

CLEARFIELD PLANNING COMMISSION MEETING

September 6, 2006

7:00 P.M. - Regular Session

PRESIDING:	Victor Olson	Chairman
PRESENT:	Mark Shepherd	Commissioner
	Robert Osborne	Commissioner
	Matt Hartvigsen	Commissioner
	Mark Bottema	Commissioner
	Darren Carpenter	Alternate Commissioner
	Bill Moore	Alternate Commissioner
	Doyle Sprague	Council Liaison
EXCUSED:	Cornell Griffeth	Commissioner
	Paul Poorte	Commissioner
UNEXCUSED:	Kenneth Jeppesen	Alternate Commissioner
STAFF PRESENT:	Chris Hillman	City Manager
	Larry Waggoner	City Attorney
	Kay Chandler	Economic Development Director
	Kent Bush	Planning/Zoning Administrator
	Christine Horrocks	Building Permits Specialist
	Gregg Benson	Planning/Zoning GIS Specialist
STAFF EXCUSED:	Scott Hodge	Public Works Director
VISITORS:	Mayor Don Wood, Cary Dunn, Kathryn Murray, Joel Moreno, Rorie Stott, Darlene Kearl, Kristin Zaugg, Corwin Willmore, Ryan Marriott, Tim Gooch, Kevin Ivins, Brad Jameson, Craig Widmier, Trevor Hull	

Pledge of Allegiance was led by Commissioner Olson.

APPROVAL OF MINUTES FROM AUGUST 16, 2006 PLANNING COMMISSION MEETING

Commissioner Carpenter requested his comments on page 4 of the Planning Commissioner Minute be changed. He said he would like his comment to reflect that he has no concerns with the sign at Legend Hills, although he acknowledged others in the area might have concerns about the issue.

Commissioner Osborne moved to approve the August 16, 2006 minutes with the change requested by Commissioner Carpenter. Seconded by Commissioner Shepherd. All Voting AYE.

APPROVAL OF MINUTES FROM JUNE 7, 2006 PLANNING COMMISSION MEETING

Commissioner Shepherd moved to approve the minutes of June 7, 2006 as submitted. Seconded by Commissioner Hartvigsen. All Voting AYE.

AMENDMENT TO WILCOX FARMS LOT 4 AT 866 WEST 1700 SOUTH

Chairman Olson read the Public Hearing Notice and declared the Public Hearing open at 7:02 P.M.

Cary Dunn, representing Novasource Development the property owner, said their intent is to take the excess property to the east of Sonic where the playground is and build a retail building. He said the Public Works Department has expressed desire to purchase the property for storm water retention. Commissioner Shepherd asked the size of the property. Mr. Dunn said it is approximately 250' of frontage and 220' deep; the new parcel would be 80' wide. Chairman Olson asked what type of business would go on the new parcel. Mr. Dunn said any one that would lease it. He said they will put a grease trap to allow for a sandwich shop or that type of business, or it could be an office or small retail shop. Commissioner Carpenter asked if there was enough room for strip mall plus parking. Mr. Dunn said there would be and there is an existing detention area that would be used. He stated they are in the process of designing that space. Chairman Olson asked if they would use some of the existing retention. Mr. Dunn said the existing Sonic has a depressed area on the west side plus some along 1700 South plus a pipe that flows into the retention ponds. They will replace detention with pipe in underground parking. Kent Bush said the area is not totally designed. We will need to wait until the site plan is completed. Commissioner Carpenter was concerned with the advertising aspect of the neighboring businesses. Mr. Dunn said they would do a double loaded parking area so the building would be removed from the street. He said they are well aware of the signage requirements. Commissioner Shepherd was concerned that the area is becoming cluttered. He will wait to see the design because there seem to be too many buildings in that area.

FOR:

None

AGAINST:

None

Commissioner Shepherd moved to close the public hearing at 7:08 P.M. Seconded by Commissioner Osborne. All Voting AYE.

Commissioner Hartvigsen moved to approve this request to Amend Wilcox Farms Lot 4 at 866 West 1700 South and create two lots. Seconded by Commissioner Shepherd. All Voting AYE.

REQUEST TO SUBDIVIDE PROPERTY AT APPROXIMATELY 900 SOUTH 1000 WEST

Chairman Olson read the Public Hearing Notice and declared the Public Hearing open at 7:10 P.M.

Craig Widmier, U. S. Development, posted a rendering of the area. Mr. Widmier said they are requesting to subdivide this property under the R-1 Open zone. The parcel is 20.2 acres with 10% open space. They are looking to provide 10.5% open space. For the open space they will use the power easement to create a small pocket park and an entry monument into the subdivision. At the other end is another pocket park that will also serve as the detention area. They are looking at 3.74 lots per acre with a total of 75 lots. Mr. Widmier said they have been working with City Staff in resolving concerns to enhance 1000 West for pedestrian safety and provide some green space along the road. They plan to inset the fence 5' inside the property line which will allow for a nice park strip landscaping. There will be more of a cushion between foot traffic and vehicle traffic. Mr. Widmier said they are also dealing with the power lines and maintaining the distance required from the power lines. Chairman Olson asked if the space under the power lines was included in their open space. Mr. Widmier said it was not.

Chairman Olson said with the traffic on 1000 West, he feels that 1150 West will become a major thoroughfare into that subdivision. Mr. Widmier said because of the traffic in the area they worked to provide three access points into this development. Chairman Olson asked if there has been an assessment of the traffic done. Mr. Widmier said they will make sure the roads are wide enough and there are proper lanes for access into the development. Chairman Olson asked what the lot size would be. Mr. Widmier said the average lot size will be 7,500 – 8,000 sq ft. There will be some as large as 11,000 sq. ft. and the smallest lot is about 6,500 sq. ft. Commissioner Shepherd said some of the lots are small and questioned if they could fit a house on that size lot. Mr. Widmier said they have a home builder that said he would be able to put houses on these lots. Chairman Olson asked how the subdivision will affect the water pressure. Gregg Benson said they will be required to do a fireflow analysis to make sure the minimum requirement for the fire hydrant and the minimum home pressure in Clearfield City is 50 psi. Commissioner Carpenter has questions about the lot sizes.

FOR:

None

AGAINST:

Kathryn Murray asked why they want to have the lots so small; she thought we wanted nicer homes. She asked if we can request the lots to be bigger. Larry Waggoner said if we want larger lots, we need to change the ordinance.

Darlene Kearl said, “Let me preface by saying if a man owns property, he ought to be able to do with it what he wants. And that’s the way I feel when I start.” She asked if the developers owned the property, she was told yes. She asked who would be the builder. She was told there could be multiple builders. Larry Waggoner told her that as a requirement in this zone, the

developer would be required to have the elevations approved. She was concerned with the tail water irrigation ditch. Kent Bush told her the developer will need to pipe any open irrigation pipe on the property he is developing. Ms. Kearn said she wasn't at all pleased with access road into the area of 75 houses. Another concern she had was if there was an emergency, how will the people get out of this area. She said access in the area is inadequate. Chairman Olson said the three accesses are generous; there is adequate access into the new subdivision. Kent Bush said access was limited from 1000 West. Kent explained where the potential accesses could have been and why they put the streets where they did. Ms. Kearn asked if they could get some traffic lights in that area. Chairman Olson said traffic is an issue. Kent Bush explained that there will be a traffic light installed at 200 South and that should help the flow of traffic. He continued the Police Department may do a traffic study to determine the need for a traffic light. Ms. Kearn was also concerned with the number of homes that will be built. Chairman Olson said they are actually putting in fewer homes than they can. Ms. Kearn asked if there had been a study done about the impact on our schools. Commissioner Shepherd said the school district is expecting growth.

Kristin Zaugg said she also is concerned that the lots are too small. She asked if the developer could be required to build larger houses. Larry Waggoner told her at this point he has applied and he would be grandfathered with the current ordinance. Ms. Zaugg asked who the builder would be. She was told a specific builder has not been selected. She was also concerned about traffic issues, stating it is difficult for her to get on 1000 West. She thought Clearfield City was trying to have larger homes, she feels like this is putting in starter homes. Ms. Zaugg asked the developer about the open space. Craig Widmier said they have 10.5% open space. They are counting the enhanced street-scape and they will be purchasing additional property for the pocket parks. The parks will have some amenities and one will also serve as detention area for storm water. Ms. Zaugg asked what kind of containment will there be along the perimeters of the subdivision. She said she has horses and has a barbed wire fence along the north side of her property. She wanted to know where the fence would be placed. Mr. Widmier said there will be a 6' vinyl fence on the property line to the north of her existing fence. Gregg Benson said he is hearing comments about the mistaken assumption that small lots mean starter homes; it is possible to put a nice development on smaller lots. Larry Waggoner said through the Development Agreement, the City can control the type of homes that are built.

Bradley Jameson asked if this is set in stone. He is concerned with the lot sizes, and wondered if they can be changed. Commissioner Shepherd said lot sizes can be changed for future subdivisions, but not for this development. Larry Waggoner said lot size does not determine what is built on it. Mr. Jameson said he is not necessarily against the housing development. His concern has to do with the width of the road. He doesn't see the City planning ahead. He said there needs to be at least a center lane in 1000 West. Commissioner Shepherd said it will boil down to money. It is a cost, is it worth it to you? Mr. Jameson said it seems like it should be better planned before we start to build.

Darlene Kearn asked what the Planning Commission did with the information received tonight. Chairman Olson said they will make a decision. You may not like it, but it will be within the

law. Commissioner Shepherd said even though the Commissioners may not agree with the lot size, because it is within the legal parameters, we don't have a choice other than to say yes. Larry Waggoner said that eventually it will go to the City Council; the Planning Commission is only an advisory board. Commissioner Osborne said that as citizens they have agreed that this can be developed into a residential subdivision.

Ms. Kearl asked if the developer has the right to change and redesign the subdivision. Commissioner Shepherd said he can make changes. He suggested the neighbors talk to the developer. Ms. Kearl asked for a contact name and number. Anyone interested in contacting the developer was told to address phone calls or letters to U.S. Development, Attention: Craig Widmier, 544-3443.

Craig Widmier said they do appreciate the comments; they want to be good neighbors. They knew they could have a larger density. They do what is necessary so they can get a return from land, yet still provide the required open space. They are trying to make an equitable, marketable lot, where you can build a nice home. They are not trying to cram in as many homes as they can. They want to enhance the neighborhood.

Ryan Marriott said he is not against the development. He asked if the City Engineer has looked at water flow to make sure the water will flow into that retention area. Larry Waggoner said this is only preliminary approval, however, before final approval it will be looked at carefully to make sure the water retention and flow is proper. Mr. Marriott said currently the water doesn't always flow that way. He said there is a fairly large ditch behind the homes on 700 South and he wants to make sure that ditch is maintained and it is on record that he has a concern. He doesn't want it to change his property. He doesn't want the run off on this property. Larry Waggoner told Mr. Marriott Utah law states they can't put their runoff on your property.

Commissioner Carpenter said we have a vision in Clearfield and he thinks there are builders that can build on this slab. He suggested to U. S. Development they look at the plot plan for the new phases in Autumn Ridge. The lots in this development are a minimum 10,000 sq. ft. He said he also understands that lot size doesn't determine the quality of the house. But he feels as the lots are larger and you have more space people feel more comfortable. He strongly suggested U. S. Development reconsider the size of the lots and reconsider what you are doing here. He feels we are allowing for less than the vision of what we are looking for in Clearfield City.

Simpson Day commented that 300 North 1000 West was a disgrace. Chairman Olson said that wasn't relevant to the Public Hearing. Mr. Simpson said we need more roads.

Commissioner Shepherd moved to close the Public Hearing at 8:03 P.M. Seconded by Commissioner Carpenter. All Voting AYE.

Commissioner Osborne asked about the State Law that now requires a Public Hearing to grant input before property is subdivided. Kent Bush told him the law was put in place in 2005. He explained that usually the Public Hearing is done with the re-zone, so two different Public

Hearings are not required. This property was re-zoned in 2000 and that requirement was not in place at that time, so we are now meeting the State requirement of having a Public Hearing to gather input for subdividing this property. The purpose of the Public Hearing is for concerns for whatever piece of property we are talking about.

Commissioner Hartvigsen moved to approve this request to subdivide property at approximately 900 South 1000 West. Seconded by Commissioner Shepherd. Voting AYE: Commissioners Shepherd, Hartvigsen, Bottema, Osborne, and Moore. Voting NAY: Commissioner Carpenter.

PRELIMINARY APPROVAL FOR WILLARD ACRES AT APPROXIMATELY 900 SOUTH 1000 WEST

Commissioner Carpenter asked if homes would be built under the power lines. He was told that there will not be any homes built under the large power lines.

Commissioner Shepherd moved to approve this request for Preliminary Subdivision Approval for Willard Acres at approximately 900 South 1000 West. Seconded by Commissioner Bottema. Voting AYE: Commissioners Moore, Bottema, Shepherd, and Chairman Olson. Voting NAY: Commissioner Hartvigsen, Osborne, and Carpenter.

Kent Bush said it is a good thing this was approved because it meets the ordinance. If you disapprove something that meets the ordinance you open yourself up to a lawsuit. Larry Waggoner said it is personal liability, you won't be covered. Kent Bush said there is no reason to not approve this. Commissioner Carpenter asked why we go through this motion. Larry Waggoner explained it is for control of what happens. We can control it to a certain extent, but we can't take away his property rights or he can sue us for takings. Kent Bush explained that with a Preliminary Subdivision approval, if you have an issue with the design, a request needs to be made to make changes. He continued, we addressed the street design, and the layout. That particular piece of property can't be developed differently because of the large overhead power lines. The Developer has given us park space, which they didn't count as part of their subdivision; therefore, the density is less than what they are showing. Commissioner Carpenter said he understands the legality is in place. Kent Bush said the decision must be based on legal. Commissioner Carpenter said he thinks it doesn't meet the vision. Commissioner Osborne said maybe now with the Commission split, Mr. Widmier will go back to U. S. Development and discuss making some changes. Kent Bush said if they want to make changes based on what they have heard, they can do that, but they still fall under the ordinance the way they are.

SITE PLAN APPROVAL FOR A RADIO TOWER NORTH OF BUILDING D-11, FREEPORT CENTER

Joel Moreno, McIntosh Communications, said they want to build a radio tower at the north end of

Building D-11 to improve communications for Lifetime Products. Chairman Olson asked if it was strictly for Lifetime's usage and asked how tall it would be. Mr. Moreno told him would be used only by Lifetime and the tower would be 80' tall. Chairman Olson asked if it would interfere with any another communication sites in the area. The other radio and cell towers in Freeport Center will be operating on a different frequency.

Commissioner Osborne moved to approve this request for Site Plan Approval for a radio tower north of Building D-11 in the Freeport Center. Seconded by Commissioner Shepherd. All voting AYE.

SITE PLAN APPROVAL FOR THE COMMUTER RAIL STOP AT 1250 SOUTH STATE STREET

Commissioner Osborne moved to table this item until a UTA representative is present. Seconded by Commissioner Shepherd. All Voting AYE.

FINAL APPROVAL OF PHASE 1 OF PARK VILLAGE AND APPROVAL OF THE DEVELOPMENT AGREEMENT AT 250 NORTH 1000 WEST

Tim Gooch, representing Gardner Development, said they have decided to phase the project because of UDOT issues. This request is for approval of Phase 1. They just want to get started on the project while they are working through the issues with UDOT. Commissioner Carpenter asked about wording in the Development Agreement that said "No more than 25 permits shall be issued until a second access road is provided to the subdivision." It was explained to him they need to meet conditions before additional permits can be issued. They plan to leave lot number 8 for the Club House until last to see if the residents want it. Trevor Hull said the last lot to be built on will be the lot for the clubhouse. Mr. Hull also said UDOT did give approval with a raised median; however, the city requested they hold off and are seeking other options with UDOT. Commissioner Carpenter said he thought along 300 North they would install a stone or cement fence, something nicer than vinyl fence. Is that part of the agreement where we border 1000 West. He said Mr. Gardner mentioned at an earlier meeting they would install an ornamental fence. The development agreement calls for a 6' vinyl fence. Tim Gooch said both entries will be nice. Gregg Benson said he thinks they are referring to the entry sign that will be in accordance with sign ordinance. The fence will be set back to meet City ordinance. The entrance sign will be a monument sign. The privacy fence will be brought up as close as it can to the street.

Commissioner Shepherd moved to send this request for Final Subdivision Approval of Park Village Phase 1 and the Development Agreement to the City Council with recommendation of approval from the Planning Commission. Seconded by Commissioner Hartvigsen. All Voting AYE.

APPROVAL OF A REVISION TO PACIFIC PARK AMENDED AT 275 NORTH PACIFIC

Rorie Stott, representing Dwayne Matheson, told the Commissioner the amendments are minor. He stated along the south side of property is a small portion of property about 20' wide that extends away from the property. Mr. Matheson has purchased the property to the south and wants to incorporate this piece of land into that development. This will square up the property on the south side. The lots still meet the requirements. Commissioner Hartvigsen asked if the easement will be recorded. Larry Waggoner said it will be in hand before they are allowed to proceed.

Chairman Olson asked why it wasn't recorded. Kent Bush said it doesn't have to be recorded; he may not have recorded it so he wouldn't have to pay taxes on developed property. Commissioner Osborne asked if they are sold. Mr. Stott said there is a buyer for all the property and when the buyer knows that Clearfield City has approved this and it can be recorded, the deal is done.

Commissioner Osborne moved to approve this request for Revision to Pacific Park Amended at 275 North Pacific. Seconded by Commissioner Shepherd. Voting AYE: Commissioners Osborne, Hartvigsen, Shepherd, Moore and Bottema. Voting NAY: None. Commissioner Carpenter abstained from the vote.

DISCUSSION ITEMS:FAMILY DEFINITION

Kent Bush said a committee has been working on some housing concerns. One was the definition of family. Larry Waggoner explained that the definition of family will be moved into the general definitions section, so wherever the City Ordinance has the word "family", that would be the definition. It will be taken out of the zoning ordinance.

Commissioner Shepherd said it would good for the Commissioners to know what changes were made. Larry Waggoner handed out a copy of the new wording. Chris Hillman said a committee has been established to review City Zoning Ordinances in an effort to clean up the City. The Mayor and Councilmember LeBaron wanted to bring one component forward and move on it more quickly than the rest of the changes and that is the definition of the family. That is what is before you. This will more narrowly define the definition of the family to help control some of the rental units. This wording is similar to Provo City's ordinance. The purpose of this change is to more narrowly define "family". At the beginning of October this committee will present to a joint session of the Planning Commission and the City Council their other recommended changes.

PF ZONE

Kent Bush said there had been some discussion about creating a Public Facilities (PF) Zone. Mr. Bush said he reviewed other ordinances and looked at lot sizes, yard requirements, etc. trying to get something that would fit in this zone. They do not want to totally eliminate the uses out of

the other zones; therefore, some uses will be listed in other zones. Commissioner Carpenter asked about transit stations being under conditional uses. Kent Bush told him that if the PF zone was in place and on the UTA property when they came in for Site Plan Approval, conditions could be placed on the approval of the development. It will give the City more control. Commissioner Shepherd feels that this zone is being created for only one purpose. Chairman Olson said the question is, "Will the ordinance meet the needs today?" Commissioner Hartvigsen said to be effective the PF Zone must be included on the General Plan. He said he is not opposed to the PF zone, but he will be opposed to certain areas being designated as a PF Zone on the General Plan.

Commissioner Carpenter asked Mayor Wood if there was a time line on this project. Mayor Wood said there are still negotiations ongoing this is just one component that will provide some assurance that they will be able to proceed. There are many other hurdles to cross before they can proceed. They need some assurance that if they were to continue to negotiate, there wouldn't be barriers. Mayor Wood said City Staff felt the only way to give that assurance would be through a zoning change. Mayor Wood there are a lot of things that need to happen. Currently you are working on a zone, there may come some time when you will need to deal with a certain piece of property. But tonight this is just a zone.

Commissioner Carpenter was concerned with no minimum on the lot size. Kent Bush explained that we currently have some of these uses existing on very small lots and to put a minimum size would make them nonconforming.

Gregg Benson said this zone is another tool for planners to use. The PF Zone is a tool to help the City develop in the direction they want to go. Kent Bush said he has looked at old zones and wording. He told the Commissioners they need to review the ordinance and have any changes to the next meeting. Larry Waggoner reminded them it is not the finished product. Please make any comments, corrections, changes, and we will incorporate any changes into the document.

PLANNING COMMISSIONER'S MINUTE

Chairman Olson – Nothing

Commissioner Shepherd - Nothing

Commissioner Osborne – Nothing

Commissioner Hartvigsen – said Kent Bush and staff are doing a good job negotiating with the developers, referring to Willard Acres. He said he voted "Nay" because he felt the neighbors brought up some legitimate concerns and there was possibly some negotiating that could be done. Larry Waggoner said it has the same effect to vote yes, however, state your concerns with the project. Kent Bush said a lot of those issues had nothing to do with that subdivision. Chairman

Olson said we are addressing houses but we aren't addressing infrastructure. Commissioner Shepherd said we need to send the message to the City Council of the infrastructure concerns. Kent Bush said it isn't up to this developer to widen 700 South. U. S. Development is willing to put in curb, gutter and sidewalk in front of the existing houses to the end of his subdivision. Chairman Olson said that won't save lives. Mr. Bush said it will widen the street and improve the corner. The developer can't solve the City's problem with this development.

Commissioner Bottema - Nothing

Commissioner Carpenter – asked if we could discuss roads. Larry Waggoner said there is a 5 year Capital Improvement Plan. Mayor Wood said this year the City had to forgo projects this year because the costs have gone so high. Commissioner Carpenter said we need to make sure as a City we are aware of the issues and we know what we want to do when the money comes around. Larry Waggoner said there is a road plan. He feels we have so few acres remaining, we need to do the right thing with those acres.

Commissioner Moore - Nothing

Councilmember Sprague – said if somebody smarter than him could come up with a lot size, he would push it through the Council.

Staff – Kent Bush said the work meeting with City Council will be held on October 3rd at 6:00 P.M.

We will hold a workshop at 6:00 P.M. prior to the next meeting to finalize the PF Zone and look at the R-1 Open Zone.

Mr. Bush told the Commissioners that planned to attend the Utah league meetings to meet after if they want to carpool to the meeting.

There being no further business to come before the Planning Commission, **Commissioner Shepherd moved to adjourn at 9:11 P.M. Seconded by Commissioner Carpenter. All Voting AYE.**