

CLEARFIELD PLANNING COMMISSION MEETING

April 7, 2010

7:00 P.M. - Regular Session

PRESIDING:	Darren Carpenter	Vice-Chairman
PRESENT:	Matt Hartvigsen Nike Peterson Matt Stones Ron Jones Randy Butcher	Commissioner Commissioner Commissioner Commissioner Alternate Commissioner
EXCUSED:	Bill Moore Jeff Hogg Doyle Sprague	Commissioner Alternate Commissioner Council Liaison
STAFF PRESENT:	Brian Brower Kent Bush Christine Horrocks	City Attorney Planning/Zoning Administrator Building Permits Specialist
STAFF EXCUSED:	Adam Lenhard Gregg Benson	Community Development Director Planner
VISITORS:	Kevin Porter, T. J. Wall, Jeri Wilcox, Con Wilcox, Keith Bennett, Colleen Pacheco, Brad Lasater	

Pledge of Allegiance was led by Commissioner Carpenter.

APPROVAL OF MINUTES FROM FEBRUARY 17, 2010 PLANNING COMMISSION MEETING

Commissioner Peterson and Commissioner Stones requested three grammatical changes to the minutes of February 17, 2010.

Commissioner Peterson moved to approve the minutes of February 17, 2010 with the changes as noted, seconded by Commissioner Stones. All Voting AYE.

Commissioner Peterson moved to table the minutes of March 3, 2010 until next meeting for review of audio tape, seconded by Commissioner Butcher. All Voting AYE.

The minutes for March 17, 2010 were not available for approval.

PUBLIC HEARING FOR A GENERAL PLAN AND MAP AMENDMENT

Commissioner Carpenter declared the Public Hearing open at 7:09 P.M.

Chairman Carpenter said the General Plan amendment has been requested by Doug Wilcox of Wilcox Farms. Con Wilcox, member of Wilcox Farms LC, said there are three points he wants to make, where we have been, where we are and where we are going.

Mr. Wilcox said the 16 acre commercial development was started in 1998. There are currently 19 active businesses in the development. There are four unoccupied business spaces and there are five vacant improved lots for sale. Mr. Wilcox listed the types of businesses in the development. He feels it is a good mix. The businesses were started in good economic times in 1998. The last commercial lot was sold in 2006. They have reevaluated the direction they are going. They are here because the marketing analysis has shown that lots 14 and 15 will be better used as residential. The reasons he stated are: 1) Oversaturation in the commercial industry. 2) There is no frontage access and low visibility. Mr. Wilcox said by changing the two parcels to residential it gives a much needed boost to the already established businesses, the right mix of commercial and residential and we hope that new growth will stimulate new commercial. Mr. Wilcox gave the Planning Commission members a copy of a new master plan concept that shows lots 14 and 15 along with five commercial lots on 1000 West.

Commissioner Carpenter said Mr. Wilcox was here on March 3, 2010. At that time they were addressing only lot 14. Today Mr. Wilcox is presenting a new direction with the addition of a large part of lot 15. This request also involves new commercial lots on 1000 West which are currently residential. Mr. Wilcox said the commercial lots on 1000 West are the same depth as the commercial lots along 1700 South.

Commissioner Butcher asked if the existing vacant retail lots will remain commercial. Mr. Wilcox said the only lot being considered for change is lot 14. Commissioner Butcher asked how making these lots residential would give the added boost needed. Mr. Wilcox said by having residents within walking distance hopefully they would frequent the established businesses.

PUBLIC COMMENT:

FOR:

Colleen Pacheco, owner franchise of the 7-11, said she is representing all the businesses in the development. She said they are struggling for some clientele and they feel it will do well to have residential. The homes would be within walking distance and it will be easier because they won't have to cross the busy road. It will be better to have homes in the area to support the businesses.

Brad Lasater, commercial agent with NAI, said he has worked with the Wilcox Family since 1998 bringing in the 7-11, Family Dollar, Sonic and most of the businesses to the development. The failure of the local banks has had a bigger impact than anticipated. Mr. Lasater said if the lots

aren't changed from commercial to residential, it is his opinion there probably won't be any development in the next five or six years. He said he met with the architect and Kent Bush and they feel residential is a good fit. He is a commercial agent and it doesn't help him to have it rezoned.

Commissioner Stones asked Mr. Lasater what the projected forecast was for the four remaining lots plus the proposed five additional lots on 1000 West. Mr. Lasater said the streets are in and the utilities are stubbed to the commercial. It makes it easy for a small family owned business to get SBA financing. The lots are improved and priced properly. In his opinion it will take another 12 to 18 months to sell. Mr. Lasater said it would be difficult to sell lot 14 especially with the dead end street. Commissioner Stones asked if they had a plan for the five lots on 1000 West. Would the property be marketed to have the homes used as an office or to have the homes demolished? Mr. Wilcox said the decision will be made when they proceed with development. He said that four of the five lots are owned by the Wilcox family. Commissioner Stones said then there will be the availability for both types of development. Commissioner Peterson said Mr. Lasater mentioned that it could be five to six years before there was any substantial movement on commercial development. She asked if that is for smaller retail. Mr. Lasater said they would be looking more in the direction of medium to larger businesses.

Commissioner Peterson moved to close the public hearing 7:28 p.m., seconded by Commissioner Jones. All Voting AYE.

Commissioner Hartvigsen asked if the changes being requested tonight will affect the map and wording in the General Plan. Brian Brower said he felt there isn't anything relative to the verbiage in the General Plan because the wording deals with rezoning. Mr. Brower said as far as the General Plan is concerned, the Commissioners need to look at what is the better and most appropriate land use designation for this property: commercial or residential. At this point we are not rezoning.

Commissioner Peterson said the members of the City Council and Planning Commission need to determine what will best serve the needs of the City. Commercial development is desired, yet the additional rooftops with residential development could help the struggling businesses. Commissioner Hartvigsen said in his opinion the concept presented this evening works best and shows the intent of the applicant. This application adds more roof tops than were proposed before and improves the commercial zone. Commissioner Stones feels adding the lots along 1000 West as commercial gives flexibility in planning for future development.

Commissioner Hartvigsen asked about the master plan for the street just east of America First Credit Union. Kent Bush said City Staff has been working with Wilcox Farms to provide an access street in the area of the Credit Union and another access out onto 1000 West toward the north end of Lot 15.

Commissioner Stones moved to send this request to amend the General Plan land use designation of Lot 14 of Wilcox Farms Subdivision, a portion of Lot 15 of Wilcox Farms Subdivision as described in the legal description and the rear portion of 1525 South 1000 West along with parcel 12-391-0017 as described in the legal description to the City Council with a recommendation of approval from the Planning Commission for the following reasons: The addition of residential units would support the current businesses and promote future development along 1600 South and 1000 West. This also would allow flexibility for future planning and zoning that would accommodate the current economic conditions at the time zoning changes become necessary, seconded by Commissioner Peterson. All Voting AYE.

FINAL PLAT AND DEVELOPMENT AGREEMENT APPROVAL FOR JON'S PARK SUBDIVISION PHASES 1 & 2 AT 125 NORTH AND 150 NORTH PACIFIC AVENUE

T. J. Wall, Evergreen Holdings, said they have changed the name of the subdivision from Pacific Park to Jon's Park since the preliminary approval. These phases will complete the development.

Commissioner Carpenter asked if anything has changed since the preliminary approval. Kent Bush said in the Development Agreement the name of the development was changed from Pacific Park to Jon's Park and the developer changed. Some of the utilities have been changed to go through the easement in the Saddlewood Subdivision. Mr. Bush said there have also been some wording changes. The existing catch basin in the cul-de-sac will need to be upgraded. The developer will be reimbursed for the upgrade along with the approximately 300 feet of curb and gutter that the City has requested they install to finish the east side of Pacific. There are no major changes made to the Development Agreement. There will still be two flag lots which will share a driveway. Brian Brower, City Attorney, said in paragraph O, it states a building permit cannot be pulled until all the improvements in the agreement and in exhibit A are complete. Parcels A and B are part of the improvements that would need to be complete. Mr. Brower asked the Commissioners what they would like to see in the Development Agreement. Mr. Wall said he had talked to the City Engineer and they were planning to get the ponds shaped on parcels A and B because the storm drain needs to go through there. The developer will also pick up some of the storm water from Pacific Park phase 2. Mr. Wall said they didn't plan to complete all the landscaping at this time. Kent Bush said in order for the storm drain to work the retention ponds will need to be shaped.

Chairman Carpenter said a concern would be to have houses built and the open space and the park is not complete. Commissioner Peterson felt the open space needs to be landscaped for the residents before the development is complete and a fully functional HOA should be in place. Brian Brower suggested the Planning Commissioners decide how many building permits could be issued prior to the completion of the final landscaping. Commissioner Hartvigsen said without the grass in the detention basins there will be a lot of wash out. When the detention basin is installed there is less maintenance to protect the storm water system. Mr. Wall requested allowing some landscaping to be completed after some houses had been constructed.

Brian Brower suggested possible wording in the Development Agreement, paragraph O be amended to read: “No building permits shall be issued until all improvements set forth in this agreement and shown in exhibit A are complete, except for final landscaping (sod, trees, sprinkling system, etc.) on Parcels A and B. Final landscaping on Parcels A and B must be completed prior to the earlier of the issuance of the eighth building permit or eighteen months, whichever is sooner.”

There was discussion among the Commissioners in regard to the number of building permits that could be issued before the completion of the landscaping requirement as stipulated by the Development Agreement. The decision was made to allow the issuance of 11 permits and require the landscaping to be completed prior to the 12th permit. The wording in the Development Agreement will be changed to the 12th building permit or 18 months.

Commissioner Carpenter said the Development Agreement did not point out the requirement for exterior finishes for houses on corner lots. Kent Bush felt that it is possibly because of the location of the subdivision adjacent to the railroad tracks. Brian Brower said the City Ordinance is followed unless it is modified in the Development Agreement. Mr. Brower said the fact that the ordinance was discussed and the requirement brought to the attention of the developer would require compliance with current ordinance. Commissioner Butcher asked about the flag lots. Commissioner Carpenter explained the Commission had reviewed the flag lot situation and a public hearing was held at which time the Planning Commission determined it would be best to allow the flag lots.

Kent Bush stated there was a signed agreement with the property owner in Saddlewood Subdivision where the easement is going through. Commissioner Peterson asked if there was a time frame for the completion of the slurry seal on 300 West. Kent Bush explained the slurry seal will be done before the City takes over the subdivision improvements. It will be required for the final inspection and accepting of the subdivision by the City. Brian Brower explained that generally Public Works likes to wait for a while so potential settling or cracking will happen before the slurry seal is applied. Commissioner Butcher drove through the subdivision and said there is settling and he doesn't feel that one year is adequate. Brian Brower said the State code stipulates one year. Commissioner Butcher said before he was on the Planning Commission there was a push to have larger lots. Commissioner Carpenter said the discussion on larger lots was to allow larger dwellings.

Commissioner Peterson moved to send this request for final plat and development agreement approval for Jon's Park Subdivision Phases 1 and 2 at 125 North and 150 North Pacific to the City Council with recommendation from the Planning Commission of approval with the following noted changes: Paragraph O of the Development Agreement as stated on the record, seconded by Commissioner Stones. All voting AYE.

STAFF REPORTS

Kent Bush said training for the Planning Commission will be postponed until replacements have been appointed for the current vacancies. The next Planning Commission meeting will start at 6:00 p.m. followed by a joint work meeting with the City Council at 7:30 p.m. at which time Mr. Mike Kelly will present more information on the rail stop. The agenda for the next meeting will also include discussion on changes to Title 11. The discussion will not include bus benches and signs.

PLANNING COMMISSIONER'S MINUTE

Commissioner Hartvigsen – apologized for being late. He said he felt a little odd because he completely reversed his position on the Wilcox property because he felt there was a need to wait for change in economic conditions. He feels it is a long time to wait for a development and had a change of heart. He feels it is a good area for the City and feels it is a good long range plan.

Commissioner Peterson – commented she reversed her decision on the Wilcox Farms issue because of the bleak outlook for commercial businesses. She wanted to give thanks to Chairman Jeppesen for his service to the City.

Commissioner Stones –indicated his change of opinion on the Wilcox Farms issue was due to the fact it did not include a zoning change at this time and it gives the City some flexibility to grow for the good of the City.

Commissioner Jones – said Mr. Brad Lasater had good comments and he felt Mr. Lasater was being conservative. He is excited to see what happens in that area. He also thanked Brian Brower for keeping the Commissioners on track.

Commissioner Butcher – said he was not in favor of the change to the Wilcox Farms project, but the decision isn't final. He said he needs to come up to speed with HOA.

Commissioner Carpenter – said the Commission does not currently have a chairman. In the guidelines for the Planning Commission it states a Commissioner must have been on the Planning Commission for two years to serve as Chairman. There are only three members on the Commission that currently qualify. Kent Bush told the Commissioners the guidelines could be discussed at the next meeting if they wanted to make a change. Commissioner Carpenter told Mr. Bush to put it on the agenda. At that meeting they can make recommendations for changes.

There being no further business to come before the Planning Commission, **Commissioner Stones moved to adjourn at 8:32 P.M.**