

CLEARFIELD PLANNING COMMISSION MEETING

July 18, 2007

7:00 P.M. - Regular Session

PRESIDING:	Mark Shepherd	Vice-Chairman
PRESENT:	Cornell Griffeth	Commissioner
	Darren Carpenter	Commissioner
	Bill Moore	Commissioner
	Josh Taylor	Commissioner
	Tyler Gibson	Alternate Commissioner
	Phillip Hoggan	Alternate Commissioner
	Doyle Sprague	Council Liaison
EXCUSED:	Victor Olson	Chairman
	Matt Hartvigsen	Commissioner
UNEXCUSED:	Kenneth Jeppesen	Alternate Commissioner
STAFF PRESENT:	Scott Hodge	Director Public Works
	Kent Bush	Planning/Zoning Administrator
	Christine Horrocks	Building Permits Specialist
	Gregg Benson	Planning/Zoning GIS Specialist
VISITORS:	James Evans, Carole Evans, Jean Anderson, Ralph Barneck, Orty Zwemke, Madeline Stephenson, George T. Sale, Ray Baker, Jerry Hamblin, Marilyn Hamblin, Jim Poyser, Wendell Zaugg, David Haffner, Shirley Lewis, Jeff Lewis, Grant Parry, Mike LeBaron, Jean Varner, Lucille Howard, Steve Carroll, Debbie Carroll, Victoria Barrett, Brandon Barrett, Glen Mills, Shellie Ferry, Michael Boss, Mike Mitchell, Bill Elliott, Ludean Elliott, Bryant Cox, Debbi Kearn, Rick Kearn, Don Wood, Vernon D. Christianson, Dirk Bishop, James Jackson, Vern Phipps, Kathryn Murray, Rick Bastian, Corliss Cunningham	

Pledge of Allegiance was led by Commissioner Shepherd.

APPROVAL OF MINUTES FROM JUNE 20, 2007 PLANNING COMMISSION MEETING

Commissioner Gibson moved to approve the minutes of June 20, 2007 as written. Seconded by Commissioner Moore. All Voting AYE. Commissioner Hoggan was not present for the vote.

PUBLIC HEARING TO CONSIDER SUBDIVISION OF PROPERTY AT 1900 EAST 700 SOUTH

Commissioner Shepherd read the Public Hearing notice and declared the Public Hearing open at 7:01 P.M.

Rick Bastian with Midtown Development said they want to build a mixed use project with approximately 1.2 million square feet mixed with retail, office, and residential condominiums.

FOR:
None

AGAINST:
None

Commissioner Carpenter moved to close the Public Hearing at 7:02 P.M. Seconded by Commissioner Griffeth. All Voting AYE. Commissioner Hoggan was not present for the vote.

Commissioner Carpenter moved to approve this request to subdivide property at 1900 East 700 South. Seconded by Commissioner Gibson. All Voting AYE. Commissioner Hoggan was not present for the vote.

FINAL SUBDIVISION APPROVAL FOR MIDTOWN VILLAGE AT 1900 EAST 700 SOUTH

Commissioner Griffeth moved to send this request for final subdivision approval of Midtown Village Subdivision at 1900 East 700 South to the City Council with recommendation of approval from the Planning Commission. Seconded by Commissioner Moore. All Voting AYE. Commissioner Hoggan was not present for the vote.

PUBLIC HEARING TO AMEND SENIOR LIVING COMMUNITIES SUBDIVISION #1 AT 1425 SOUTH 1500 EAST

Commissioner Shepherd read the Public Hearing Notice and declared the Public Hearing open at 7:05 P.M.

Bryant Cox, representing the owner, said they are doing an addition on the Senior Living Center and they are amending the plat for Chancellor Gardens to make one lot.

FOR:
None

AGAINST:

None

Commissioner Carpenter moved to close the Public Hearing at 7:06 P.M. Seconded by Commissioner Moore. All Voting AYE. Commissioner Hoggan was not present for the vote.

Commissioner Carpenter moved to approve this request to Amend Senior Living Communities Subdivision #1. Seconded by Commissioner Griffeth. All Voting AYE. Commissioner Hoggan was not present for the vote.

FINAL SUBDIVISION APPROVAL FOR SENIOR LIVING COMMUNITIES SUBDIVISION #1 AMENDED AT 1425 SOUTH 1500 EAST

Commissioner Carpenter moved to send this request for Final Subdivision Approval for Senior Living Communities Subdivision #1 Amended to the City Council with recommendation of approval from the Planning Commission. Seconded by Commissioner Moore. All Voting AYE. Commissioner Hoggan was not present for the vote.

PUBLIC HEARING TO CONSIDER REZONING VARIOUS PROPERTIES THROUGHOUT THE CITY.

Commissioner Shepherd read the Public Hearing Notice and declared the Public Hearing Open at 7:09 P.M.

Kent Bush explained to the citizens that there are many properties in the city that were originally built as single family homes in the 40's or 50's and were rezoned possibly in the 60's to an R-2 zone which allows basement apartments or two units on the property. Those dwellings built as single family homes are being rezoned back to the single family use. There may be some dwellings that were built as two units; however, all the permits have not been checked. There are properties in the City that are zoned Commercial that have a dwelling on them and some owners have asked to be rezoned to residential. This will not eliminate the existing basement apartments; it will make them non-conforming or grandfathered. The properties with basement apartments will be reviewed to determine if they were properly permitted and received approval. Kent Bush said he has received many calls and many are in favor of the rezones. The City has concerns with absentee landlords and the zoning changes will help reduce the problem. Commissioner Shepherd said the issue tonight is the rezone. The use of an apartment is not being changed. He said the biggest concern he had heard is the property value.

FOR:
None

AGAINST:

Shellie Ferrie wanted to know about R-1-8 zoning. Kent Bush explained that the 1 is for single family and the 8 on the zoning means the lot is approximately 8,000 square feet. She said they bought their house because it had an apartment in the basement. They rented the apartment for the first two years they lived there. She wants to be able to decide whether she rents out the basement or not. She feels her house is in a lousy location for a single family home because it is surrounded by apartments. She asked with the zoning changes if she would have the right to rent. Commissioner Shepherd said she would be able to rent at this time, but sometime in the future that may change. She asked if it applied only to basement apartments or could she rent the house. Commissioner Shepherd told her she could rent the house because it would be a single family dwelling. Commissioner Carpenter asked if they have anything from the purchase of the home that indicates if it was built as a duplex. Shellie Ferrie said she has a separate power bill but other utilities are still only for single family. Commissioner Shepherd told her that the City would go by the water account to determine if it was a legal duplex. She said currently they do not have two water bills; however, they did in the past.

Grant Parry said on 1000 East between 700 South and 1000 South there is one apartment complex with 20 units sitting on about 1.25 acres. The only other dwellings on the street are three homes. His home sits on .6 acre and that is too much. He has had a developer interested in buying it.

Ray Baker said when he bought the property it was zoned R-3 and wondered why it would change. He feels it will take away money from him and would like to have his property remain R-3. Commissioner Shepherd said the concern of the City is that a developer will buy the three adjacent properties and create an apartment complex. He said about 45% of the property in the City is rental. Commissioner Taylor said that the zoning will not diminish certain aspects of the property. Gregg Benson said that any property less than one acre that would be developed in the R-3 zone would need to be a detached unit.

Victoria Barrett said her home was built with a mother-in-law apartment and she bought it with assurance that she could rent it. She stated her home was built as a duplex, the units are side by side. She said there are not two water bills. She thinks the previous owner built it as a mother-in-law apartment so they would be able to take care of it and she wouldn't have the expenses. Kent Bush said he had talked to her and checked the files and her house was built before records were kept. She was also concerned about property tax increase. Commissioner Shepherd said the taxes will probably go down if the property is zoned R-1. Ms. Barrett asked what would happen after this. Commissioner Shepherd said there is no definite plan at this time.

Jeff Lewis visiting from Arizona was here to represent his mother. He commended the City for trying to improve the value of the property. He said it is great that you want to improve the aesthetics and increase the property value. He asked why the City doesn't enforce the existing ordinances. There are slum lords that don't take care of their property, and there are the property owners that do take care of their rental property. Commissioner Shepherd said there is a problem with the enforcement. Quite often there are rental properties with absentee landlords that don't know what the property looks like and the property is not well kept. Mr. Lewis said his mother's

property is well kept, is owner occupied, with a rental basement apartment. He is afraid that the future plans will affect his mother's property. Commissioner Shepherd said as a Planning Commission they will look out for the best interest of the City and individual property owners. They don't want to take away the rights of the property owners. Commissioner Carpenter said there is additional money budgeted for the code enforcement. He asked Mrs. Lewis how many utilities she paid for. She said she pays for both units.

Wendell Zaugg said some of the problems he sees is we are getting out of control, leaning toward dictatorship and control. He said the zoning has changed two or three times since he has lived on the same piece of property, let's leave it alone. Mr. Zaugg said he was on the Council for three terms and they didn't request the changes they were only made at the request of the citizens not public servants. Mr. Zaugg asked who made the request, because he didn't request his change. He said he has out of town landlords around him and they don't take care of their property. He said we need to leave things alone when they are operating well and enforce what you have.

Michael Boss said his property is zoned R-2 and should be left R-2. It is legal. Everybody keeps squawking about out of town landlords and run down property. It was his opinion that code enforcement needs to be out doing their job, shouldn't have to wait for the citizens to call. He feels Clearfield City is looking at a tax increase somewhere in the very near future. Mr. Voss said there are many illegal basement apartments; they should be made legal. That will give them two water bills and add some revenue to the budget. He feels the southwest corner of 300 East Center should be left R-2.

Jerry Hamblin said he represents property at 360 East and 390 East 700 South. He asked how many times he would have to go through rezone. He said that property is too valuable as R-3 property to be put into A-1. Mr. Hamblin said he asked UTA if they had enough property for the commuter rail. They said they did, but later they sent him a letter stating they wanted some of his property. R-3 property is the greatest value of property in the city. By rezoning from R-3 to A-1 it would greatly reduce the value of the acre. He said Clearfield City also wants to acquire his land. He felt that the rezone of his property was so that Clearfield City could purchase the property at a lesser value. He said it is a conflict of interest to rezone and then purchase. Councilmember Sprague said the City is not trying to buy his property. Mr. Hamblin said he hoped that the City would not try. This property has been in their family for many years and he hopes the City would reconsider and not rezone his property. Commissioner Carpenter said the purpose of the rezone is not to lower property value. He said the City is trying to resolve some problems. They are not trying to hurt anyone.

Commissioner Hoggan arrived at 8:04 P.M.

Dirk Bishop said he came this evening to hear the remarks of other citizens. The major point made this evening is to enforce the current ordinance before rezoning the properties.

Steve Carroll said they currently have three different zones on their property. He was concerned about the storage of the cars. Commissioner Shepherd said they would be grandfathered.

Mike Mitchell asked what the goal of the City was. Commissioner Carpenter said it is not only aesthetics; it is crime, want things that are legal in the City. Mr. Mitchell asked if zoning increased the aesthetics. He feels that zoning isn't going to increase the aesthetics; it is how well the property is taken care of. He said zoning causes rundown properties is like saying that guns cause crime or that this pen will cause misspelled words. He feels that we are trying to fix a symptom. Need to put teeth in the zoning, enforce it; make it hurt. He said make people accountable and performance will increase. Make the landlord responsible for bad tenants. Commissioner Shepherd said changing the zoning at this time will not change anything; it will change things in the future use. Mr. Mitchell feels this change will only hurt his pocket.

James Jackson said he lives in Layton. They bought house on Lakeview Drive in 1994 for their daughter. He said it is a duplex and it should be legal because they pay two water bills. They have had revenue to make the place look better. He doesn't live here but owns property and he doesn't trust what is being said because of past experience with other cities. There are other arguments that haven't been brought up, if you don't have the apartments the City will lose revenue. Mr. Jackson said he hasn't heard any comments in favor of this.

Glen Mills said he understands and supports the R-2 zone changes in the City. He supports the process but only with citizen approval and involvement. If he wants to refinance and his duplex has been down zoned, he won't be able to. He wants his apartments to stay R-2 and not R 1-8. He understands this is Phase 1 of the process and doesn't know where Phases 2 and 3 will take us. Mr. Mills proposes to have citizens involved in the planning process of Phase 2.

Corliss Cunningham told the Planning Commission that they are an independent body from the City Council and you can vote your conscience. You are here to listen and you need to let the City Council know how you feel.

Michael Boss said if they eliminate the basement apartments, all the schools in Clearfield City will take a hit financially because there won't be enough kids to fill the schools and the students will go somewhere else. He said changing zones will not take care of looks or get rid of crime, but it will impact finances not only for the people here, but also the schools in this area.

Commissioner Gibson moved to close the Public Hearing at 8:40 P.M. Seconded by Commissioner Carpenter. All Voting AYE.

Commissioner Shepherd said this is not a blanket approval. Some properties can be removed from the list; however, properties can't be added to the list. Commissioner Carpenter said this is a partial solution; it will probably affect each property owner differently. He feels the Planning Commissioners have a responsibility to work toward a better Clearfield City. He said he would defend those who have gone through the proper channels and have legally made changes to their residences.

Commissioner Taylor said many people don't realize the risk they are putting their tenants at

when they have illegal apartments. The apartments are illegal because of the fire separation issues, sharing a furnace, carbon monoxide, the issues that individual owners may not recognize that death is a very serious possibility. This is why we need to have legal and safe apartments. There are properties in the City that need to be addressed, and if we don't have the legal recourse, which this is one of the avenues that will give us the legal recourse, we don't have anything that we can do to them.

Commissioner Carpenter said he isn't prepared to make a vote with what he has heard. Commissioner Taylor agreed. Commissioner Carpenter asked if there is a way to address the differing views before a decision is made. He said this rezone will help Clearfield City and we will have a better neighborhood. Gregg Benson told the Commissioners they are only making a recommendation to the City Council. They need to deny or approve the rezone during this meeting. The rezone will be on the City Council agenda in two weeks and at that time, the City Council will make the final decision. Commissioner Shepherd said there are 20 property owners that have been here to request their property not be rezoned. He doesn't feel we should step on their property rights. He mentioned that there are parking issues when a home that is built as a single family dwelling and is then used as a duplex or rental of two units. Commissioner Carpenter suggested that the property owners that came before us could be pulled off for the meantime. They can always rezone later. If it is non conforming Councilmember Sprague asked how they could take all these people off the list when they each have different circumstances. Gregg Benson said the rezone will not affect the current use, these properties are grandfathered. It only affects the future use. The second phase will be to determine what is legal and what is not. When considering the rezone the properties on the list are grandfathered. Commissioner Shepherd said the only one he feels should be changed is the Hamblin property on 700 South. Commissioner Gibson said tonight a lot of the concerns this evening were not use, but property value.

Kent Bush said the difference is the properties along 700 South are vacant so that may be something to take into consideration. Mr. Bush said the property value would probably be less because of vacancy. Councilmember Sprague said that the City is trying to get away from having additional duplexes and multi-family housing in the City. Commissioner Griffeth suggested the City Council would make the decision. Commissioner Shepherd said the Planning Commission recommends approval, denial or approval with certain changes. Kent Bush told the Planning Commission they are listening to public clamor and are being arbitrary and capricious.

Commissioner Carpenter moved to send this request to the City Council with recommendation of denial from the Planning Commission. Seconded by Commissioner Moore. Voting AYE: Commissioners Carpenter, Gibson, Griffeth, and Moore. Voting NAY: Commissioners Hoggan and Taylor. Passes by Majority.

DISCUSSION

PARK VILLAGE DEVELOPMENT AGREEMENT

Kent Bush gave the Commissioners a copy of the Park Village plan. He said the concept was

presented as patio type homes geared towards the senior or elderly. Their advertising signs show some of the houses as two stories. Mr. Bush said he met with Gardner Development and they indicated that they want to build two story homes. They also wanted to put a basement in for storage. The Commissioners had plans that were presented by the builders. Commissioner Shepherd said the Planning Commission agreed to smaller lots because they said they could build a 1,500 sq. ft. house on the property. Kent Bush asked the Commissioners if they want to lower total square footage. Commissioner Shepherd doesn't want to give into them. Commissioner Griffeth doesn't care if they lose money; they need to build what was agreed to. The Commissioners agreed to take out two story houses, no basements and they will allow them to decrease the square footage.

WATER TANK

Commissioner Carpenter addressed the Planning Commission about the water tank to be placed in the Autumn Ridge area. It is his opinion due diligence was not done to determine the impact to the residents in the area. He said he has driven from Clearfield City to Sandy looking at water tanks. Property values aren't hurt when the tank is under ground. He gave the Commissioners a copy of some professional opinions. It is their view that before and during construction, property values will be affected negatively. His concern is for the potential impact on the property values.

PLANNING COMMISSIONER'S MINUTE

Commissioner Griffeth - Nothing

Commissioner Shepherd – thanked the public for showing up and giving their opinion and voicing their concerns.

Commissioner Carpenter – said he was disappointed in the way it went. He felt they were forced into the decision.

Commissioner Moore – said there are real issues that need to be discussed with what is best for the City.

Commissioner Gibson – said he would like to see what options there are for change in regard to the water tower issue. Commissioner Shepherd said again the Planning Commission will only have a recommendation to the City Council.

Commissioner Hoggan – apologized for being late. He was encouraged by participation of the citizens.

Commissioner Taylor – Nothing

Councilmember Sprague – said there are tough things going on in the City and a firm believer in

voting.

Staff – Gregg Benson addressed some concerns that were brought up. The City Manager received an email from League of Cities and Towns.

Kent Bush said the agenda for the next meeting will include the public hearing for the rezone for the water tank property.

There being no further business to come before the Planning Commission, **Commissioner Carpenter moved to adjourn at 9:50 P.M.**