

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
October 28, 2014

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Kent Bush	Councilmember
	Ron Jones	Councilmember
	Mike LeBaron	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Kelly Bennett	Police Sergeant
	Scott Hodge	Public Works Director
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Scott Hess	Development Services Manager
	Rich Knapp	Administrative Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Andrew Watt, Braden Watt, Kathryn Murray, Antone Clark – Standard Examiner

Mayor Shepherd called the meeting to order at 6:03 p.m.

DISCUSSION ON A FINAL SUBDIVISION PLAT AMENDING THE LARSEN
COMMERCIAL SUBDIVISION

Scott Hess, Development Services Manager, explained the subdivision plat was approved in 1996 as one single parcel and a structure was built. He continued that in 1998 a warranty deed was recorded with Davis County which subdivided the parcel creating an illegal subdivision. The City became aware of the illegal subdivision when it received a request for a Conditional Use Permit for a pawn shop at that location and subsequently the Planning Commission required the correction of the illegal lot split and other necessary processes to make the subdivision legal. He reported the developer submitted an amended subdivision plat which had been reviewed by staff and the Planning Commission. The Planning Commission recommended approval of the plat during its meeting on Wednesday, October 15, 2014.

Mr. Hess informed the Council a ten-foot public utility easement along the west property line was not included in the amended plat; however, the developer had been made aware that it would need to be reflected prior to recordation. He explained the storage units to the west were already developed and the pawn shop building would sit very close to the western property line so the only thing to occupy the easement would be a drainage swell designed to collect the runoff from

the roof of the pawn shop building. He emphasized the amendment wouldn't change any lot lines; however, he pointed out the verbiage on the plat about the wall in the middle of the building separating two parcels would have to remain intact in order to maintain integrity to the building.

DISCUSSION ON A PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP OF THE GENERAL PLAN

Scott Hess, Development Services Manager, informed the Council that Con Wilcox, resident and developer, had requested a land use designation be changed for Lots 8 and 9 in his commercial development near 1600 South 1000 West from Commercial to Manufacturing on the City's General Plan Map. He reported staff reviewed the request and considered the possibilities and suggested the designating the lots for Business Park Use. He continued Business Park Use would facilitate C-1, Commercial, C-2, Commercial and M-1 Manufacturing as uses within that designation and expressed his opinion the Business Park Use better met Mr. Wilcox's vision for the development as well as meeting the Planning Commission's request for staff to work on creating changes that would address the type of use being proposed. He added changes would allow the property to be rezoned back to C-2, Commercial, at a later date which was previously reflected in the General Plan.

Councilmember Bush announced he had concerns with the proposed project and was prepared to share some solutions. He suggested creating a new zone which wouldn't allow heavy manufacturing but which would allow some flex use with light distribution in conjunction with "warehousing". He also expressed agreement with changing the General Plan to reflect the new land use designation. He expressed concern that rezoning the two lots could be viewed as "spot zoning". He stated he didn't have a problem with the use; however, a Business Park designation for the entire area could potentially encourage manufacturing.

DISCUSSION ON A PROPOSED REZONE FOR PROPERTY LOCATED AT APPROXIMATELY 919 WEST AND 939 WEST, 1600 SOUTH IN CLEARFIELD

Scott Hess, Development Services Manager, announced the proposed rezone was a request from Commercial to Manufacturing for Lots 8 and 9 in the commercial development near 1600 South 1000 West. He pointed out some unintended consequences associated with the rezone which deserved consideration was:

- Attorneys for both the City and the developer had drafted some Declarations of Limited Use.
- What could the City enforce or limit with possible future proprietors at that location under a manufacturing zone. He suggested if the City addressed making changes to the Land Use Ordinance to better identify the type of use being proposed and the manufacturing zone was approved, an application for rezoning should be submitted as soon as possible after the changes had been approved. He expressed his opinion the City should make changes within its existing C-2 or M-1 zones that would include definitions which would allow the flex business type of use without encouraging manufacturing with large distribution/large warehousing to all commercial zones.

- He reported the Planning Commission’s concern was the City’s lack of a definition for the proposed use – that of a small distribution use. He stated the closest definition was warehouse, which addressed wholesale sales and warehousing. He expressed his opinion and confidence with the Planning Commission’s decision and recommendation.

Councilmember LeBaron stated he wasn’t too worried about the M-1 zone given the size of the parcels. He continued future enterprises associated with hazardous products would be required to submit an Environmental Impact Study (EIS) and site plan.

Mayor Shepherd suggested the City shouldn’t be speculating what or how the property could be used in the future as the owner hadn’t yet applied for anything with those possibilities. Mr. Hess read from the Land Use Guideline section of the City’s General Plan which said, “Manufacturing and industrial activities should be limited to those areas already zoned for such uses.” He reported the Planning Commission didn’t have the authority to go against the General Plan and entitle new property for manufacturing use. He suggested that if the City Council wanted to entitle additional property for manufacturing use, the General Plan should be amended to be consistent with the current direction given to staff.

Brian Brower, City Attorney, pointed out a similar discussion needed to take place during the policy session. He stated it was important for the City to go on record and put the applicant on notice of its intent that further action would take place associated with the zoning of Lots 8 and 9 in the future.

Councilmember LeBaron moved to adjourn the work session and reconvene in a CDRA work session at 6:27 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

The minutes for the CDRA are in a separate location

**APPROVED AND ADOPTED
This 25th day of November, 2014**

/s/Mark R. Shepherd, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, October 28, 2014.

/s/Nancy R. Dean, City Recorder