



**Planning Commission Members**

*Chair – Dereck Bauer*

*Vice Chair – Dan Evans*

*Jolene Cressall*

*Mark Gregersen*

*Ed Olsen*

*Tony Thompson*

<b>Date of Meeting</b>	<b>May 18, 2021</b>	<b>Call to Order</b>	<b>7:03 p.m.</b>
<b>Staff Present</b>	Community Development Director Valerie Claussen and Lisa Titensor recorded the minutes.		
<b>Citizens Present</b>	Matt Meyer, Brandon Driggs, James Tujio, Heather Potokar, Kyle Potokar, Marie Dougherty		
<b>Prayer or Thought</b>	Commissioner Cressall		
<b>Pledge</b>	Commissioner Gregersen		
<b>Roll Call/Attendance</b>	Present were: Commissioners Jolene Cressall, Mark Gregersen, Ed Olson, Tony Thompson and Chairman Dereck Bauer  Commissioner Evans was excused.		
<b>Declaration of Conflicts</b>	There were none.		
<b>REVIEW AND ACTION ON A REQUEST BY JAMES FLINT, ON BEHALF OF KIP CASHMORE, FOR PRELIMINARY PLAT APPROVAL FOR CLINTON ACRES, A FIVE LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 5.4 ACRES LOCATED AT 2300 NORTH AND 3250 WEST (PARCEL NO. 14-030-0045), WHICH PROPERTY LIES IN THE A-1 ZONING DISTRICT.</b>			
<b>Petitioner</b>	James Flint, Hansen & Associates (Engineer) on behalf of Kip Cashmore (Property Owner)		
<b>Discussion</b>	<p>Ms. Claussen reported the site is roughly 5 acres and located at 2300 N and 3250 W in the A-1 zoning district. The request is consistent with the City’s General Plan and the A-1 zoning district standards; such as lot size, average, and frontage. Furthermore, the proposal meets the Standards of Approval as established in Section 26-3-3(5) of the Subdivision Ordinance, including the provision for adequate utilities available to serve the subdivision, providing future access to undeveloped adjacent properties and the commitment to either complete public improvements prior to final plat recordation, or posting of financial assurance for any uncompleted improvements.</p> <p>The subdivision previously sought approvals (circa 2008 and then again in 2013), but those approvals have since expired. The proposal is unique in that lots are not typically permitted to have driveway access to major or secondary arterial streets; however, this layout has previously been accepted, there is no other viable configuration, and the design is consistent with the surrounding development of properties along this portion of 2300 North. With a condition of approval that at time of building permits all of the lots shall be designed to provide a circular drive (and two curb cuts) so vehicles do not have to back onto 2300 North conforms with the requirements of the subdivision ordinance. This is also consistent with the existing lots in the immediate vicinity.</p> <p>The subdivision is proposed to be constructed in one phase. The development does not</p>		

propose to have an HOA, nor are there common elements or maintenance that would require one to be established. No developer installed fencing is proposed, and because there is identical use of property surrounding the subdivision, none is required.

There are a few remaining review items that will be addressed. Those comments are listed for reference below:

#### **Public Works**

- Submittal Date: 5/11/21
- Please submit a written response that addresses each review comment
- Add a typical cross section showing the land drain lateral crossing North Davis sewer line
- Sht. 2 adjust asphalt remove and replace note: replace full width of roadway from new land drain main connection going east to development property line
- Verify North Davis Sewer District approval of plans
- Submit SWPPP, Sht. 3 will work as a site map-not a SWPPP; abide by the Utah general construction general permit requirement for SWPPP

#### **Planning**

- At time of building permits and as the homes are constructed, each of the individual lots shall be required to be designed in such a manner that a circular drive (with two curb cuts) are provided so that the vehicles are not required to back into traffic onto 2300 North.
- Please add **R** to all the lots in the subdivision. And include the following note or something to this effect:
  - *Lots with a "R": Pursuant to Clinton Subdivision Ordinance 26-5-2(3) (b) driveways shall be designed and arranged to avoid requiring vehicles to back onto 2300 North.*

#### **CONDITIONS OF APPROVAL**

1) At time of building permits and as the homes are constructed, each of the individual lots shall be required to be designed in such a manner that a circular drive (with two curb cuts) are provided so that the vehicles are not required to back into traffic onto 2300 North. Such requirement shall also be noted on the plat.

2) All comments related to the plat and engineering shall be corrected and reviewed by the City before the final plat is presented for signatures.

3) Final plat approval is subject to North Davis Sewer District review and approval.

4) A preconstruction meeting shall not be scheduled until all required changes have been made to the Final Plat and Improvements Drawings, the required number of copies provided to the City, and the plans are stamped approved by the City.

5) Plat shall not be recorded until a Subdivider's Improvement Agreement and Subdivider's Escrow Agreement have been completed and executed to ensure the completion of the improvements in this development.

6) It is the developer/contractor's responsibility to comply with all Clinton City Standards, Ordinances, Staff, Engineer and development requirements established during the approval process. Wherever there is a discrepancy between these drawings and City Standards the more stringent requirement will apply. If there is any doubt as to the requirement, the developer is to seek clarification from the Community Development Department and obtain the determination in writing. Copies of the Standards are available at the Community Development Department.

7) The developer/contractor is responsible for insuring that all required inspections are performed by the Clinton City Public Works Department. If the developer is unsure of what inspections are required

	<p>he can obtain a list from the Public Works Department. The developer is cautioned not to proceed past an inspection point without insuring that the inspection has been performed and work passed by representative(s) of Public Works.</p> <p>8) It is the developer/contractor’s responsibility to ensure adequate dust, trash and weed control practices are observed while any of the lots are under their control.</p> <p>9) Prior to Conditional Acceptance by the City, the Subdivider shall clear any construction debris from lots within the subdivision, except lots with buildings under construction, and level vacant lots within the subdivision in such a way that weed control, via mowing with a brush hog or similar item, is possible and all vacant lots will be mowed for weed control.</p> <p>Commissioner Gregersen asked if prior preliminary approvals have expired and if that is why the preliminary and final plat are being presented together.</p> <p>Ms. Claussen responded that yes, prior preliminary plat approvals have expired. Because no changes have occurred with the preliminary plat, it was appropriate and convenient to bring the preliminary and final plat back at the same meeting.</p> <p>Commissioner Thompson asked for clarification if each lot has an appropriate sewer line connection.</p> <p>Matt Meyer confirmed that each connection will be into the North Davis Sewer line.</p>
<p><b>CONCLUSION</b></p>	<p><i>Commissioner Thompson moved to approve the Clinton Acres preliminary plat located at 2300 North and 3250 West (Parcel No. 14-030-0045) with the nine conditions of approval identified. Commissioner Cressall seconded the motion. Voting by roll call is as follows: Commissioner Cressall, aye; Commissioner Gregersen; Commissioner Olson, aye; Commissioner Thompson, aye; Commissioner Bauer, aye.</i></p>
<p><b>REVIEW AND ACTION ON A REQUEST BY JAMES FLINT, ON BEHALF OF KIP CASHMORE, FOR FINAL PLAT APPROVAL FOR CLINTON ACRES, A FIVE LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 5.4 ACRES LOCATED AT 2300 NORTH AND 3250 WEST (PARCEL NO. 14-030-0045), WHICH PROPERTY LIES IN THE A-1 ZONING DISTRICT.</b></p>	
<p><b>CONCLUSION</b></p>	<p><i>Commissioner Cressall moved to approve as conditioned, Clinton Acres final plat located at 2300 North and 3250 West (Parcel No. 14-030-0045). Commissioner Gregersen seconded the motion. Voting by roll call is as follows: Commissioner Cressall, aye; Commissioner Gregersen; Commissioner Olson, aye; Commissioner Thompson, aye; Commissioner Bauer, aye.</i></p>
<p><b>PUBLIC HEARING: REVIEW AND ACTION ON A REQUEST BY JEFFEREY HOGG ON BEHALF OF HOGG’S HAWAIIAN SNOW LLC FOR A CONDITIONAL USE PERMIT TO OPERATE A SEASONAL SHAVED ICE STAND LOCATED AT 2122 W 1800 NORTH, WHICH PROPERTY LIES IN THE PZ (PERFORMANCE ZONE) ZONING DISTRICT (PARCEL NO. 14-266-0003).</b></p>	
<p><b>Petitioner</b></p>	<p>Jefferey Hogg, Hogg’s Hawaiian Snow LLC</p>
<p><b>Discussion</b></p>	<p>Ms. Claussen reviewed the information included in the staff report:</p> <p>(1) The proposal consists of a seasonal shaved ice stand to operate from mid-May through mid-September in the parking lot of the unoccupied building located at northwest corner of 2300 North and 2000 West. Hours of operation proposed are Monday through Saturday from 12 pm to 9 pm.</p> <p>(2) The location of the stand will be southeast of the Dollar Tree/UPS building in Clinton Towne Center commercial development. This use is intended to be temporary, although they would like to operate at this location in subsequent seasons. Planning Commission may choose to approve the CUP for a single year or for multiple years (with possible renewal prior to expiration). In any case, written authorization of the property owner is required to be provided to the City prior to each season. Staff recommends a three year approval, but the timeframe is up to the discretion of the Commission.</p> <p>(3) Any signage is to comply with Title 24 of the Clinton City Code.</p> <p>(4) CUP REVIEW FINDINGS: The proposed use is (a) not detrimental to persons or property, (b)</p>

	<p>consistent with the objectives of the General Plan (c) compatible with the character of the site, adjacent properties and surrounding neighborhoods. (The Design Compatibility finding is not applicable for temporary uses.) The site can accommodate a seasonal shaved ice stand, has sufficient parking for both employees and customers, it will not generate excessive traffic not already otherwise present in a commercial zoned corner, and there is sufficient access to the property from either 1800 N or 2000 W.</p> <p>(5) Required Public Notice was made. No public comment has been received to date.</p> <p>(6) Conditions of Approval are recommended and attached for review.</p> <p><b>CONDITIONS OF APPROVAL</b></p> <p>1) This approval is for a Conditional Use Permit (CUP) for a shaved ice stand located at the northwest corner of 2300 North and 2000 West (Parcel No. 13-050-0004). The CUP will expire three (3) years from the date of approval. Prior to expiration, an application for renewal of the CUP Permit may be submitted, reviewed and forwarded to the Planning Commission for possible renewal at that time.</p> <p>2) Prior to operating every year, the applicant shall obtain a Temporary Business License from the City, and shall also obtain any applicable County and State approvals/licenses.</p> <p>3) The applicant shall obtain and provide the City written authorization from the property owner prior to commencing business each season. A copy of a current executed short term license agreement from the property owner shall be submitted at the time the business license is renewed. The CUP is only valid with property owner’s permission, and may expire sooner if owner does not authorize such use in subsequent years.</p> <p>4) The shaved ice stand is seasonal and will operate from mid-May through mid-September. Hours are approximately 12 pm to 9 pm, Monday through Saturday.</p> <p>5) All signage is to comply with <i>Title 24 Signs &amp; Advertising Devices</i> of the Clinton City Code. No razor signs are permitted.</p> <p>Commissioner Bauer opened the public hearing at 7:26 p.m. With no public comment, he closed the public hearing at 7:28 p.m.</p>
<p><b>CONCLUSION</b></p>	<p><b>Commissioner Cressall moved to approve the CUP request for a seasonal shaved ice stand located at 2122 W 1800 N for a term of [3] years, after which time the CUP would be eligible for review and possible renewal. Commissioner Olson seconded the motion. Voting by roll call is as follows: Commissioner Cressall, aye; Commissioner Gregersen, aye; Commissioner Olson, aye; Commissioner Thompson, aye; Commissioner Bauer, aye.</b></p>
<p><b>PUBLIC HEARING: REVIEW AND ACTION ON A REQUEST BY HEATHER POTOKAR FOR A CONDITIONAL USE PERMIT FOR A DOG KENNEL UP TO SIX DOGS TO BE LOCATED AT 2091 N 3430 WEST, WHICH PROPERTY LIES IN THE A-1 ZONING DISTRICT (PARCEL NO. 14-531-0204).</b></p>	
<p><b>Petitioner</b></p>	<p>Heather Potokar, property owner</p>
<p><b>Discussion</b></p>	<p>Ms. Claussen reported that Pursuant to Section 28-3-9(3) (a) Household pets are limited to the keeping of not more than two dogs, four months old or older. Subparagraph (h) permits kennels with an approved CUP for no more than 10 animals and may only be issued for agricultural property not directly adjacent to a residential (R-1-X) zone.</p> <p>The subject property lies in the A-1 zone, with neighboring A-1 to the north and east and A-E (PRUD) to the west and A-E to south. The request consists of having more than two dogs to train and serve as therapy animals. In follow up conversations with the Applicant, it was indicated that there would typically be four dogs on the premise, but that number could sometimes increase by one or two and would not exceed six dogs at any one time. The applicant is proposing a kennel location that is in their backyard, slightly north of the home.</p> <p>Prior to the County issuing their licenses, the City must approve the zoning request. The County will also coordinate and determine if there are any other inspections or approvals required from the County</p>

	<p>Health Department. Approval of the Conditional Use Permit from the City is only valid upon the Applicant obtaining the County approvals and licenses as well. This is articulated in the proposed Conditions of Approval.</p> <p>CUP REVIEW FINDINGS: The proposed use, as conditioned should not be detrimental to persons or property, is not contrary to the objectives of the General Plan and has been previously been determined to be compatible with the adjacent agricultural properties and character of the site and no additional traffic will be generated.</p> <p>Required Public Notice was made. One phone call confirming the date and time of the public hearing was received.</p> <p>The following Conditions of Approval are recommended:</p> <p><b>CONDITIONS OF APPROVAL</b></p> <ol style="list-style-type: none"> <li>1) Conditional Use Permit is for the keeping a maximum of six (6) dogs on the premises at 2091 N 3430 West, for family use and not raised for commercial purposes. The Conditional Use Permit does not include approvals for the running of any type of business, such as boarding or breeding.</li> <li>2) Conditional Use Permit is only effective and valid upon approval, obtaining, and maintaining required permits and/or licenses from Davis County Health Department and Davis County Animal Control. Dogs will be kept in accordance to all Davis County Health Department and Animal Control requirements.</li> <li>3) Premises are subject to inspection annually by the County Health Department, Animal Control and/or the City.</li> <li>4) Conditional Use is issued to the Applicant of record and is non-transferable.</li> <li>5) Applicant must keep dogs in a clean and healthy environment.</li> <li>6) Applicant must comply with all City Ordinances and Conditional Use Permit requirements, or may be subject to revocation.</li> </ol> <p>Heather Potokar explained there will be a dog kennel on the property but the dogs will stay mostly inside.</p> <p>Commissioner Bauer opened the public hearing at 7:39 p.m.</p> <p>Brandon Driggs stated he is moving to the house directly to the north. His concerns are with noise and smell. He said as long as the noise and smell are minimal, he can support allowing the animals as therapy dogs.</p> <p>James Trujillo stated his only concern is noise. He does not like the idea of being woken in the middle of the night with barking dogs.</p> <p>Commissioner Bauer stated that if noise becomes a problem, the CUP could be revoked.</p> <p>Ms. Potokar explained at least for the near future, there will only be four dogs including a chocolate lab, Australian shepherd and two Siberian huskies.</p> <p>With no further public comment, Commissioner Bauer closed the public hearing at 7:50 p.m.</p>
<p><b>CONCLUSION</b></p>	<p><i>Commissioner Olson moved to approve as conditioned, the CUP for a dog kennel for up to a maximum of six dogs for the property located at 2091 3430 W in Clinton. Commissioner Cressall seconded the motion. Voting by roll call is as follows: Commissioner Cressall, aye; Commissioner Gregersen, aye; Commissioner Olson, aye; Commissioner Thompson, aye; Commissioner Bauer, aye.</i></p>
<p><b>OTHER ISSUES</b></p>	<p><i>The Planning Commission received their Open and Public Meetings Act Training.</i></p>

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<b>ADJOURNMENT</b>	<p><b>a. Approval of March 16, 2021 Planning Commission Meeting Minutes</b> <i>Commissioner Cressall moved to approve the minutes of the March 16, 2021 Planning Commission Meeting. Commissioner Gregersen seconded the motion. Commissioners Cressall, Gregersen, Olson, Thompson and Bauer voted in favor.</i></p> <p><b>b. City Council Report</b></p> <p><b>c. Commission Reports</b></p>
	<p><b>Commissioner Thompson moved to adjourn. Commissioner Cressall seconded the motion. Commissioners' Bauer, Cressall, Gregersen, Olson and Thompson, voted in favor. The meeting adjourned at 8:26 p.m.</b></p>