

## CLEARFIELD PLANNING COMMISSION MEETING

September 19, 2007

7:00 P.M. - Regular Session

PRESIDING:	Victor Olson	Chairman
PRESENT:	Matt Hartvigsen Darren Carpenter Bill Moore Tyler Gibson Phillip Hoggan	Commissioner Commissioner Commissioner Alternate Commissioner Alternate Commissioner
EXCUSED:	Cornell Griffeth Mark Shepherd Josh Taylor Kenneth Jeppesen Doyle Sprague	Commissioner Commissioner Commissioner Alternate Commissioner Council Liaison
STAFF PRESENT:	Scott Hodge Brian Brower Kent Bush Gregg Benson Nancy Dean	Director Public Works City Attorney Planning/Zoning Administrator Planning/Zoning GIS Specialist City Recorder
EXCUSED:	Christine Horrocks	Building Permits Specialist
VISITORS:	David Preece, Chris Chelemes, Warren Helbach, Keith Sorensen, Jay Thalman, Lee Schaffer, Chris Hughes, Deven Pettit, Kelly Nielsen, Brady Anderson, Dwayne Matheson	

Pledge of Allegiance was led by Chairman Olson

### APPROVAL OF MINUTES FROM THE SEPTEMBER 5, 2007, PLANNING COMMISSION MEETING

Commissioner Carpenter asked that Page 3, the last sentence of the first paragraph be changed to say, "There are more tenants *than* can fit on the pole signs." **Commissioner Hartvigsen moved to approve the minutes from the September 5, 2007 Planning Commission meeting, as amended, seconded by Commissioner Carpenter. All voting AYE.** Commissioners Griffeth, Jeppesen, Shepherd and Taylor were not present for the vote.

### PUBLIC HEARING TO CONSIDER THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR A REHABILITATION FACILITY AT 1795 SOUTH 400 EAST

Chairman Olson declared the public hearing open at 7:05 p.m.

Commissioner Carpenter clarified the facility would not be used for any substance abuse or mental health rehabilitation. Keith Sorenson, architect, stated the facility would not be used for any substance abuse or mental health rehabilitation. He continued the facility was not a lock down facility for such types of treatment but rather for individuals recovering from strokes and surgeries. He explained the facility would be licensed by the State for specific purposes.

Chairman Olson asked about the standard stay for a patient. David Preece, developer, explained a standard stay could be as long as 30 days.

Chairman Olson asked if there were any public comments. There were no public comments.

**Commissioner Hartvigsen moved to close the public hearing at 7:07 p.m., seconded by Commissioner Gibson. All voting AYE.** Commissioners Griffeth, Jeppesen, Shepherd and Taylor were not present for the vote.

APPROVAL OF THE CONDITIONAL USE PERMIT FOR A REHABILITATION FACILITY AT 1795 SOUTH 400 EAST

**Commissioner Carpenter moved to approve the conditional use permit for a rehabilitation facility at 1795 South 400 East, seconded by Commissioner Moore. All voting AYE.** Commissioners Griffeth, Jeppesen, Shepherd and Taylor were not present for the vote.

APPROVAL OF THE SITE PLAN FOR A REHABILITATION FACILITY AT 1795 SOUTH 400 EAST

Commissioner Carpenter asked if the proposed monument sign for the development followed the guidelines of the sign ordinance. Gregg Benson, Planner, responded the sign followed the requirements of the sign ordinance. Chairman Olson asked if the lighting for the facility had been reviewed by the staff. Kent Bush, Planning and Zoning Administrator, explained the lighting would be around the perimeter of the site facing the building. Commissioner Hartvigsen asked if the plans included any storm water retention. Mr. Benson responded that the storm water retention would be on the south side of the site.

**Commissioner Carpenter moved to approve the site plan for a rehabilitation facility at 1795 South 400 East, seconded by Commissioner Hartvigsen. All voting AYE.** Commissioners Griffeth, Jeppesen, Shepherd and Taylor were not present for the vote.

PUBLIC HEARING TO CONSIDER THE ISSUANCE OF A CONDITIONAL USE PERMIT TO ALLOW FLAG LOTS IN PHASE TWO OF PACIFIC PARK AT APPROXIMATELY 150 NORTH PACIFIC

Chairman Olson declared the public hearing open at 7:10 p.m.

Chairman Olson expressed his concern that the area proposed for two flag lots was too small for two houses. Jay Thalman, developer, explained the proposed plan for the lots did conform to current City ordinance. Commissioner Carpenter asked the developer to explain his intention for the area. Mr. Thalman explained the original plan for the subdivision included a retention pond that would be on the west lot which was moved to the front of the development creating a need for the flag lots. Commissioner Carpenter asked if the retention pond was being developed as part of phase one or phase two. Mr. Thalman stated that with the relocation of the retention pond its development would now occur in phase two of the development. Commissioner Carpenter confirmed there would be no retention pond developed in phase one. Mr. Thalman responded there would be no retention pond developed in phase one. He added the original location for the retention pond would now be developed as a basketball court for the subdivision. Commissioner Carpenter clarified there would still be some open space in phase one. Kent Bush, Planning and Zoning Administrator, stated there would be some open space in phase one.

Mr. Bush expressed concern with the design of the driveway for Lot 205. He suggested the driveway line be curved a little more as opposed to the angular design or provide a space in front of the house that allowed the homeowner to back a car into and then turn around to come out the driveway frontward. Mr. Thalman stated the intent was that the homeowner would back a car from the garage into the provided space. He offered straightening the line. Mr. Bush indicated a portion of the subdivision's open space was in front of the two proposed flag lots. He suggested placing a fence that would separate the two front yards from the open space so that the public would know which property was available for public use. He stated the fence would not need to be screened.

Chairman Olson asked what type of landscaping was proposed for the open space. Mr. Thalman responded the open space was currently designed with only grass but offered to add some trees to the space as well. Chairman Olson asked if the Homeowners Association (HOA) would be responsible for the upkeep of the open space. Mr. Thalman stated the HOA would be responsible for the care of the open space. Mr. Bush suggested shrubs might provide an adequate barrier. Mr. Thalman agreed that shrubs would have greater aesthetic appeal and create a barrier from the homes across the street from the open space. Mr. Bush suggested a curb be placed along the driveways from Lot 205 through Lot 207 for a water barrier. Chairman Olson expressed concern that the landscaping looked good when initially planted but often looked more like weeds within five years if the HOA did not care for the property. Commissioner Hartvigsen asked if the development agreement addressed the maintenance of the open space. Mr. Bush suggested looking at the specifics of the development agreement during final plat approval for any needed amendments.

Commissioner Carpenter confirmed that the open space in phase one would be reduced and a basketball court added. Mr. Thalman indicated the developers did not just want to leave the small open space in phase one as grass so the basketball court was added to the end of the cul-de-sac as an amenity. Commissioner Carpenter asked if there would be grass on any side of the basketball court that would be a homeowner's responsibility. Mr. Thalman stated if a homeowner chose to

place grass in that area it would be the homeowner's responsibility to maintain it. Mr. Bush stated the City would need to amend phase one during final approval to show the flag lots and address the responsibility for the open space leading to the basketball court.

Commissioner Carpenter asked if there would be underground retention along Pacific Street. Mr. Thalman responded there would be underground retention in addition to the open space. Commissioner Carpenter asked if all other lots conformed to City ordinances. Mr. Bush stated that all other lots did not conform. He reiterated the City's only real concern was the access to the lots. Mr. Thalman offered to straighten the line to improve the access.

#### PUBLIC COMMENT:

Warren Helbach, Clearfield, stated he lived south of the landscaped area with the drainage. He continued he did not have strong objections to the subdivision but asked for clarification on several issues. He added several other property owners on his street were currently deployed and unable to attend the meeting. He indicated he had measured some of the dimensions noted on the plat and found them to be inaccurate. He also commented he reviewed the application and asked for clarification on the dimensions of the landscaping in the open area because it had always been intended to act as a buffer to the homes in his area. He expressed concern that some large trees on Lot 54 went through the fence line and wanted some assurance that any damage to the fence created by the removal of those trees would be repaired. He also stated there had previously been some flooding issues with the property and expressed concern that the flooding issue needed to be addressed. He asked the Planning Commission to delay approval until all issues had been addressed by the developer.

Chairman Olson asked the staff about the discrepancy in the dimensions. Mr. Thalman responded that a certified engineer surveyed the property and was required to represent exact measurements. Mr. Helbach commented his measurements were done near the temporary fence line. Mr. Thalman replied a certified engineer had surveyed the property and the measurements were based on that survey. He stated if the engineer's measurements were off it would be the responsibility of the engineer. He expressed confidence in the exactness of the information supplied by the engineer. Gregg Benson, Planner, explained the City Engineer would review the dimensions for accuracy. Mr. Bush added the accuracy of the numbers could be addressed during approval of the final plat. Chairman Olson commented a twenty foot discrepancy was significant and asked the staff to have the numbers verified.

Chairman Olson asked the developer how he would mitigate the issues regarding the removal of the old trees. Mr. Thalman assured the Commission that the developer would take responsibility for fixing the fence if the removal of the trees caused the removal of any part of it. Chairman Olson asked if there were any issues with the water table in the development. Mr. Thalman stated the engineers had checked the water table issues. Dwayne Matheson, developer, commented the water table was fourteen feet. Mr. Bush stated the water table would be checked before final plat approval. Mr. Matheson explained the flooding issue observed by Mr. Helbach had occurred when a fire hydrant with a cracked pipe had blown some years earlier. He added the problem was

fixed and there had been no other water problems in the area since that time.

Commissioner Carpenter asked if the drain to the retention area was on the east side so storm water would drain to the front of the area. Mr. Benson commented the intent was to make sure any overflow was diverted away from the houses. Commissioner Carpenter asked about the buffer zone issues for the area. Mr. Helbach commented the zoning for the property had previously been the buffer zone. He added the property was never properly taken care of when it was a buffer zone. Mr. Bush commented the property was zoned as a buffer zone before it was rezoned to R-1-Open in order to facilitate the development.

**Commissioner Hartvigsen moved to close the public hearing at 7:40 p.m., seconded by Commissioner Carpenter. All voting AYE.** Commissioners Griffeth, Jeppesen, Shepherd and Taylor were not present for the vote.

APPROVAL OF THE CONDITIONAL USE PERMIT FOR TWO FLAG LOTS IN PHASE TWO OF THE PACIFIC PARK SUBDIVISION LOCATED AT 150 NORTH PACIFIC

Commissioner Carpenter asked if the Fire District had any issues with access to the subdivision. Kent Bush, Planning and Zoning Administrator, responded the Fire District had no concerns with the flag lots' access.

**Commissioner Carpenter moved to approve the conditional use permit for two flag lots in Phase Two of the Pacific Park Subdivision located at 150 North Pacific, seconded by Commissioner Hartvigsen. All voting AYE.** Commissioners Griffeth, Jeppesen, Shepherd and Taylor were not present for the vote. Mr. Bush asked if there were any conditions included in the approval of the permit. Commissioner Carpenter commented he would address conditions during preliminary approval of the subdivision. Mr. Bush added conditions needed to be addressed during the issuance of the conditional use permit. There was a discussion about whether to apply conditions. Chairman Olson commented that the City Attorney advised that there could be no further discussion on the conditions. Brian Brower, City Attorney, explained that once the commissioners had cast their vote on the motion there could be no further discussion on the placing of conditions on the item.

APPROVAL OF THE PRELIMINARY PLAT FOR PACIFIC PARK PHASE TWO AT 150 NORTH PACIFIC

Mr. Bush stated the City wanted to see some sort of berm on the buffer area on Pacific Street to provide a sight and noise buffer from trains. Mr. Thalman agreed a berm would be very nice in that area. Commissioner Carpenter asked if the development agreement would be revisited for the subdivision. Gregg Benson, Planner, stated the development agreement would be revisited during final plat approval. Commissioner Carpenter suggested the development agreement could be amended to include the creation of a buffer with bushes and the straightening of the road. Brian Brower, City Attorney, commented it was an agreement that could be negotiated between the City and developer

**Commissioner Hartvigsen moved to approve the preliminary plat for Pacific Park Phase Two located at 150 North Pacific with the stipulation that a berm be added as a buffer, seconded by Commissioner Carpenter. All voting AYE.** Commissioners Griffeth, Jeppesen, Shepherd and Taylor were not present for the vote.

APPROVAL OF THE SITE PLAN FOR A RECREATIONAL BUILDING AT 387 EAST 450 SOUTH

Chris Hughes, director of the youth home, commented the purpose for constructing the building was to provide recreational space for the youth in the facility during the winter time. He explained the facility would be used for simple sports such as basketball and volleyball with the hope of providing a way for the youth to expend energy in a positive manner. He stated the facility had good staff coverage for the number of youth in the facility and there was no intention to add additional youth with the construction of the facility. He continued the facility would give the youth some space and provide an outlet for them while minimizing their need to go back and forth across the street. He informed the Commission that he had talked with the neighbors and they appeared to be comfortable with the facility.

Chairman Olson asked if there would be a weight room in the facility in addition to the basketball court. Mr. Hughes stated the intention was to provide recreational activities and the additional space in the design might be used for several different purposes. He commented the building was probably larger than the facility currently needed, but additional space might be needed when occupancy for the youth homes was at full capacity.

Commissioner Carpenter asked how many group homes were in the area that would feed the recreational building. Mr. Hughes responded there were three group homes with 40 residents and 15 staff members that would use the building. Commissioner Carpenter referenced other buildings in the area and asked what they were used for. Mr. Hughes responded the buildings in question were owned by Steve's Boats. He indicated he had offered to purchase the property but the owner was not interested in selling at that time. Commissioner Carpenter asked about the modular structures located behind a nearby home. Mr. Hughes explained the modular structures were used as classrooms for the facility.

Commissioner Hoggan asked if the recreational building would be located on the same property as the group homes. Mr. Hughes replied the recreational building would be located behind the north home. Commissioner Hoggan asked what type of exterior lighting was being used at the north home. Mr. Hughes stated there was some exterior lighting at the location for safety reasons allowing staff members to get safely back and forth from cars. Commissioner Hoggan asked what type of exterior lighting would be used for the recreational building. Kelly Nielsen, architect, explained the facility would have screened lighting similar to the existing structures.

Commissioner Carpenter expressed concern about the size of the building for a residential neighborhood and asked if the facility could be built in an R-1-8 zone. Gregg Benson, Planner,

commented similar buildings had been constructed in residential areas. Kent Bush, Planning and Zoning Administrator, commented the ordinance stipulated a property owner could not cover more than 40 percent of his/her lot with any given structure. He explained this building would not come close to covering 40 percent of the lot. Commissioner Hartvigsen asked if there were any height restrictions for the structure. Mr. Bush responded the height restriction for a structure in a residential zone was 35 feet. Commissioner Carpenter commented this structure would be 20 feet in height. Commissioner Hartvigsen stated the structure did appear to be out of place but the building did meet the necessary requirements. Mr. Bush added the building would also be located adjacent to a commercial area. Commissioner Carpenter stated he understood the building bordered commercial property on two sides and he did not expect the commercial properties to have any concerns with the building. He expressed his desire to see the building constructed a little smaller. Mr. Hughes commented he would express that concern to the other partners. Commissioner Hartvigsen added the height at the roof's edge for a gym in an LDS chapel was 16 feet. He stated it would be difficult for such a building to be smaller than that and retain its functionality for basketball.

Commissioner Carpenter stated the property had not been properly maintained in the past. He noted brown lawns on the property. Mr. Hughes responded the owners were concerned about the maintenance of the property. He stated the owners had irrigation rights for the property and there had been some problems keeping that in good condition. He indicated the property owners were eager to get the irrigation fixed and running properly.

**Commissioner Hartvigsen moved to approve the site plan for a recreational building at 387 East 450 South, seconded by Commissioner Gibson. All Voting AYE.** Commissioners Griffeth, Jeppesen, Shepherd and Taylor were not present for the vote.

#### DISCUSSION ON THE MIDTOWN VILLAGE DEVELOPMENT AGREEMENT

Brian Brower, City Attorney, reviewed the changes to the Midtown Village Special Purpose (SP) Overlay Contract with the Planning Commission. He stated A-11 on page three indicated the Planning Commission could modify the approved plan for the development. He indicated the contract could not grant that authority to the Planning Commission unless authorized by law so he added the language "...if authorized by law..." to the paragraph. Mr. Brower informed the Commission the language had also been tightened up in the contract to be more specific regarding the parking and landscape requirements for the development. He also noted that page four, C-2 had been modified to indicate the residential units would not exceed 350 units.

Mr. Brower stated page five indicated there would not be height restrictions and then added an exception at the bottom of the page so the language was changed to direct the reader to the exception at the bottom of the page. He stated the parties would continue to refine the language regarding the bonding and the areas of responsibility associated with the bonding. Mr. Brower explained changes had been made to page 11 regarding approval of the light fixtures by the City. He indicated the developer expressed concern with that language and might not approve it but it had been presented to him for consideration. He stated the language had also been improved

regarding the preservation of open space. He continued the open space was directly tied to the conveyance of property to the developer by the City with the intent that it would be developed as open space. He indicated the new language clarified that point.

Commissioner Carpenter asked if the developer would be building on any of the property being conveyed by the City. Scott Hodge, Public Works Director, responded the open space would be developed as park space. Gregg Benson, Planner, commented the park space would only have buildings that were amenities to the park space such as a bathroom facility. Commissioner Hartvigsen asked if the City was placing any requirements for development of the park space. Kent Bush, Planning and Zoning Administrator, indicated the developer was working with Tracy Heun, Community Services Director, on development criteria for the park space. Commissioner Hartvigsen asked if the City would make specific requirements on the development. Mr. Benson responded there would be an approval process for the park development. Mr. Brower asked if the development of the park space would be part of the final site plan approval. Mr. Benson indicated it would be part of final site plan approval. He added that one of the two park sites was considered wetlands and the Army Corps of Engineers would have input on how it would be developed. He stated the other site near Northrup Grummond currently had specific designs in place for its development.

Mr. Brower directed the Commission to page 17 and the language about successors and assigns. He stated the City wanted language that protected the City if the development were conveyed to a third party and that language had been added. He also indicated a paragraph had been deleted that addressed specific performance in that same portion of the agreement. He stated the City did not want to obligate itself to a specific performance if problems arose with the development.

Mr. Brower asked the Planning Commission members to review the document and make recommendations for changes, if necessary.

Commissioner Hartvigsen commented the contract represented the City's position as trying to maximize the commercial use and minimize the residential use in the development. He remarked the development visited by the Planning Commission was mostly residential use. He commented it was difficult to understand how the parking would meet current standards. He noted there would need to be sufficient parking for the residential units and indicated the formula in the contract was difficult to follow. Mr. Benson explained the development required 1.25 parking spaces for each residential unit. Mr. Bush added the parking requirements of the contract did not follow the parking ordinance specifically because in this type of development residents were not expected to have two vehicles. Mr. Benson commented that one of the parking levels was dedicated for residential use and the second parking level as well as the surrounding parking would be for commercial use. Commissioner Carpenter commented the contract indicated one parking level would be residential/commercial use. Mr. Benson stated the contract left the possibility of using some of the residential parking for commercial if the need presented itself. Commissioner Carpenter expressed his opinion that the residents would need more than one parking space. Commissioner Hartvigsen agreed but indicated the contract included a formula that allowed additional parking for residents under certain circumstances.

Commissioner Carpenter expressed concern that the contract needed to specifically reflect the development would be developed as Commercial/Residential (CR) with a Special Purpose (SP) Overlay so another developer was unable to come in and develop the property differently than the City intended. Mr. Bush commented the zone required any developer to follow the contract or negotiate a new one with the City. Mr. Brower stated he would look at the language and strengthen it on that issue.

Commissioner Carpenter asked if the contract should indicate the park development would need to connect to the canal trail. Commissioner Hartvigsen added the contract should express a minimum standard for off site improvements. Mr. Bush suggested the standards be added or language explaining that items would be addressed by the Planning Commission during site plan review. Mr. Hodge commented that some issues were addressed in both the development agreement and SP Overlay contract. Commissioner Hartvigsen expressed concern that the site plan would not include the off site improvements. Mr. Brower suggested additional language be added to page 11 paragraph 13 to accomplish that objective. Mr. Bush suggested getting with Ms. Heun for the specific development requirements on the off site projects.

Commissioner Carpenter expressed concern with the agreement giving the city manager authority to approve changes to the structure. Commissioner Hartvigsen agreed and suggested that approval might be better suited for a building official or staff. Mr. Brower explained the contract did not obligate anyone to make those changes unless authorized by law. He continued currently the law did not allow the Planning Commission or the city manager to make changes. Mr. Bush added the contract was referring to the conceptual plan which had already been approved.

Commissioner Carpenter asked if the storm water plan was sufficient for 25 years. Mr. Hodge explained that every developer was held to a 25 year storm water plan. Commissioner Carpenter asked if there would be a roundabout located on the site with a sign inside it. Mr. Benson stated there would be sign in that location advertising events. He continued there would also be major signs located on 700 South.

Mr. Bush encouraged the Planning Commission to review the document and let the staff know if there were any further recommendations for change.

#### PLANNING COMMISSIONER'S MINUTE

Chairman Olson - Nothing

Commissioner Hartvigsen - Nothing

Commissioner Carpenter – Stated he attended the Utah League of Cities and Towns meeting. He commented there was a lot information given about creating walking cities and encouraged the City to continue to work on that type of development. He also asked the staff to indicate in its

notes when signs did not meet ordinance requirements. There was a discussion on the interpretation of the sign ordinance. Mr. Brower expressed his opinion that the current sign ordinance did not grant authority to the Planning Commission to deviate from it.

Commissioner Moore - Nothing

Commissioner Gibson - Nothing

Commissioner Hoggan - Nothing

STAFF REPORT

Kent Bush, Planning and Zoning Administrator, provided the Planning Commission with a written opinion from David Church with the Utah League of Cities and Towns on the power of planning commissions for the members to review.

There being no further business to come before the Planning Commission, **Commissioner Hartvigsen moved to adjourn at 8:50 P.M.**