



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

Planning Commission Members

*Chair – Gary Tyler
Vice Chair - Tony Thompson
Jolene Cressall
Dereck Bauer
Dan Evans
Mark Gregersen*

Date of Meeting	July 16, 2019	Call to Order	7:00 p.m.
Staff Present	Community Development Director Valerie Claussen and Lisa Titensor recorded the minutes.		
Citizens Present	Daniel & Shelly Valverde, Doug Lindman, Ty Reese, Dennis & Reeta Price, S. Delaney, Paul & Sharon Nutt, Christy Vail, Josh Yeates and Mark Hillis		
Pledge of Allegiance	Commissioner Thompson		
Prayer or Thought	Commissioner Tyler		
Roll Call & Attendance	Present were: Commissioner’s Tony Thompson, Dereck Bauer, Dan Evans, Mark Gregersen and Gary Tyler Excused were: Jolene Cressall		
Declaration of Conflicts	There were none.		
REVIEW AND ACTION ON A REQUEST BY MICHAEL BARNES FOR A CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL OF A LIGHT INDUSTRIAL USE (MINTING AND MANUFACTURE OF COINS) TO BE LOCATED AT THE DEVELOPED PROPERTY AND IN THE EXISTING BUILDING LOCATED AT 1572 N 1000 WEST (PARCEL NO. 13-078-0044).			
Petitioner	Michael Barnes, Global Golden Goose, LLC		
Discussion	<p>Ms. Claussen reviewed the following information included in the staff report:</p> <p>(1) The “Old Potato Barn” property is a 1.12 AC parcel that is zoned CP-2. The request is for the minting and manufacturing of coins, which is permitted in the CP-2 zone with an approved Conditional Use Permit (CUP) and Site Plan approval. As conditioned, the findings to approve a CUP (Section 28-5-5) and Site Plan (Section (28-3-10(4))) can be met in the affirmative.</p> <p>(2) More information is available in the applicant’s project description and the site plan. There are 7 standard parking stalls and one ADA stall on-site. According to the submittal this is an owner operated facility and will not have what would be considered traditional employees, but will have a couple of people or workers on-site at a time. The application did not state the anticipated hours of operation. This is an item that may warrant additional discussion, mostly in context of the type of machinery and noise levels.</p> <p>(3) Conditions of Approval are recommended.</p> <p>The CUP is proposed to be valid for five (5) years at which time it can be eligible for renewal with approval by the Planning Commission. This will enable the business to operate for several years and for the opportunity to re-evaluate and ensure the site is functioning properly, and determine if any other matters require any additional mitigation measures.</p> <p>Josh Yeates representing the owner of the building was present to address this issue with the Planning Commission. He reviewed the building layout and identified the</p>		

office area and restroom; closet/storage area; where the trash will be located and area that will be modified.

The building will be used to manufacture coins. There will not be regular employees but sub-contractors who will be on site on occasion. There are 10 machines in the building but approximately 3 will be used at a time.

There will be minimal noise inside which will be almost undetectable on the outside. The intent is to make some improvements to the exterior of the building.

Commissioner Gregersen asked if the façade of the building will be updated.

Mr. Yeates confirmed there are plans to do some improvements to the exterior.

Commissioner Tyler opened the public hearing at 7:23 p.m.

Paul Nutt stated he lives behind this facility; his concern is with the hours of operation and if the fork lift noises will be an issue as well if there will be any type of fumes.

With no further public comment, Commissioner Tyler closed the public hearing at 7:24 p.m.

Ms. Claussen responded regarding the façade update that if the Commission is concerned about the exterior, they should consider revising the condition of approval making it a requirement, as the CP-2 zone has less design review and exterior improvement requirement than the PZ Zone for an existing building. The proposed condition leaves does not offer much leverage, but does provide an opportunity for the applicant to submit and obtain façade improvements at the staff level.

Commissioner Tyler explained there is a process and requirements to follow before occupancy.

Mr. Yeates stated there should never be forklifts operated at night and rarely during the day. There are several accesses to the building. Deliveries are infrequent and can take place inside. At night there may be a few cars in the parking lot, but all the activity takes place internally. The equipment is not loud and should not be detectable. Production is based on orders.

Commissioner Tyler clarified there will be additional building permit requirements from the City that will be required to be met in addition to this CUP approval before occupancy can take place.

The Planning Commission agreed that the hours of operation are not needed in the CUP approval. If it becomes an issue with the neighbors and they complain, it can be brought back to the Planning Commission for review.

- 1) This Conditional Use Permit (CUP) and Site Plan approval is for the minting and manufacturing of coins and for the operations as stated by the applicant in the letter dated, Jun 26, 2019. The use of the building as delineated in the plan set electronically dated July 11, 2019, and described in the previously mentioned letter, including the specific portions of the building which will be utilized in the operations of the business, and the areas that are proposed for only storage, shall be maintained accordingly.
- 2) This CUP shall be valid for five (5) years from the date of approval and eligible for renewal at that time. Any changes to this use or the manner in which the building is being used will require an amended CUP request that is required to be heard and approved by the Planning Commission.
- 3) CUPs are issued to the Applicant of Record and is non-transferable. Applicant must comply with all City Ordinances and Conditional Use Permit requirements, or the

	<p>Permit may be subject to revocation.</p> <ol style="list-style-type: none"> 4) Site Plan approval shall not be construed to extend approvals for occupancy of the building, and is subject to meeting the requirements that will be identified in the building permit review and approval process. 5) The applicant is encouraged to update the facade, and such improvements to the building’s facade may be eligible to be approved administratively by the Community Development Department, in conjunction with approved building permits, but is at the discretion of the Director should the request need to be referred back to the Planning Commission. 6) A revised site plan shall be submitted to the City, prior to building permit submittals, which show the dumpster in a location that is approved by the City departments. Specifically, the Fire Department requests that such dumpster is located at least five (5) feet away from the building. 7) If the City receives complaints that are unable to be resolved administratively this CUP shall be referred back to the Planning Commission for review.
CONCLUSION	<p>Commissioner Thompson moved to approve the CUP and Site Plan request for the light industrial use (minting and manufacture of coins) at the existing building located at 1572 N 1000 West with conditions 1 -7 identified above and included in the CUP. Commissioner Bauer seconded the motion. Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Evans, aye; Commissioner Gregersen, aye; Commissioner Thompson, aye and Commissioner Tyler, aye.</p>
REVIEW AND ACTION ON A REQUEST BY SHELLY BAILEY FOR SITE PLAN APPROVAL OF A PRE-SCHOOL AND DAYCARE TO BE LOCATED AT THE DEVELOPED PROPERTY AND IN THE EXISTING BUILDING LOCATED AT 1387 W 1800 NORTH (PARCEL NO. 14-004-0050).	
Petitioner	Shelly Bailey, On My Way Preschool
Discussion	<p>Ms. Claussen reviewed the following information included in the staff report regarding this request.</p> <p>The site was rezoned from residential to commercial by the City Council on October 12, 1976. The rezoning request was to allow a dance school to operate at this location, and indicated with the request, was retaining some kind of caretaker apartment on property. Subsequently, in the mid-1980’s there was Council action for special exceptions to retain a residential use. The surrounding Sun Ray Villa subdivision was recorded in 1978. Based on historic records it appears to have always been a unique property challenged with too large of a building on a small lot and not enough parking available for many commercial uses. Various businesses from a dancing/gymnastics studio, a costume place, to a counseling center have all been located at this site through the years.</p> <p>PROPOSAL The request is for a daycare center for up to 200 children in an existing building; An Applicant Narrative & Site Plan Set are included in the staff report. The site nor the building is anticipated to undergo changes. The interior of the building does however require a number of updates to change the building occupancy, from fire sprinkling to ADA compliance items. In addition, electrical, HVAC, and roof improvements are also proposed to be completed.</p> <p>CONCERNS: <i>Solid Waste.</i> There hasn’t been an appropriate location for a trash enclosure proposed (refer to the Site Plan Set) nor does there appear to be adequate room on the site to place one, at least without losing more parking stalls. And unfortunately, due to the use and the number of people and nature of the business a dumpster must be provided to provide adequate solid waste containers, and such dumpster must be in a location that will allow for proper servicing. The dumpster located on the other side of the sidewalk will not be accessible and it is extremely rare for garbage collection companies to contract time specific service. Combined with the limited parking of where people can park at very early and late business hours, it</p>

seems that this is extremely problematic. A proposed condition of approval is that an executed contract from the garbage collection company, time specific will preferably be submitted to the City in conjunction with the building permit and shall be submitted prior to issuance of the certificate of occupancy. The original site plan proposed the trash enclosure in the small hammerhead at the end of the parking lot. While this location would be serviceable, it does render the first stall and a half on either side inaccessible so those stalls would need to be restriped and reconfigured such that they would create useable stalls.

Parking and Traffic. Clinton City development standards do not allow for off-site parking for commercial uses. All parking (and vehicular circulation) for non-residential uses must be provided on the parcel in which the business is located. The parking lot not only does not have enough stalls; they are substantially undersized at only 14 feet long by 10 feet wide. While they are wider than the minimum 9 feet required by today's standard and the width is intended to offset the reduced length, they remain interestingly smaller than even the 8 ½ by 18 feet that would have been required in the 1960's. Currently the minimum driveway width requirement is 26 feet. While that is roughly the aisle width of the parking lot, that distance is "cut into" by what is more closely the length of today's cars which are a minimum of 15 feet, while full size SUVs are approximately 18 feet in length. The reason the dimensions and parking lot configurations are specifically discussed is because this is a high turnover use with many cars coming and going onto and out of the site that the only driveway is directly onto a state highway.

Through the years there have been incremental updates and changes to the site and the parking lot. In 2011 a counseling center was "approved" for use with a maximum occupancy of 31 people. The current proposal increases that occupancy by nearly six times. With a proposed maximum occupancy of 200 kids staff is concerned if 27 stalls is adequate for drop off and pickup in addition to parking for the facilities vans (that will take 2-4 stalls alone) and staff parking. With the number of children proposed at this location will more than 9 employees at the highest shift be sufficient, a number which has to increase based on state mandated teacher-to-child ratios? With substantially smaller parking stall sizes, will it not be uncommon for one car to take up more than just its single stall, reducing the amount of available parking even further? Is there adequate room to maneuver on-site and not cause back up onto 1800 North? Or will parents forgo the parking lot altogether and park on 1400 West? Taking into account the van stalls, the employee parking and the reality of where the trash enclosure will have to be located, there will be roughly 8 standard parking stalls available. Has the on-site parking been demonstrated to be adequate for these peak periods? This is of concern that at peak hours there are anticipated to be 25 cars in the morning and 29 cars in the afternoon, and even dividing those averages into 15-minute increments there are still 7 to 8 cars.

The City has been in discussion with the applicant on determining the possible occupancy of the building and they preliminarily provided the number of 200. These were discussions that did not include a full site plan submittal. It was an attempt to base the occupancy of the building on the amount of parking available. The actual parking lot dimensions/ configurations and small stall sizes were not taken into consideration at that time; however, with a more comprehensive view through the site plan process, other factors have been identified and substantial concerns with these preliminary numbers must now be re-evaluated and addressed. To calculate parking under standard conditions the actual square footage of the building is used of 14,688 SF divide that by 500 which equals 30, plus 4 stalls, plus the number of employees at highest shift, which is likely between 12 to 16 for this size of center, and the minimum number of parking stalls required would be between 46 and 50. This number is commensurate with other lighter commercial uses, such as a museum requiring a minimum of 49 stalls or general offices requiring a minimum of 61 stalls. This exercise provides context for the amount of parking that would be required for this size of building to be used to capacity. While arguably, the building is not being used to full capacity, it does appear to exceed an amount greater than what the current parking can appropriately support. So a different approach to determine the maximum capacity will need to be employed. (One method that would more

accurately reflect parking requirements would be to base the square footage first, of a smaller footprint, for instance 4,500 square feet, divide that by 500 which equals 9, plus 4 stalls, plus the number at highest shift of 9 for a total of 22 stalls. Comparing this theoretical square footage to other childcare centers in the area, this would equate to a center that would have a maximum capacity of 80-85 children.) Lastly, with its only access onto a state highway, written approval from UDOT is required to the issuance of any building permits, pursuant to the Zoning Ordinance. With the change in use of the building, UDOT requires their own review and approval process regardless.

Timing. The applicant has indicated financial obligations that are determined by the end of the month. The concern of site plan approval at this time is that the plans have not fully demonstrated compliance with the standards of the City's zoning ordinance. There remains outstanding approvals required from UDOT (that may or may not have a direct effect on the site's driveway approach, it is unknown at this time); and while there has been Building Code reviews on the updating of the building to change its occupancy there are still a number of identified deficiencies that will need to be fully addressed through the building permit review and approval process and with the City's knowledge of the reason this site plan application is being requested to be moved forward so quickly is to meet those obligations it can be concerning. It needs to be explicitly stated that Site Plan approval is only conceptual site approval. Site Plan approval cannot be construed to extend to approval of occupancy of the building and consist of a conditional approval that is subject to the approvals of meeting the requirements of building, fire and UDOT. There is still a significant road ahead for the building permit submittals, reviews and approvals.

PUBLIC COMMENT:

Staff received a phone call regarding the proposal and he was concerned about whether or not there is enough parking for the proposed use at this location.

FINDINGS:

Pursuant to Section 28-3-10(4) of the Zoning Ordinance, Staff is unable to establish the findings necessary to approve the Site Plan.

Mark Hillis the architect representing the applicants stated he had initial contact with the former building official Mike Fisher who indicated the parking issue could be resolved based on the square footage according to the code. The 200 students came from this discussion.

He referred to the chart regarding the square footage included in the staff report. He and his client realize this is a tricky property. It is a beautiful historic property in a prime location of Clinton. They have met with Clinton staff, Fire Department and with inspectors at WC3. A lot of time has been spent trying to make this work. The applicant is prepared to bring the building up to code. The conditions of approval are something they are willing to work with to bring this business to Clinton. There will be significant improvements to the building. The parking is very short term for parents to drop off and pick up their children.

Commissioner Tyler clarified the parking is a concern; the code requires 20' stalls.

Ms. Claussen added there is an overhang provision of two feet when there is a wide enough sidewalk, which could reduce the length of the stall to 18 feet from 20 feet. The proposed stalls are only 14 feet long.

Commissioner Bauer stated he drove into this parking lot and is concerned with the traffic flow, it is obstructed and problematic. His other concern is the amount of staff they will be required to have.

Commissioner Gregersen questioned the safety of children who attend the nearby elementary schools who use these sidewalks. Will the parents dropping off and picking up their children at this daycare see those children? Is there a staff person proposed to help the flow of traffic?

Ty Reese clarified the actual total number of children to utilize the facility will be approximately 170 to 180. Not all the children will be at the facility at the same time. They anticipate the facility to run at 69 to 70 percent capacity based on the data they collected from the facility they run in Roy. According to the data provided with their application, they need 5 spaces to accommodate the flow of cars coming and going. Many times there is more than one child per car. There is a large span of time that children are dropped off and the same for being picked up.

Commissioner Gregersen asked if it is possible to lower the expectations in regards to occupancy.

Shelly Bailey stated she would like to utilize this large building. The max attendance would most likely never happen. She referred to the parking lot at her Roy location which only has 27 stalls with 135 kids and 16 staff; 5 stalls are rented out to IHC. There will be two vans at Clinton and two vans at Roy. The employees rotate; there will be approximately eight or nine on duty at a time. School time is less busy for parents to drop off and pick up. The most cars there are in Roy at one time is 4 or 5. They have never had an issue.

Christy Vail, the listing agent stated this is a great building for this use. This building has been on the market for three years only because the City will not approve uses based on the parking. Several inquiries per week come in about this building. Small business owners provide a service in the City. This is a beautiful building and this would be a great opportunity for both the City and Shelly Bailey.

Ms. Claussen gave a brief history of the building. It was originally a church. The property surrounding it was sold off for residential. The Church of Jesus Christ of Latter Day Saints eventually sold this property; it was not a commercial use.

Commissioner Tyler explained the Planning Commission has a duty to consider the public safety aspect of this site. The code has specific requirements. Some modifications to the design may need to be considered. Parking is a significant concern.

Mark Hillis stated after meeting with Mike Fisher, they did not realize the parking would be such a huge issue. He asked if Mike's comments regarding the parking can be worked with to meet the code regarding parking and density. According to the calculations he proposed there should be sufficient parking to accommodate the 200 children. However, Ms. Bailey is willing to reduce the number of children as well agree to parking restrictions.

Regarding trash pickup, Shelley Bailey confirmed she has made arrangements with Ace who agreed to accommodate a specific schedule

Doug Linard has been involved with the counseling center. He has been maintaining the building. Few kids actually walk to Clinton Elementary and he has not seen any kids walking to Voyage Academy. He has observed the parking lot in action with the former business and the parking was never an issue.

Ty Reese stated Ms. Bailey has committed to having an employee monitor the parking lot a half hour before and after school.

Commissioner Tyler stated it is not only the number of parking stalls but the size. The Planning Commission has an obligation to follow the codes so a precedent is not set for the future.

Ty Reese suggested employees' park on the east side of the lot. Parents pull in and pull out on the west side of the lot near the entrance.

Commissioner Bauer expressed concern over cars backing up onto 1800 N.

Ms. Bailey clarified that parents are required to park and walk their children into the building and clock them in with a thumb print and walk them to class.

Commissioner Thompson asked if UDOT has been contacted.

Mr. Reese responded the application is in progress with UDOT.

Commissioner Gregersen questioned the language of the ordinance regarding prohibiting commercial use from spilling over into the street. He asked if the number of stalls is based on the square footage or dictated by an estimate as to the intensity of the intended use. If they can ensure it won't spill over into the street, would it comply with the ordinance?

Ms. Claussen responded speaking of the number of stalls, both apply for a daycare. It is calculated on the anticipated intensity of the use based on the number of employees required at the highest shift. In addition to per square footage, four stalls plus one for every 500 sq. ft.

Ms. Claussen clarified that despite the attempt to back into the maximum occupancy of the building by reducing the square footage of the building, it didn't translate well into what parking would be needed for the intensity of the use. The average square feet of other similarly sized daycares with the same number of occupants, on average has much more parking than what is being proposed.

Commissioner Thompson clarified both the Building Code and the Land Use Code are being used for these calculations and confusing the issue.

Mr. Hillis commented that occupancy is generally a building official or fire marshal interpretation.

Ms. Bailey stated they are willing to modify the parking lot to accommodate the parking requirements. At the Roy location the parents dropping off children only use three spots.

Commissioner Tyler recommended the petitioner pursue a variance by going before the Board of Zoning Adjustment. He explained the Planning Commission does not have authority to make a determination on this request based on existing code and the concern for setting a precedent.

He encouraged the petitioners to consider options to modify the parking lot to ease parking concerns and meet code requirements.

Ms. Claussen stated UDOT's input is necessary. The process could move forward, but the decision would be contingent upon any requirements of UDOT.

Commissioner Thompson identified there are two options for the Planning Commission

- 1) Deny the request to allow the petitioner to appeal to the BZA;
- 2) Table the request and recommend a petition to the BZA for a variance based on the unique and characteristic conditions to the property.

Commissioner Gregersen referred to Utah Code 10-9A-702 and commented he does not feel the BZA is set up to rule on broad policy questions. He feels more due diligence is necessary before seeking a variance and preferred to have Planning Commission see the revised site plan before going to the BZA.

CONCLUSION	<p>Commissioner Thompson moved to table the request for site plan approval of a pre-school and daycare to be located at the developed property and in the existing building located at 1387 w 1800 north (parcel no. 14-004-0050) and recommend the applicant take a request to the Board of Zoning Adjustment for their action and then bring back their recommendation to the Planning Commission for action. Commissioner Evans seconded the motion. Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Evans, aye; Commissioner Thompson, aye and Commissioner Tyler, aye. Commissioner Gregersen voted nay based on the comment above.</p> <p>The motion passed 4 to 1.</p>
DISCUSSION ON PROPOSED REVISIONS TO THE ZONING ORDINANCE REGARDING SMALL YARD SHEDS IN THE AGRICULTURAL, RESIDENTIAL AND PATIO HOME ZONING DISTRICTS.	
Petitioner	Valerie Claussen
Discussion	<p>Ms. Claussen reviewed the following with the Planning Commission and explained this will come forward as an agenda item to the next Planning Commission meeting:</p> <p>In recent years, City Staff has created a burdensome process for property owners to have a small yard shed (less than 200 square feet) in their backyard. This text amendment improves this process and the associated zoning standards.</p> <p>PROPOSED CHANGES</p> <p>(1) The proposed text amendment is attached for review. (<i>See Attachment 1</i>)</p> <p>(2) The definition is modified to correct a typo and also remove maximum shed door widths. The distance of the shed to the home is reduced to 6 feet (from 10 feet). A provision that the placement of the shed on any easements may be required by the utility service to be removed at the owner's expense has been included. Currently the permitted height of sheds are 16 feet, or not higher than the home. This is actually quite a tall height for small yard sheds. Staff recommends discussion on reducing the height for these particular buildings, down to 10 to 12 feet high.</p> <p>(3) If the small shed is less than 200 square feet, meets the zoning standards (e.g. setbacks, height), and if there is nothing associated with the shed that would otherwise require pulling a building permit (e.g. electrical), residents can put a shed in their backyard without any further City approvals. Currently these yard sheds "require" a compliance permit. While it is a free over-the-counter permit, as there are no building plans required or expected, nor are any required inspections, the compliance permit is an unnecessary step and creates extra regulation where none is needed. It is not uncommon for cities to establish the minimum setbacks, heights and locations for these small buildings in their zoning ordinance and not require any additional City approvals.</p> <p>(4) It should be noted that the changes in the PH Zone clarify that small yard sheds are permitted and not lumped into the same category as other accessory buildings, which or may or may not be permitted in the zone. Sheds, subject to meeting the standards of Chapter 3 of the Zoning Ordinance, will be permitted in the PH Zone. There are some PH Zoned properties that do not have large enough back yards, so even a yard shed will not fit. However, there are also many PH Zoned properties where a smaller shed will fit and be permitted. For instance, in Town Point most of the homes are built up to the 20 foot rear setback. Taking the minimum distance from the home of 6 feet, minus the rear yard setback of 3 feet, and subtract that from the backyard depth of 20 feet, leaves 11 feet for the shed. So the majority of the sheds in the Town Point subdivision will likely be less than 200SF, but if they meet the zoning standards, small yard sheds will be permitted.</p> <p>(5) Lastly, the Agricultural Zones (A-1 and A-e) have had a 10% accessory building maximum cap. This is an item that is also brought forward for recommendation on a more appropriate cap</p>

	<p>for these larger properties. The 10% is unnecessarily restrictive. Placing a cap between 15% to 20% would appear more appropriate. Accessory buildings will still retain a subordinate use (and size) to the principal dwelling, even with the proposed change.</p> <p>The Commission did not have concern with retaining the 16 foot height maximum, so long as it wasn't higher than the home.</p> <p>Ms. Claussen stated that this item would be advertised for a public hearing for the next Planning Commission.</p>
CONCLUSION	
OTHER ISSUES	<p>a. Approval of May 21, 2019 Meeting Minutes <i>Commissioner Bauer moved to approve the May 21, 2019 Planning Commission Meeting Minutes. Commissioner Gregersen seconded the motion. Commissioners Bauer, Evans, Gregersen, Thompson and Tyler voted in favor.</i></p> <p>b. City Council Report</p> <p>c. Commission Report</p>
ADJOURNMENT	<p>Commissioner Thompson moved to adjourn. Commissioner Bauer seconded the motion. Commissioners' Thompson, Bauer, Evans, Gregersen and Tyler voted in favor. The meeting adjourned at 10:05 p.m.</p>