



**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	May 7, 2019	Call to Order	7:00 p.m.
Staff Present	Community Development Director Valerie Claussen and Lisa Titensor recorded the minutes.		
Citizens Present	Josh Lynch, Doug & Kathy Brown, Liliana & Miguel Molina, Miquel Molina, Odalys Molina		
Pledge of Allegiance	Commissioner Gregersen		
Prayer or Thought	Commissioner Thompson		
Roll Call & Attendance	Present were: Commissioner’s Tony Thompson (Vice Chair conducting the meeting), Dereck Bauer, Jolene Cressall, Dan Evans and Mark Gregersen. Excused were: Commissioner Gary Tyler		
Declaration of Conflicts	There were none.		
1) REVIEW AND ACTION ON A REQUEST BY JOSH LYNCH FOR PRELIMINARY PLAT APPROVAL OF HEPWORTH HOMESTEAD, A RESIDENTIAL SUBDIVISION CONSISTING OF SEVENTEEN LOTS ON APPROXIMATELY 5.07 ACRES LOCATED ABOUT A QUARTER OF A MILE WEST OF 2000 WEST ON THE NORTH SIDE OF 1300 NORTH AT 2298 W 1300 N (PARCEL NO. 14-021-0019).			
Petitioner	Josh Lynch, Woodmere Homes Submitted By: Val Claussen, Community Development		
Discussion	<p>Josh Lynch explained this development will consist of 17 residential homes on 5 acres. It has been rezoned and the averaging requirements have been met.</p> <p>Commissioner Gregersen asked for clarification if 1370 N will remain a dead end. He expressed concern about the fence regarding sidewalk access and snow removal.</p> <p>Mr. Lynch confirmed for now it will remain a dead end; but eventually it will tie in.</p> <p>Ms. Claussen confirmed that the Fire Department and City Engineer have reviewed and signed off on the subdivision. The Developer is well on his way to completing Final Plat requirements. A note will be included on the plat and notice will be given to the abutting property owner identifying they are responsible for snow removal. A man gate may be allowed but vehicular access will not be allowed.</p> <p>Commissioner Claussen reviewed the following information included in the staff report:</p> <p>The rezoning request for this property was approved by City Council on March 5, 2019. The site is roughly 5 acres and located at 2298 W 1300 North. The request is consistent with the City’s General Plan and the R1-9 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 (through a future stub street connection) 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 is proposed to be constructed in one phase. The home that is currently on the site will be demolished. The development does not propose to have an HOA, nor are there common elements or maintenance that would require one to be established. No vehicular access will be permitted for the lots backing 1300 North; however, it should be noted that snow removal of the abutting 1300 North sidewalk will be those property owners' responsibility. A low maintenance material (e.g. pavers, concrete) for the park strip will be proposed and approved during the final plat review. Lastly, a fencing plan will be provided, reviewed and approved during the final plat approval process.</p>
<p>CONCLUSION</p>	<p>Commissioner Cressall moved to approve the preliminary plat For Hepworth Homestead, a residential subdivision consisting of seventeen lots on approximately 5.07 acres located about a quarter of a mile west of 2000 West on the north side of 1300 North at 2298 W 1300 N (Parcel No. 14-021-0019) with the following conditions of approval:</p> <ol style="list-style-type: none"> 1) Final plat and improvement drawings shall be in substantial conformance with the approved preliminary plat, dated May 4, 2019. 2) A fencing plan shall be submitted with the final plat application, for review and approval. 3) No vehicular access will be permitted for the lots backing 1300 North; however, it should be noted that snow removal of the abutting 1300 North sidewalk will be those property owners' responsibility. 4) A low maintenance material (e.g. pavers, concrete) for the park strip will be proposed and approved during the final plat review. <p>Commissioner Bauer seconded the motion. Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Cressall, aye; Commissioner Evans, aye; Commissioner Gregersen, aye and Commissioner Thompson, aye.</p>
<p>2) REVIEW AND ACTION ON A REQUEST BY ODALYS MOLINA FOR A CONDITIONAL USE PERMIT FOR A DOG KENNEL UP TO EIGHT DOGS LOCATED AT 3298 W 2300 N (PARCEL NO. 13-146-0024).</p>	
<p>Petitioner</p>	<p>Valerie Claussen, Community Development SUBMITTED BY: Valerie Claussen, Community Development</p>
<p>Discussion</p>	<p>Community Development Director Valerie Claussen reviewed the following information included in the staff report.</p> <p>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 Conditional Use Permit (CUP) for no more than 10 animals, but may only be issued for agricultural property not directly adjacent to a residential (R-1-X) zone.</p> <p>The attached zoning interpretation clarifies that when properties are developed under a PRUD, with lot sizes that are in the same range in size (and use) as the Single-Family "R-1" zones that the actual type of development occurring or will be occurring, on the property must be considered. If the development of the lots is the same as, or similar to, any of the "R-1" zones, the A-1 property is not eligible to be issued a CUP for a kennel</p> <ol style="list-style-type: none"> 1) 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. 2) Conditional Use Permit is for the keeping a maximum of [X number of dogs] dogs on the premises 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. 3) Conditional Use is issued to the Applicant of record and is non-transferable. 4) Building permits shall be obtained within six weeks of the issuance of this Conditional Use Permit, and all improvements completed not more than six months from date of issuance of this Conditional Use Permit. Such Improvements to the garage include the HVAC as proposed in the submittal documents and any other requirements by the County Health and Animal Control, which may include, but not limited to sanitation, water and proper floor drains.

- 5) Dogs will be kept in accordance to all Davis County Health Department and Animal Control requirements.
- 6) Premises are subject to inspection annually by the County Health Department, Animal Control and/or the City.
- 7) Applicant must keep dogs in a clean and healthy environment.
- 8) Applicant must comply with all City Ordinances and Conditional Use Permit requirements, or may be subject to revocation.

Commissioner Thompson summarized the conditional use for the kennel would be allowed if agricultural use existed on all surrounding properties, however Cranefield is a residential development under the PRUD zone which abuts one side of the subject property that is zoned A-1 therefore a conditional use for a kennel permit is being requested. The property in question is in an agricultural zone and has an adequate amount of property.

Ms. Claussen clarified the Cranefield property was annexed in from the County. The open space of the golf course allowed smaller lots under the R-1-10 zone. The half acre lots in Cranefield buffer the acre lots in Gentry Farms.

The Planning Commission reviewed the Zoning Map. Ms. Claussen identified that through the Cranefield Estates Development Agreement the lots are zoned AE with a PRUD overlay.

Commissioner Thompson explained the Planning Commission is to make a determination based on their interpretation of single family uses within the PRUD overlay and how this use would apply in this situation. The property in question is in the Gentry Farms Subdivision which are 1 acre lots.

Commissioner Thompson identified this is not a public hearing but he invited the public who were present to comment on the issue.

Doug Brown explained his home is in Cranefield Subdivision on a half acre directly to the west. These new home owners are good people. Eight dogs is a lot and will add to the noise in the neighborhood. He would like to know if the County monitors kennels. He would prefer the kennel not be allowed but will accept the Commission's decision.

Ingrid Oseguera was present to interpret for the applicants.

Odalys Molina explained her family moved from Ogden to this area to have the dogs. Currently there are only six dogs. Usually other dogs in the neighborhood are barking. The dogs need to adapt. They are working on insulating the garage to provide a sound barrier.

Commissioner Cressall asked about the bark of this type of dog.

Ms Molina replied they are American Bully dogs and have a deeper voice however they do not bark a lot.

Miguel Molina explained that all the dogs in the neighborhood bark. He doesn't have a problem with other dogs barking.

Commissioner Bauer questioned if the Ivory Home development should impact the rights of the homes in the A-1 zone.

Ms. Claussen responded it is very narrow under the circumstances that there would have been a question because it states conditional uses would be allowed under certain circumstances with it saying all adjacent properties are agricultural.

Mr. Brown commented there are other dogs in the neighborhood that bark which is not currently a huge problem including these six dogs; he is concerned with allowing 10 dogs.

	<p>Odalys Molina asked if there could be a consideration for a temporary trial to allow the dogs.</p> <p>Commissioner Thompson referred to Title 28-3-10.</p> <p>Commissioner Thompson stated his interpretation is this is an agricultural zone with a request for a conditional use permit; he referred to the zoning map and stated the overlay and the development agreement are secondary to the existing zoning designation. He feels the Planning Commission is compelled to hear the conditional use request.</p> <p>The Planning Commission discussed the issue at length.</p>
<p>CONCLUSION</p>	<p>Commissioner Gregersen moved that Ordinance 28-3-9(3)(h), when it refers to residential zones, be interpreted as referring only to R-1-X zones since that is what is currently referenced in that section of the ordinance. Commissioner Bauer seconded the motion. Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Cressall, aye; Commissioner Evans, aye; Commissioner Gregersen, aye and Commissioner Thompson, aye.</p>
<p>3) REVIEW AND ACTION ON A REQUEST BY ODALYS MOLINA FOR A CONDITIONAL USE PERMIT FOR A DOG KENNEL UP TO EIGHT DOGS LOCATED AT 3298 W 2300 N (PARCEL NO. 13-146-0024).</p>	
<p>Petitioner</p>	<p>Odalys Molina, property owner Submitted by Community Development Director Valerie Claussen</p>
<p>Discussion</p>	<p>Odalys Molina stated they were delayed in requesting this permit because they were in the process of moving and they were working on two properties. A complaint was filed before they got in to make the request. These dogs are smaller and are not aggressive. They are working on their garage to create a sound barrier. They will continue to work with the dogs to minimize their barking.</p> <p>Commissioner Gregersen asked if the number of dogs will decrease over time.</p> <p>Odalys Molina stated she and her brother will eventually be moving out. Until that point, they will continue to work toward controlling the dogs barking.</p> <p>Ms. Claussen reviewed the following information included in the staff report:</p> <p>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. Under certain circumstances a third dog may be permitted with an approved Conditional Use Permit (CUP). 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>This CUP request for a kennel was received in response to Davis County Animal Control (the County) being notified of too many dogs on the premise, and them directing the Applicant to submit to the City for zoning approvals by a certain date. Prior to the County issuing any kind of kennel license, the City must approve the zoning request, as well as the County Health Department must complete their inspections and review.</p> <p>The application requests up to eight dogs for household pets. In follow up conversations with the Applicant regarding their submittal, the breed of dog is American bully, and when asked if they were running any kind of business (e.g. boarding or breeding) they indicated they were not and the request was to have the dogs as their own pets. The Conditions of Approval incorporate the representations made by the Applicant.</p> <p>ANALYSIS: The property is an acre lot located on the north side of 2300 North, just west of 3250 West. Staff does have concern with the number of dogs being requested, due to its proximity to properties that while are “agriculture” in zoning with an A-E designation are in reality predominately being developed as</p>

	<p>R1-10 with an R1-15 buffer along the subdivision boundaries. Due to the subject site’s location the subject parcel has five abutting lots, four of which are a half-acre in size. In evaluating the number of dogs to be kept on the premises the impact on neighboring properties should be seriously considered.</p> <p>The majority of the standards in Chapter 3 for the keeping of dogs pertains to the kennel license the permits for a third dog; however, many remain applicable for more than three dogs as well and should be used in evaluating the request.</p> <p>Some of the specific standards have also been incorporated as Conditions of Approval. Such review considerations include the following from Chapter 3, as well as Chapter 5 applicable to all CUPs:</p> <ol style="list-style-type: none"> 1) The location and size of outdoor pens, runs or enclosures. 2) Owner’s demonstrated ability to keep the additional dog in a clean and healthy environment, and in a manner not contrary to general health and welfare of the citizenry. 3) Detrimental To Persons or Property: The proposed use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons, nor injurious to property and improvements in the community, existing surrounding uses, buildings and structures. 4) It shall be demonstrated that the use and property development: (a) Does not lead to deterioration of the environment by emitting pollutants into the ground or air to cause detrimental effects to the property or neighboring properties; (b) Does not introduce hazards or potentials for damage to neighboring properties that cannot be mitigated; (d) Is in keeping with the type of existing uses surrounding the property and development as proposed will improve the character of the area by encouraging reinvestment and upgrading of surrounding properties. 5) Use Compatibility: The proposed use at the particular location is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing development. In determining the compatibility of the use with the surrounding area, The applicant is proposing crates to be placed inside a garage that is already located on the property. The Applicant has indicated that they will be installing heating and air conditioning to the garage. Other considerations, as would be coordinated with the County Health and Animal Control Departments will be any other requirements necessary for sanitation, providing water and floor drains. Building permits will need to be submitted for and obtained for these improvements within three weeks of being issued the Conditional Use Permit. These requirements are also being included as a Condition of Approval. <p>Commissioner Thompson opened the public hearing at 8:40 PM. With no public comment, he closed the public hearing at 8:41 p.m.</p> <p>Commissioner Bauer commented the County can cause the CUP to be revoked if code requirements are not complied with.</p>
<p>CONCLUSION</p>	<p>Commissioner Bauer moved to approve the request by Odalys Molina for a Conditional Use Permit for a dog kennel up to six dogs located at 3298 W 2300 N (Parcel No. 13-146-0024) with the following conditions of approval:</p> <ol style="list-style-type: none"> 1) 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. 2) Conditional Use Permit is for the keeping a maximum of six dogs on the premises 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. 3) Conditional Use is issued to the Applicant of record and is non-transferable. Applicant and or immediate family must be a resident of the property to maintain the Conditional Use Permit for a kennel. 4) Building permits shall be obtained within six weeks of the issuance of this Conditional Use Permit and all improvements completed not more than six months from date of issuance of this Conditional Use Permit. Such Improvements to the garage include the HVAC as proposed in the submittal documents and any other requirements by the County Health and Animal Control, which may include, but not limited to sanitation, water and proper floor drains.

	<p>5) Dogs will be kept in accordance to all Davis County Health Department and Animal Control requirements.</p> <p>6) Premises are subject to inspection annually by the County Health Department, Animal Control and/or the City.</p> <p>7) Applicant must keep dogs in a clean and healthy environment.</p> <p>8) Applicant must comply with all City Ordinances and Conditional Use Permit requirements, or may be subject to revocation.</p> <p>Commissioner Gregersen seconded the motion. Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Cressall, aye; Commissioner Evans, aye; Commissioner Gregersen, aye and Commissioner Thompson, aye.</p>
<p>OTHER ISSUES</p>	<p>a. Approval of April 2, 2019 Meeting Minutes <i>Commissioner Cressall moved to approve the April 2, 2019 Planning Commission Meeting Minutes. Commissioner Bauer seconded the motion. Commissioners Bauer, Cressall, Evans and Gregersen voted in favor. Commissioner Thompson abstained because he was not present at the meeting.</i></p> <p>b. City Council Report</p> <p>c. Commission Report</p> <p>Commissioner Cressall reported on 2000 W before 2300 N going north a home is selling cotton candy.</p> <p>Ask City Council if they wish the Planning Commission to consider a change to 29-3-8.</p>
<p>ADJOURNMENT</p>	<p>Commissioner Bauer moved to adjourn. Commissioner Evans seconded the motion. Commissioners' Cressall, Thompson, Bauer, Evans, Gregersen and Thompson voted in favor. The meeting adjourned at 9:18 p.m.</p>