

**CLEARFIELD PLANNING COMMISSION MEETING**

June 2, 2010

7:00 P.M. - Regular Session

PRESIDING:	Nike Peterson	Chair
PRESENT:	Darren Carpenter	Commissioner
	Matt Stones	Commissioner
	Ron Jones	Commissioner
	Randy Butcher	Alternate Commissioner
	Doyle Sprague	Council Liaison
EXCUSED:	Bill Moore	Commissioner
STAFF PRESENT:	Brian Brower	City Attorney
	Adam Lenhard	Community Development Director
	Kent Bush	Planning/Zoning Administrator
	Gregg Benson	Planner
	Christine Horrocks	Building Permits Specialist
VISITORS:	Kevin Porter, Eldon Martindale, Chris Gamvroulas	

Pledge of Allegiance was led by Commissioner Peterson.

APPROVAL OF MINUTES FROM MAY 5, 2010 PLANNING COMMISSION MEETING

Chair Peterson stated that Brian Brower was not at the meeting and should be listed as excused rather than present.

**Commissioner Stones moved to approve the minutes of May 5, 2010, with the exception that Brian Brower was excused for the meeting, seconded by Commissioner Carpenter. All Voting AYE.**

PUBLIC HEARING FOR REZONE OF PROPERTY AT 34 EAST 700 SOUTH FROM R-2 TO M-1

Chair Peterson read the Public Hearing Notice and declared the Public Hearing open at 7:03 p.m.

PUBLIC COMMENT:

Eldon Martindale, North Salt Lake, said Mr. Oltehua is purchasing the property from him and he has no objection to him rezoning the property.

Chair Peterson read a letter dated June 2, 2010, in which Pablo Oltehua requested to table the rezone to a date to be determined later.

**Commissioner Carpenter moved to close the public hearing at 7:07 p.m., seconded by Commissioner Stones. All Voting AYE.**

**Commissioner Stones moved to table the rezone of property at 34 East 700 South from R-2 to M-1 until a subsequent meeting in which the applicant can then be heard, seconded by Commissioner Butcher. All Voting AYE.**

APPROVAL OF THE AMENDED DEVELOPMENT AGREEMENT FOR THE CLIFFORD PARK ESTATES SUBDIVISION

Adam Lenhard said Ivory Development has approached the City to finish the subdivision improvements at Clifford Park Estates which required an amendment to the Development Agreement. Mr. Lenhard said there were three changes made to the copy sent to the commissioners. Those changes are: a clarification on the front and rear setbacks, no vinyl siding will be used as an exterior material, and the escrow and warranty of the subdivision improvements. Since the draft copy of the amended development agreement was sent to the commissioners, additional changes have been made and Mr. Lenhard distributed copies of the amended agreement to the Commission along with a copy of Exhibit D, a list of the houses to be built plus a brochure containing the elevations of the houses that will be built. He stated Exhibit B is a large document and will be included with the official version of the Development Agreement.

Mr. Lenhard reviewed the changes to the amended development agreement.

- 1a – a minor wording change was made at the end of the paragraph
- 1h – the open space has already been installed and staff recommends that the first sentence be deleted. Brian Brower, City Attorney, questioned why the first sentence in 1h would be removed. Adam Lenhard said they felt it was redundant and not necessary.
- 1j – refers to the installation of the white vinyl fence, which has already been done. It was recommended to be changed from “The Developer shall install” to “The HOA shall maintain”. Commissioner Stones asked if the fence along the power corridor, west of the border of the subdivision, should be included in the list of fences to be maintained. Mr. Lenhard said it would be added.
- 1k – the amount to be reimbursed to the City is \$268.60.
- 1l – the letter sequence was corrected which changed the second 1k to 1l.

Commissioner Carpenter asked about the exterior materials because the Commission generally specifies the front elevation to be a certain percentage of different materials. Adam Lenhard said it is recommended by staff that they accept the elevations as show in the brochure.

Chris Gamvroulas with Ivory Homes stated Ivory Homes was defined as the developer; however, they didn't install the improvements. The infrastructure was installed in 2007. Mr. Gamvroulas

said Ivory Homes is purchasing lots with curb, gutter, sidewalk and streets installed. They want it to be a nice neighborhood so they will make repairs to improve the subdivision. Mr. Gamvroulas said the reason for objection to the first sentence in paragraph h is Ivory Homes doesn't want to be told in the future there is only 9.8 percent open space and they are required to meet the ten percent. The intent of paragraph j is that the HOA will maintain the fencing and parcels "A," "B," "C," and "D" for the long term.

There was discussion about the materials allowed on the exterior finish of the homes. Mr. Gamvroulas said there would not be siding and Ivory Homes desired to have the City accept the elevations as shown in the booklet. He said most buyers don't change the elevation. Chair Peterson said the City has design standards and the other developments in the City are required to adhere to those standards. Mr. Gamvroulas stated removing the requirement for a percentage of brick or rock on the front elevation was in exchange for the siding. If the component of exterior finishes is brought back, then they will probably bring the siding back. He felt it was a benefit to Ivory Homes and the City to leave the development agreement the way it is written. Councilmember Sprague asked if there were siding on the homes in the subdivision. He was told the six existing homes in the Clifford Park Estates subdivision have vinyl siding. Brian Brower asked if there were other types of siding other than vinyl siding included in the elevations. The Commission did not have time to review all the elevations that had been submitted. Chris Gamvroulas asked if they would like to add aluminum siding to vinyl siding which would allow the hardiboard siding to be installed. Brian Brower told the commissioners the development agreement should be inclusive rather than exclusive.

Chris Gamvroulas said Ivory Homes has maintained high quality housing and the elevations are attractive. When you create those laundry lists, it is for companies that are unknown or untested. He said their catalog tells the customer and the City what it is they will build. In that sense there is consistency. Brian Brower said Ivory Homes has been a reputable builder; however, from a legal perspective everything needs to be in black and white. When there is a dispute, you don't talk about reputation; it is what is on the paper. Mr. Gamvroulas feels that the list and book attached as Exhibit D is adequate to state what they will build.

Brian Brower said in reference to the first sentence in paragraph h, he thought Ivory Homes would check to see if the ten percent open space has been met or not. From a legal perspective Mr. Brower saw no reason to remove the first sentence in paragraph h. Commissioner Stones stated the open space, as declared by the surveyor, on the plats is in excess of the required ten percent. Adam Lenhard suggested the wording of the first sentence be changed to say, "Open space has been provided in the recorded plats as parcels "A," "B," "C," and "D." Mr. Brower said Ivory Homes is doing more than just building on the lots; there are items on a punch list that will need to be completed or repaired. Adam Lenhard said Ivory Homes LTD does assume the role of the developer and the improvements on the punch list will be their development responsibility and warranty escrow responsibility.

**Commissioner Stones moved the Planning Commission recommend this development agreement to the City Council for approval with the following additions and corrections to**

**the development agreement:**

- 1. In Section 1, paragraph e, shall read, “Neither vinyl or aluminum siding shall be permitted as an exterior building material.”**
- 2. Paragraph h that the verbiage be added, “The ten percent developed open space has been provided on the subdivision plats as parcels “A,” “B,” “C,” and “D”. Add that the HOA shall maintain not only the park spaces but the fencing also.**
- 3. Paragraph j add to the last sentence the white vinyl fencing shall also be installed along south border of the subdivision from 1000 West to the power corridor and along the power corridor from 950 South to 750 South. “The HOA shall maintain” will be added at the beginning of paragraph j.**
- 4. Section K add amount of the reimbursement to the City of \$268.60.**

**Seconded by Commissioner Carpenter. All Voting AYE.**

STAFF REPORTS

Kent Bush said there will be training when the new commissioners have been appointed. He stated more than one night will be necessary. It was determined to hold the training at 6:00 p.m. prior to the regular scheduled meeting. The training would start in July.

Adam Lenhard thanked the Commissioners for their patience through the development agreement for Clifford Park Estates. It was added at the last minute.

PLANNING COMMISSIONER’S MINUTE

Commissioner Peterson – expressed appreciation to Commissioner Hogg for his service on the Planning Commission.

Commissioner Carpenter – referred to an email from Chair Peterson regarding the approval of minutes. He was concerned that grammatical changes could change the content of the minutes. Chair Peterson clarified the intent stating, if there is a change that affects the meaning, please bring it forward in the meeting, but if it is only a missing word or punctuation that doesn’t make a substantial change, the correction can be made without approval.

Commissioner Stones – congratulations and good job to Chair Peterson on her first night as Chair.

Commissioner Jones – nothing

Commissioner Butcher – explained his daughter and son-in-law were having problems where they live with the HOA and the city where they live and that is why paragraph h was an issue with him. Commissioner Carpenter said the development agreement is protecting the City and it is in place to make sure the property is maintained. Commissioner Butcher said there is a need to protect the citizens too.

Councilmember Sprague – said there are three places available on the Planning Commission and they were interviewed last night. Chair Peterson said they tried to help them understand the requirements of being on the Planning Commission.

There being no further business to come before the Planning Commission, **Commissioner Carpenter moved to adjourn at 8:17 P.M.**