

**CLEARFIELD PLANNING COMMISSION MEETING**

**November 15, 2006**

7:00 P.M. - Regular Session

PRESIDING:	Mark Shepherd	Vice-Chairman
PRESENT:	Cornell Griffeth	Commissioner
	Robert Osborne	Commissioner
	Kenneth Jeppesen	Alternate Commissioner
	Darren Carpenter	Alternate Commissioner
	Bill Moore	Alternate Commissioner
	Doyle Sprague	Council Liaison
EXCUSED:	Victor Olson	Chairman
	Matt Hartvigsen	Commissioner
	Mark Bottema	Commissioner
	Larry Waggoner	City Attorney
	Kay Chandler	Economic Development Director
STAFF PRESENT:	Scott Hodge	Director Public Works
	Kent Bush	Planning/Zoning Administrator
	Christine Horrocks	Building Permits Specialist
	Gregg Benson	Planning/Zoning GIS Specialist
VISITORS:	Dana T. Farmer, Scott & Cindy Crawley, Rick Bastian, Bryan Johnson, Denece Johnson, Juliann & Michael Olsen, David & Jari Wood, Denis Thurgood, Brad Lasater, Ann Barrow, Rob Storey, Con Wilcox, Jeri Wilcox, Luke Hemphill, Myndi Hemphill, David Rampton, Lucia Carrillo, Silvia Carrillo, David Murdock, Mike LeBaron, Kathryn Murray, Ryan Rampton, Lesli Bucher	

Pledge of Allegiance was led by Commissioner Shepherd

APPROVAL OF MINUTES FROM OCTOBER 4, 2006 AND NOVEMBER 1, 2006  
PLANNING COMMISSION MEETINGS

**Commissioner Osborne moved to approve the minutes of October 4, 2006 and November 1, 2006 as written. Seconded by Commissioner Moore. All Voting AYE.**

PUBLIC HEARING RE-ZONE PROPERTY AT 1421 SOUTH 1000 WEST FROM A-1 TO C-2

Commissioner Shepherd read the Public Hearing Notice and declared the Public Hearing open at 7:02 P.M.

Mr. Scott Crawley said he is requesting a rezone of the back portion of his property. He said his

attorney will represent him. Dana Farmer, Attorney with Smith Knowles, said his clients are not professional developers and he is here to help with developing the property. He said his presence should not be construed as a contemplation of litigation; he is here merely to assist the landowners on land use issues. He said there are certain limitations on the A-1 zone and the by changing the zoning to C-2 would allow Mr. Crawley some use for the property that would be conditional under the C-2 zone but is not allowed under the A-1 zone. Mr. Farmer stated that the current master plan calls for this area to be zoned commercial. There have been some concerns raised as to how it will affect surrounding parcels. Mr. Farmer said the west side of 1000 West in Syracuse has been zoned commercial. To the north of this property is Utility Trailer which is a manufacturing zone. To the east of the property is farm land and then Freeport Center. The City has already approved a C-2 zone on the intersection of 1700 South and 1000 West with the apparent contemplation that that zone will work its way north. Mr. Farmer said there have been questions about property value and concerns that the residents would be taxed out of their homes. Mr. Crawley wrote a letter to the Davis County Assessor asking how that would impact the surrounding home owners. The County Assessor responded by letter and Mr. Farmer read a portion of that letter which said there is a residential exemption, If a property is zoned commercial, but is used for a primary residence it still receives the residential exemption. The land values could increase as a result of a change in the commercial zoning, so the underlying property values could go up. But the improvements or the home value will be decreased to match a residential value. Land values may go up on a conversion to a commercial zone; the value of the home is going to be decreased so that the properties maintain a residential value. There will be a positive impact on the value of the property without an accompanying negative impact with increasing the tax valuations on those properties so long as they remain residential. If the owners shift those to a commercial use, obviously commercial tax valuations will apply. His client is asking for an advance for a zone that is already in place down on the corner south of him. We ask to have the City approve his application to a C-2 zone.

Commissioner Osborne asked how the subject property is being used now. Mr. Crawley said he is currently living in the apartment at 1421 South. They will be moving into the home at 1431 South November 16<sup>th</sup>. Then the building on the subject property will be a hobby shop.

Commissioner Carpenter commented that Mr. Farmer had referred to the zone of this parcel as C-2. He clarified that it is only master planned for C-2, it is currently zoned A-1.

**FOR:**

**David Rampton** was present to give a character reference for Scott Crawley. Mr. Rampton has known him for seven years. He is an honest man, skilled body and fender man, good neighbor and friend and he keeps his house in good condition.

**Ryan Rampton** has been a neighbor of Scott Crawley for a lot of years. He has done a superb job on his vehicles. He is someone who is good to have in your corner and a good neighbor.

**AGAINST:**

**Bryan Johnson** said he owns the property directly to the north of the proposed change. He said

he is grateful to be able to speak and thankful for the opportunity to meet peaceably and go home at night and not worry about violence. It is wonderful we live in America. Mr. Johnson said he represents a group of neighbors. The neighbors in the four homes on both sides of the subject property are still adamantly against the rezone. He read a portion of the purpose contained in the General Provisions of the Zoning Ordinance stating, "This Title is designed and enacted for the purpose of promoting the health, safety, morals, convenience and general welfare of the present and future inhabitants." He then read from the General Plan the first two goals under Residential Land Uses. 1. Maintain and enhance the pleasing appearance and environmental quality of existing residential neighborhoods. 2. Avoid encroachment of land uses which would adversely impact residential areas, that is, increased traffic, noise, visual disharmony..." He referenced a recent rezone of several properties, where the adjacent property owners came together for the rezone, which benefited the citizens as well as the City. As neighbors they recognize that sometime in the future this area will be commercial, and at that time they plan to come together. Until that time, they don't want this done piecemeal. He commented about the character references given for Mr. Crawley. We are not here to question his character; this is a zoning issue, I know he is a good man. He said there were a couple of corrections. Their property is not already zoned C-2, it is the master plan. Also the property across street in Syracuse is master planned for commercial; however, it is still residential. The neighbors hope to resolve this issue and not have the battle continue.

**Commissioner Osborne moved to close the Public Hearing at 7:17 P.M. Seconded by Commissioner Carpenter. All Voting AYE.**

Commissioner Carpenter said it does show that the master plan shows this property will potentially be commercial; he feels making this designation will not be in keeping with what we do in this. Commissioner Shepherd said his concern with a spot zoning situation where it is surrounded with residential. Commissioner Osborne agreed with spot zoning issue.

**Commissioner Osborne moved to send this request for rezone of property at 1421 South 1000 West from A-1 to C-2 to the City Council with recommendation of denial from the Planning Commission for reasons of spot zoning issue as stated before as well as some of the issues within the general plan that discuss what residential areas should look like as well as what a commercial area should look like and this does not fit into that particular area. Seconded by Commissioner Carpenter. All Voting AYE.**

#### PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE GENERAL PLAN

Commissioner Shepherd read the Public Hearing Notice and declared the Public Hearing Open at 7:20 P.M.

Kent Bush said at the last meeting there was discussion of some areas of the City to consider for some different types of possible use. On the west end of the City at 1000 West and 700 South, there was talk about the corners being master planned for commercial use. The next area Mr.

Bush referred to was purchased by Ivory for residential subdivision, it was shown as C-R, now it will be residential, it can be changed to residential. There are two areas on 2000 East at approximately 700 South to the east end to the city on either side of the Northrop Grumman building to be master planned for Commercial or Residential.

**Brad Lasater**, an agent for Commerce Real Estate, said they represent the owner of the property directly south of Northrop Grumman. He is here to support the change to commercial or residential.

**Denis Thurgood** said they are aware that if the General Plan is amended to change to the property to commercial or residential, does not imply that they will receive approval for the residential project they presented at the last meeting. However, they do support the change to the General Plan as it gives an option to do things other than commercial. They will pursue what was presented in order to meet their needs and the needs of the City.

**Dave Murdock**, owner of property south of Northrop Grumman, said he is very much in favor of the amendment to the General Plan change to commercial or residential for his property. He plans to continue to develop the northeastern portion of the property into commercial offices. On the hill the slope is not conducive to commercial use. As a result he feels it would be favorable to have an option to be able to incorporate some residential to be on the area where there is the steep slope and we don't have level ground.

Commissioner Carpenter asked how much the property sloped. Mr. Thurgood said on the drawing that each line represented two feet of slope. It is about a total of 35 feet from 2000 East for 250' or a 10% slope.

**Lesli Bucher**, with Rocky Mountain Developers, said there was some comment that their project would not be compatible with the Midtown Project. Commissioner Shepherd said it was more with the entire area to be commercial. Ms. Bucher asked what group would be targeted in the Midtown condos and what would be the price range. Commissioner Osborne said their website answers those questions. He continued that he gathered they are looking for professional type people. Commissioner Shepherd said development will be similar to their project in Orem; but he didn't know if target market will change in Clearfield.

Commissioner Osborne feels the Planning Commission should recommend approval to City Council to change the entire area to C-R. Kent Bush said at this time there are no formal applications. Commissioner Shepherd said we are just looking at the General Plan and what may be in the future.

**Commissioner Osborne moved to close the Public Hearing at 7:31 P.M. Seconded by Commissioner Jeppesen. All Voting AYE.**

**Commissioner Osborne moved to send this request to amend the General Plan to the City**

**Council with the following recommendations: on 2000 East take out the Northrop Grumman property but the balance of it change to Commercial - Residential designation, change to Residential the Chelemes Farms subdivision and change the corner of 700 South and 1000 West both sides of 700 South to Commercial. Seconded by Commissioner Jeppesen. All Voting AYE.**

PLANNING COMMISSIONER'S MINUTE

Commissioner Shepherd - Nothing

Commissioner Osborne - Nothing

Commissioner Carpenter – said it was unfortunate the gentleman that requested the rezone for the auto body shop isn't here. He said it sounds like he is a skilled technician and there are places in Clearfield where his skills could be used.

Commissioner Jeppesen - Nothing

Commissioner Moore - Nothing

Councilmember Sprague - Nothing

Staff - Nothing

There being no further business to come before the Planning Commission, **Commissioner Carpenter moved to adjourn at 7:34 P.M. Seconded by Commissioner Jeppesen. All Voting AYE.**

