-type: none"> 1. A CUP for a shaved ice stand was approved in May 2014 for this same location; 2. Proposed site is in the Performance Zone 3. Architectural standards, historically, have not been an issue when dealing with this type of temporary structure. 4. I do not recommend a bond as outlined in § 28-23-10 5. I have outlined some conditions on the CUP, these can be amended based on direction (see attached). 6. The separate document is an information package that was submitted with the application for the shave ice shack. <p style="text-align: center;">Clinton City Conditional Use Permit</p> <p>This Conditional Use Permit (CUP) acknowledges that on May 1, 2018 the Clinton City Planning Commission approved Hokulia Shave Ice Trailer for a Temporary Mobile Store to be located at 2122 West 1800 North. The Temporary mobile Store is subject to the following conditions:</p> <ol style="list-style-type: none"> 1. No additional signage, other than located on the Hokulia Shave Ice Structure, is to be placed on the property or any other location in the City. All signage shall comply with the Clinton City Sign Ordinance. 		

	<ol style="list-style-type: none"> 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 period through the 2022 season. Annually the Hokulia Shave Ice Structure may be placed as early as April 1st and is to be removed from the property no later than October 15, each permitted year. 4. If sales are discontinued from the Hokulia Shave Ice Structure for more than one week, seven calendar days, the Shave Ice Structure is to be removed within ten (10) days. 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, for customer use, shall be located adjacent to the Hokulia Shave Ice Structure. 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, other than the ice merchandiser associated with the business, outside of the Hokulia Shave Ice Structure. 8. The applicant will pick up the site of all litter, whether or not associated with the business, at least daily, and more often if needed. 9. Power connection to the outlet shall be adequately protected from vehicle and traffic connection and 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 Hokulia Shave Ice Structure is moved onto the site. If at any time the lease becomes invalid, for any reason, the structure shall be removed within 10 days of the lease becoming invalid. <p>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</p> <p>Commissioner Briggs opened the public hearing at 7:33 pm; with no public comment, he closed the public hearing at 7:34 p.m.</p>
CONCLUSION	Commissioner Cressall moved to approve the Conditional Use Permit to operate a Shave Ice Stand to be located at 2122 West 1800 North. Commissioner Tyler seconded the motion. Commissioners Hale, Bauer, Thompson, Tyler, Cressall, Evans and Briggs voted in favor.
7:15 P.M. - REVIEW AND RECOMMEND ACTION FOR THE CITY COUNCIL TO APPROVE THE FINAL PLAT FOR HARRISBURG COUNTRY ESTATES SUBDIVISION PHASE 6 LOCATED AT APPROXIMATELY 2700 WEST 1300 NORTH. (ITEM TABLED FROM APRIL 3, 2018 MEETING).	
Petitioner	Q-2, LLC and Craythorne Construction, Erik Craythorne
Discussion	<p>Mr. Wright reported he received an email from Mr. Craythorne requesting this item be tabled one more time due to a personal tragedy with one of the organizations he needed to coordinate with.</p> <p>At 7:44 p.m. Commissioner Briggs declared the public hearing is open and will continue to the May 15, 2018 Planning Commission meeting.</p>
CONCLUSION	Commissioner Tyler moved to table the public hearing for the Final Plat for Phase 6 of Harrisburg Country Estates Subdivision, located at approximately 2700 W 1300 N to the May 15, 2018 Planning Commission meeting. Commissioner Evans seconded the motion. Commissioners' Tyler, Thompson, Bauer, Cressall, Evans and Briggs voted in favor.

CONTINUE REVIEW AND UPDATE EFFORT OF THE CITY'S SUBDIVISION ORDINANCE WITH A REVIEW OF SECTION 26-2 DEFINITIONS AND OTHER AREAS OF THE ORDINANCE AS TIME PERMITS.

<p>Petitioner</p>	<p>Community Development</p>
<p>Discussion</p>	<p>“Public Facility” means [separately identify categories of public facilities and the types of improvements for which an impact fee will be charged for each such category under this article]. Public facility excludes those improvements that are site related facilities. Means all facilities or infrastructure owned and operated by the City.</p> <p>“Public Facility Improvements Program” means the adopted plan, as may be amended from time to time, which identifies the public facilities and their costs for each public facility benefit area or subarea, which serve new development for a period not to exceed ten (10) years, which are to be financed in whole or in part through the imposition of public facilities fees pursuant to this ordinance.</p> <p>“Public Facilities Works Inspector” or “Inspector” means the appropriately appointed Clinton City employee designated to inspect and pass or fail work accomplished in a Public Way.</p> <p>“Public Facilities Project” means any and all public improvements the need for which is directly or indirectly generated by development, including but not limited to the following:</p> <ul style="list-style-type: none"> Water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances for providing water service. Lines, conduits, and other necessary works and appliances for providing electric power service. Mains, pipes, and other necessary works and appliances for providing gas service. Poles, posts, wires, pipes, conduits, lamps, and other necessary works and appliances for lighting purposes. Sidewalks, crosswalks, steps, safety zones, platforms, seats, statuary, fountains, culverts, bridges, curbs, gutters, tunnels, subways or viaducts, parks and parkways, recreation areas, including all structures, buildings, and other facilities necessary to make parks and parkways and recreation areas useful for the purposes for which intended. Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels, or other appurtenances. Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels, and appurtenances. Pipes, hydrants, and appliances for fire protection. Breakwaters, levees, bulkheads, groins and walls of rock, or other material to protect the streets, places, public ways, and other property from overflow by water, or to prevent beach erosion or to promote accretion to beaches. Retaining walls, embankments, buildings, and any other structures or facilities necessary or suitable in connection with any of the work mentioned in this section. Compaction of land, change of grade or contours, construction of caissons, retaining walls, drains, and other structures suitable for the purpose of stabilizing land. Works, systems or facilities for the transportation of people, including rolling stock and other equipment appurtenant thereto. All other work auxiliary to that described in subparagraph 12 which may be required to carry out that work, including terminal and intermediate stations, structures, platforms, or other facilities which may be necessary for the loading of people into and unloading of people from such transportation facilities. The grading or re grading, the paving or repaving, the planking or re planking, the macadamizing or re macadamizing, the graveling or re graveling, and the oiling or re oiling

of streets.

- ~~Acquisition, construction, improvement, and equipping of temporary and permanent school buildings.~~
- ~~Acquisition, construction, improvement, and equipping of fire stations.~~
- ~~Acquisition, construction, improvement, and equipping of police stations.~~
- ~~Acquisition, construction, and installation of traffic signs, signals, lights, and lighting.~~
- ~~Public works maintenance facilities.~~
- ~~All other work auxiliary to any of the above which may be required to carry out that work including, but not limited to, the maintenance of Public Facilities Projects and administrative, engineering, architectural, and legal work performed in connection with establishing, implementing, and monitoring Public Facilities Projects.~~
- ~~Acquisition of any and all property, easements, and rights of way which may be required to carry out the purposes of the project.~~

“Public Facility Service Area” means the service area for Clinton City.

Is this definition needed? **Discuss with Mike Child and Bryce Wilcox if needed in the Subdivision Ordinance or is addressed in the Engineering and Development Standards**

“Public Hearing” means an ~~adjudicatory~~ proceeding held by the ~~Planning Commission~~ land use authority preceded by ~~published~~ proper notice and ~~actual written notice to certain persons~~ and at which ~~certain persons~~ the public, including the applicant may speak to those matters which are the subject of the hearing, ~~may call witnesses and introduce evidence for the purpose of demonstrating that plat approval should or should not be granted. Witnesses shall be sworn and subject to cross examination. The rules of civil procedure binding on the courts shall not, however, bind the Planning Commission.~~

“Protection Strip” A strip of land bordering both the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access to the street of property owners abutting the subdivision.

“Public Improvements” Any drainage ditch, subsurface drainage system, storm drainage system, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off-street parking area, lot improvement, or other facility for which the City must ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which the City responsibility is established. ~~All such improvements shall be accompanied by the required financial security. properly bonded or escrowed.~~

End of discussion for 02202018.

“Public Meeting” means a meeting of the Planning Commission, Board of Zoning Adjustments or City Council preceded by notice, open to the public and at which the public may, at the discretion of the body holding the public meeting, be heard.

“Public Notice, Sign” A two (2) foot by two (2) foot sign which, in contrasting letters announces a public hearing, the phone number at the city offices where additional information may be obtained, and a copy of the notice of public hearing. Lettering will be of contrasting color to the background and “Public Notice” will be three (3) inch tall letters, the phone number will be one and one-half (1½) inch tall letters. The copy of the public notice will be on an 8½” x 11” piece of paper contained in a weather resistant, transparent cover.

Public Service District – add definition. Definition does not appear to be used in current code chapter 4 & 5.

“Recoupment” The imposition of an impact fee to reimburse the City for capital improvements previously oversized to serve ~~new~~ future development.

“Regional Planning Commission and Regional Council of Governments” See Metropolitan or Regional Planning Commission. RESEARCH

“Registered Engineer” means an engineer properly licensed and registered in the State of Utah.

“Registered Land Surveyor” means a land surveyor properly licensed and registered in the State of Utah.

“Rental Unit” means a designated unit which is not a condominium, stock cooperative, or community apartment. Most likely not needed in the subdivision ordinance.

“Residential unit” means any building or portion thereof which contains living facilities including provisions for sleeping, cooking, eating, and sanitation, as required by the City, for not more than one family, and including site-built buildings, manufactured homes and modular homes. This does not include a tent, a recreational coach or trailer, hotel, motel, hospital, nursing home, or assisted living facility. Most likely not needed in the subdivision ordinance.

“Resubdivision” Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Amended plat??

“Retail Use” means the space within any structure or portion thereof intended or primarily suitable for occupancy by persons or entities which supply commodities to customers on the premises including, but not limited to, stores, shops, restaurants, bars, eating and drinking businesses, and the uses defined in _____, and also including all space accessory to such retail use. Most likely not needed in the subdivision ordinance.

“Right-of-Way” A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

“Road, Street Classification” means for the purpose of providing for the development of the streets, highways, roads and rights-of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the City and its present and estimated future traffic volume and its relative importance and function as specified in the General Plan of Clinton City. The required improvements shall be measured as set forth for each street classification on the Official Map. BRYCE WILL SEND NEW DEFINITION

“Road, Street Dead-End” means a road or portion of a road with only one (1) vehicular-traffic outlet.

“Road Street Right-of-Way Width” means the distance between property lines measured at right angles to the center line of the street.

“Sale or Lease” means any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or other transfer of an interest in a subdivision or part thereof, whether by metes and bounds or lot and block description.

- Keep ~~“Screening”~~ Either (a) a strip at least five (5) feet wide of densely planted (or having equivalent natural growth) shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. A simple screen or buffer is a natural or manmade feature which separates land uses. Screening, buffering and landscaping requirements address visual, light and sound impacts as defined in Clinton City Ordinances.

~~“Secondary Arterial”~~ means a road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic generating areas such as community commercial areas, primary and secondary educational facilities,

	<p>hospitals, major recreational areas, churches, and offices and are designed to carry traffic from collector streets to the system of primary arterials. Changed to Arterial, Minor</p> <p>“Security” means the letter of credit or cash escrow provided by the applicant to secure its promises in the subdivision improvement agreement.</p> <p>“Service Area” means the area for a particular category of public facilities within the jurisdiction of the City. and within which impact fees for capital improvements will be collected for new development occurring within such area and within which fees so collected will be expended for those types of improvements for that category of public facility identified in the public facility improvements program. Service areas may be subdivided into subareas for purposes of assuring that impact fees collected and expended therein reasonably benefit new development within such areas.</p> <p>“Service Unit” means either _____, which is the standardized measure of consumption, use, or generation attributable to a new unit of development. for that category of public facility and which is set forth in the impact fee schedules for that category of public facility. “Setback” means the distance between a building and the property line street nearest to the building.</p>
OTHER ISSUES	There were none.
ADJOURNMENT	Commissioner Tyler moved to adjourn. Commissioner Bauer seconded the motion. Commissioners’ Tyler, Thompson, Bauer, Evans, Hale and Briggs voted in favor. The meeting adjourned at 8:31 p.m.