

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
April 14, 2015

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

VISITORS: Kathryn Murray

Mayor Shepherd called the meeting to order at 6:00 p.m.

DISCUSSION ON A PROPOSED ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 11, ARTICLE E, SECTION 8 – PARKING, LOADING AND ACCESS, FOR THE DOWNTOWN REDEVELOPMENT (D-R) ZONE

Scott Hess, Development Services Manager, shared a visual presentation and stated there was a regulation specific to parking loading and access in Title 11 of the City Code. He explained staff was suggesting an amendment which would allow the requirements within the D-R Zone be established through the development agreement. He continued language would also be included which stated consideration for said requirements should be given to market studies, engineering analysis and other reliable sources as determined by the City. He stated the last portion of language was added in order to meet a balance of flexibility while at the same time proof through some sort of study or analysis which reflected the need for the reduction in parking. He reviewed some of the identified reasons for the proposed project across the street from City Hall:

- an “urban” style project
- one-bedroom only units
- proximity to transit site

He reported the proposal for that particular project was 1.8 parking spaces per unit and the current requirement was 2.125 parking spaces per unit. He expressed his opinion a developer contributing millions of dollars into the project wouldn't want to compromise its success due to the reduction in parking spaces. He suggested the market would determine the number of parking spaces needed and the D-R zone would then be a development agreement based zone allowing the City to negotiate with each project.

Councilmember Bush expressed concern the D-R Zone was not specific to this parcel of property but was throughout the entire City. He inquired if the City could renegotiate the number of parking spaces once the commercial component was developed and expressed concern a more intensive commercial component could require additional parking than what was originally needed.

Mr. Hess responded the development agreement would act as the land use decision and didn't believe specific conditions could be renegotiated or requirements changed. He suggested parking specific to the commercial component could be controlled through the business licensing process and mentioned that was also the current process. JJ Allen, Assistant City Manager, commented that was also market driven.

Mr. Hess stated the parking requirement, which would be established through a development agreement, would consist of two pieces: the fixed number of parking spaces for the commercial component and the negotiated parking for the residential. He mentioned the developer wouldn't want to jeopardize the success of the commercial component due to a lack of parking. He added language in the D-R Zone addressed the possibility of "shared" parking which would allow some of the daytime parking to be used for resident or guest parking at night.

Councilmember Bush asked if any of the residential parking would be covered. Mr. Hess responded that would be addressed in the development agreement. Councilmember Young pointed out the risk in allowing the parking to be market driven as opposed to number specific for a mixed development. He suggested a developer could short change the commercial component's parking in lieu of potential higher dividends from the residential and a discussion took place regarding the number of parking spaces.

Mr. Hess believed the proposed approach was currently applicable. He added as the City was approached for future mixed use developments the City could steer developers to what it desired.

DISCUSSION ON THE PROPOSED REZONES OF PROPERTIES LOCATED AT APPROXIMATELY 50 SOUTH DEPOT, 70 SOUTH DEPOT AND 145 SOUTH DEPOT (TINS: 12-001-0193, 12-001-0130, 12-001-0175, 12-001-0176), MORE COMMONLY KNOWN AS CLEARFIELD CENTER FROM COMMERCIAL (C-2) TO DOWNTOWN REDEVELOPMENT (D-R)

Scott Hess, Development Services Manager, shared an illustration reflecting the parcels of property across the street from City Hall which needed to be rezoned from Commercial to Downtown Redevelopment to accommodate a proposed mixed use development and oriented the location with the Council. He pointed out the rezone request was being made by the CDRA and

the developer and the proposed use met the City's General Plan requirements. He explained the proposed development would consist of 99 apartments with 183 parking stalls. Councilmember LeBaron clarified there was a retail component associated with the development and a discussion took place regarding the number of parking spaces for both the residential and commercial components. He stated a market study was in the process of being completed to determine the number of residential units in the development.

Mr. Hess directed the Council to the illustration and reviewed specifics of the development with the Council:

- The highlighted area on the site plan currently existed in the road right-of-way. He explained where Depot Street made the ninety degree turn wouldn't allow for a left hand turn. He clarified the road right-of-way width would still be the standard of 36 feet of asphalt from curb to curb. He stated to add surface parking, the site plan reflected a reduction in the asphalt to approximately 28 feet which was just what the NDFD (North Davis Fire District) would allow, and both sides of the street would not allow any on-street parking, forcing a right in right out movement. JJ Allen, Assistant City Manager, clarified the left hand turn currently wasn't allowed. He emphasized the proposal was a diversion from the City's standard; therefore, it would be identified within the development agreement. He reported the Davis County Health Department had made a request to the City to paint its curb as "loading only" eliminating the stacking of parked cars along its frontage. He pointed out the area in which would be used for dual use parking with the Health Department.
- He pointed out some underground parking would be available and explained how it would be accessed from Depot Street.

Councilmember Bush inquired if the City had the authority to modify the street width to accommodate the development and a discussion took place. Nancy Dean, City Recorder, responded Title 1, Chapter 14 stated all development would be subject to standards. Mr. Hess indicated there were a number of challenges associated with the development but believed it would encourage parking in designated areas while at the same time discouraging on-street parking in the area which was not a good fit at that location. A discussion took place about how the street width for some streets in Clearfield Station was allowed.

JJ Allen, Assistant City Manager, explained limited parking options lead to a "walkable" community development style. Brian Brower, City Attorney, mentioned there were provisions for exceptions to the identified subdivision regulation standards due to unusual shape or other conditions.

Mr. Hess emphasized a final site plan had not yet been submitted for staff's review and mentioned everyone was working toward getting the best development for the property. Mr. Allen pointed out the proposed concept and project resembled what had been presented from the beginning of the planning.

Councilmember Bush inquired if there would be any fencing requirements between the D-R Zone and surrounding zones. Mr. Hess didn't believe that would be necessary because the D-R Zone was the extension of a commercial zone.

Mr. Hess reported Mike Pace from Pace Tax and Accounting had made public comment against the rezone during the Planning Commission meeting stating the commercial corridor should remain commercial. During his comments he reported the City had master planned mixed use in the area and it was his opinion it should remain commercial.

DISCUSSION ON THE PROPOSED FINAL SUBDIVISION PLAT FOR IRONWOOD DEVELOPMENT, LLC, FOR PROPERTY LOCATED AT APPROXIMATELY 850 SOUTH 490 EAST (TINS: 12-066-0089, 12-066-0090, 12-066-0115)

Scott Hess, Development Services Manager, shared an illustration and oriented the Council regarding the property location and indicated the property was currently zoned (R-3), Residential. He stated the proposed action would combine the three parcels into one to accommodate development on a larger scale. Councilmember Bush inquired about the neighboring properties. Mr. Hess reviewed the neighboring parcels and a discussion took place.

Mr. Hess reminded the Council that the Meadows Condominiums and Kensington Place and Hamblin Park used an old ditch for outflow purposes. He explained the project proposed to use the drainage easements directing water to a large pond which would correct the Meadows Condominiums drainage issues. He stated he had warned the developer of a possible requirement for a second access out of the development and indicated Mr. Ord had been contacted.

Mr. Hess emphasized the property would then consist of one lot with one property owner for the garden apartment development with 125 units proposed. He pointed out the one concession with the project was the giving of Depot Street to the City and explained they were looking for some reimbursement agreement similar to what was granted to Clearfield Station developers.

Mr. Hess reported the Council wouldn't see the site plan because it would be approved by the Planning Commission and stated if the project conformed with all requirements for the R-3 zone it would be an entitled project.

DISCUSSION ON THE PROPOSED REZONE FOR PROPERTY LOCATED AT APPROXIMATELY 1365 WEST 25 NORTH FROM RESIDENTIAL (R-1-8) TO AGRICULTURAL (A-1)

Scott Hess, Development Services Manager, shared a visual illustration and oriented the Council on the property location. He stated the property was currently zoned residential, (R-1-8), and indicated Verlan Robinson, property owner, had constructed a large outbuilding which met the current zoning. In 2008, the house was split from the parcel which created a legal non-conforming use with the garage in the R-1-8 zone.

He reported Mr. Robinson had since requested a building permit for another garage of similar size for the purpose of storing farm equipment. He stated the building permit was denied because in a residential zone the house was the primary use with anything else on the property a secondary use to the primary use.

Mr. Hess stated if the property were rezoned to the Agriculture Zone it would then be the primary use of the property which would then allow the building permit to be granted for the secondary use of the structure.

Mr. Hess reported surrounding property owners had spoken against the rezone during the Planning Commission's public hearing. Councilmember Benson reported those residents' concerns were specific to perceived, compromised safety regarding vehicles and streets.

Brian Brower, City Attorney, suggested the Council focus on the highest and best use for the property when considering the rezone request.

Councilmember LeBaron pointed out the property was currently adjacent to other residential properties and expressed concern rezoning to the Agriculture Zone which would then exempt it from dust control which could negatively impact the adjacent residences. He expressed his opinion the highest and best use for the property was residential. Councilmember Bush commented the property had the potential to be subdivided into two or three residential lots.

Mayor Shepherd asked about the reasoning in separating the home from the original parcel. Mr. Hess believed it was because the owner moved to another residence. Councilmember Bush believed Mr. Robinson desired to retain the property for equipment storage so he subdivided the property. He mentioned Mr. Hess mentioned Mr. Robinson did split the home from the property legally and informed the Council that the present proposal was a split vote by the Planning Commission and the Chair broke the tie in favor of the rezone. He added there was a lot of discussion on the item.

Councilmember LeBaron believed the property should remain residential to allow the possibility of a future home to be built on the property and expressed agreement with Councilmember Bush's comments about future residential development on the parcel. Mayor Shepherd pointed out the adjacent property to the west was zone to the Agriculture Zone because it was the power corridor which mandated that zoning. Councilmember Young believed the rezone would negatively impact the surrounding residential use which could take away from the highest and best use of those properties.

#### DISCUSSION ON THE PROPOSED FINAL SUBDIVISION PLAT FOR PROPERTY LOCATED AT APPROXIMATELY 938 SOUTH 2000 EAST

Scott Hess, Development Services Manager, reminded the Council where the proposed development was located and the expressed concerns of the Council from previous discussions regarding storm drainage issues. He indicated the subdivision plat had been reworked and directed the Council to Lots 31 and 32 where the detention pond had been designated and explained the drainage would be diverted into a pipe which would flow down the backside of the property and ultimately drain into the City's site. He explained the only difference was instead of the drainage going from the development's system into a metered pipe and then into the street, this would go into a metered pipe which ended up in the City's storm detention basin and from there out. He pointed out the proposal addressed Councilmember LeBaron's previous concerns

because once the drainage exited the development's storm detention basin everything was the same.

He referred to the illustration and explained the grade associated with the site plan. He stated the developer had received his requested rezone and the development agreement was currently with John Hansen for review. He pointed out the location of the two commercial buildings along University Park Boulevard and indicated what the tentative final plat would look like. He indicated the minimum standards couldn't be met in the (R-2) Residential zone so the setbacks were established through the development agreement. He explained the rear setbacks wouldn't meet the standard because of the rear slope. Mr. Hess reviewed the specifics regarding the size of the home, garage; and indicated all structures would be one story.

Councilmember Bush clarified the setbacks could be changed via the development agreement. Mr. Hess responded setbacks were one of the provisions which could be changed through the development agreement and reminded the Council the Kensington Place subdivision was developed similarly.

Councilmember Bush asked if the open space would be maintained by a Homeowners' Association and Mr. Hess responded in the affirmative. He mentioned landscaping would be at a minimum.

Mr. Hess emphasized the developer was preserving the egress at the end of the development and explained the benefit of both the business owner of 888 South 2000 East and the developer working with Great Basin Engineering allowing the easement for the cul-de-sac to be a possible future road and explained how the parking lot could be accessed.

Mr. Hess reported the development agreement was scheduled to come before the Council on Tuesday, April 28, 2015.

**Councilmember Bush moved to adjourn the work session and reconvene in a regular session at 7:00 p.m., seconded by Councilmember LeBaron. All voting AYE.**

Councilmember Jones was not present for the vote.

The City Council work session reconvened at 8:05 p.m.

#### DISCUSSION ON THE PROPOSED AMENDMENT TO THE FINAL SUBDIVISION PLAT FOR CLEARFIELD STATION – PHASE I

Scott Hess, Development Services Manager, shared an illustration reflecting the changes made to the final subdivision plat for Clearfield Station Phase I. He reminded the Council the original plat was approved on Tuesday, July 22, 2014. He explained the significant changes to the road configuration for the development. He explained road "C" was to be the main access road from State Street and stated road "D" and "E" still existed.

He stated the other significant change was the inclusion of two additional residential buildings in Phase I. JJ Allen, Assistant City Manager, clarified this had been discussed during a previous

joint work session with the Planning Commission. Mr. Hess pointed out road 5 would directly connect to road E and expressed his opinion it was a much better road configuration for Phase IB.

Mr. Hess explained the preliminary plat was similar to what the Council had already seen with the exception of the final subdivision plat changes. He explained the Council wasn't required to reapprove the preliminary plat; however, preliminary plats had a twelve month approval timeframe which was drawing to a close. He continued the final plat included all easements and the road change to necessitate the additional two buildings. He reported it was approved by the Planning Commission based on the former approval and former conditions.

Scott Hodge, Public Works Director, reported concerns had been expressed on behalf of the City Engineer regarding the entire site as a whole and emphasized Phase I was self-supporting. Mr. Hess explained the City Engineer suggested the City consider the entire site as a whole during the approval process as opposed to phasing because it was 72 acres in size. He continued if each phase was approved as a stand-alone the City could be at risk as to whether the project was completed in its entirety. Councilmember Bush clarified the development would be using the existing entrance off of State Street. Mr. Hess confirmed that and stated that would remain the entrance until a traffic study warranted a new entrance and mentioned the exit road to the south wasn't included in the design of Phase I because the existing road network could handle the additional traffic associated with the proposed 212 new apartments.

Councilmember LeBaron disagreed with the initial traffic study which identified 1000 East could accommodate additional traffic. Councilmember Benson and Mayor Shepherd expressed agreement. Mr. Hess suggested the City could push for additional proposed roads in Phase II and a discussion took place.

Adam Lenhard, City Manager, arrived at 8:15 p.m.

#### DISCUSSION ON AMENDMENTS TO THE CLEARFIELD STATION MASTER DEVELOPMENT PLAN (MDP)

Scott Hess, Development Services Manager, reported the Master Development Plan (MDP) phasing change added two buildings which increased the residential units from 168 units to 212 total units. He mentioned the Master Development Agreement (MDA) would also need to reflect that same change.

Mr. Hess stated there was an error regarding the exterior building materials for the residential units in only limiting efface stucco and reported it was now corrected to reflect: efface stucco and any similar material would be limited to thirty percent total of the building exterior. JJ Allen, Assistant City Manager, pointed out some of the identified exterior materials had been changed and reported hardy board was now included.

DISCUSSION ON AMENDMENTS TO THE CLEARFIELD STATION MASTER DEVELOPMENT AGREEMENT (MDA)

Scott Hess, Development Services Manager, reported the Master Development Agreement (MDA) similarly had to be changed to reflect the change in residential unit counts in Phase IB, which was amended in the MDP (Master Development Plan). He mentioned this would also amend the TIF (Tax Increment Financing) Agreement.

JJ Allen, Assistant City Manager, pointed out the original agreements had not been fully executed and presented options to the Council for approval. He stated the agreements could be amended as previously approved or just reapproved as new agreements with the identified revisions. He pointed out the agreements identified specifics relative to phasing.

Mayor Shepherd inquired how the project would be affected if funding wasn't approved from Davis County. Mr. Allen responded the City hadn't asked that question of the developer and indicated City staff had received positive response from the developer who was moving forward with the project. Mr. Hess stated the City had received questions from the developer's lender specific to certain approvals and believed the financing process was moving along.

DISCUSSION ON A PROPOSED AMENDMENT TO THE CITY'S GENERAL PLAN LAND USE MAP CHANGING A DESIGNATION FROM COMMERCIAL TO RESIDENTIAL FOR PROPERTY LOCATED AT APPROXIMATELY 880 SOUTH STATE STREET AND PROPOSED REZONE FOR PROPERTY LOCATED AT APPROXIMATELY 880 SOUTH STATE STREET FROM COMMERCIAL (C-2) TO MULTI-FAMILY RESIDENTIAL (R-3)

Scott Hess, Development Services Manager, informed the Council that it was the Planning Commission's recommendation to approve the amendment to the City's General Plan Land Use Map during its meeting on Wednesday, April 1, 2015. He reminded the Council the property was the Davis Behavioral Health property in which the City participated with demolishing outdated residential treatment facilities. He stated the three parcels were combined and recorded as one parcel.

Mr. Hess explained the City expected a commercial use for the property and informed the Council that the first project presented to the City was for residential use. He reported Lotus Development was proposing a high-end, three story walk up, urban style, 40 unit residential development. He mentioned the project would be unlike anything else in the City. He indicated the developer didn't recognize a commercial option at that location because of its proximity to two limited activity centers across State Street. He stated the development would be an addition to the Clearfield Station and Ironwood developments.

JJ Allen, Assistant City Manager, emphasized the project would need both a General Plan Amendment and a Rezone.

Councilmember Young expressed concern the City was approving too many of the proposed types of developments in a short timeframe. Councilmember LeBaron believed the project was an "A" project but expressed concern about how it would contribute to the commercial vitality

along State Street and what the project would resemble in the future. Councilmember Bush stated he was against rezoning commercial property to residential because it limited future commercial growth for adjacent properties and a discussion took place regarding the number of new multi-family residential projects.

Councilmember Young suggested waiting to see how the recently approved multi-family projects affected the commercial viability in the City prior to approving additional multi-family housing. He expressed concern the Council didn't know how the additional multi-family residential would impact the City.

Mr. Hess suggested the City could apply for local planning resource program grants or spend funds to complete a market study comparison for residential verses commercial viability to determine the City's direction related to development.

Mayor Shepherd expressed concern about the City forcing a developer to pursue commercial development which might not be successful. Councilmember Young stated he wanted to determine the impact from the mixed-use residential compared to commercial. Mayor Shepherd asked the Council how it would view the proposed development if it had a commercial component.

Councilmember LeBaron mentioned a lot can be learned from watching what happens with the recently approved project planned to take place across the street from the City building as well as the Clearfield Station project. Mayor Shepherd asked if anyone, the City or developer, given thought to how Clearfield Station could be impacted by the recently approved multi-family housing developments throughout the City. Mr. Hess pointed out all the proposed projects were slightly different products that did not intend to compete with Clearfield Station and pointed out the differences between each and believed they complemented one another. He added the units in the proposed Lotus project could either be purchased or rented and a discussion took place regarding the following:

- Would there be more consideration by the Council if the project would be "owner" occupied?
- Was the City approving too many multi-family projects at once?
- What would the projects look like in 30 years?

JJ Allen, Assistant City Manager, expressed concern the City was trying to force a property owner into choosing between strictly commercial or a combination of commercial and residential but strictly residential was out of the picture. He questioned whether it was viable the corridor could sustain that development. Councilmember LeBaron emphasized the Council recently approved 1000 residential units and suggested the Council would want to see how those developments would impact a possible future commercial component which could be applied to other areas.

Councilmember Young commented the City might regret not approving the project; however, the risk was currently just too high. Councilmember LeBaron believed if it were successful, downtown developers would still be interested in other locations.

Mr. Allen pointed out Davis Behavioral Health wanted to retain ownership of the property so it would have a revenue stream from the development. He reported the two items had proceeded through the Planning Commission process and would be on the Council's agenda for action during its meeting on Tuesday, April 28, 2015.

Mr. Hess requested direction on how staff should respond to other applicants with similar projects. Councilmember LeBaron responded he wanted to hold off on approving additional, similar projects regardless of where they were located in the City. He believed the City would learn a lot from the approved project across the street. Mr. Allen clarified the Council wasn't willing to entertain additional residential without a commercial component. Councilmember LeBaron stated the developer would need to be prepared to bring an "A" product with a commercial component and a discussion took place.

The meeting adjourned at 8:50 p.m.

**APPROVED AND ADOPTED**  
**This 23<sup>rd</sup> day of June, 2015**

**/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, April 14, 2015.

/s/Nancy R. Dean, City Recorder