

CLEARFIELD PLANNING COMMISSION MEETING

September 5, 2018

7:00 P.M. – Regular Session

PRESIDING: Brady Jugler Chair

PRESENT: Kathryn Murray Commissioner
Robert Browning Commissioner
Michael Britton Commissioner
Chris Uccardi Commissioner
Levi Lloyd Commissioner
Nicole Bigelow Alternate Commissioner
Eden Bush Youth Ambassador

ABSENT: Mallory Call Commissioner
Ruth Jones Alternate Commissioner

STAFF PRESENT: Brie Brass Assistant City Attorney
Spencer Brimley Community Development Director
Brad McIlrath Senior Planner
Christine Horrocks Customer Service Rep

VISITORS: Bernida R. Sessions, Toni A. Williams, Betty Parker, Maria Downs, Mark Downs, Michael LeBaron, Jared Jepsen, Joe Jepsen, Chuck Norris, Tyler Kirk, Gary Knapp, Adam Paul, Josh Yeates, Brock Loomis, Michael Barnes

The Pledge of Allegiance was led by Chair Jugler.

APPROVAL OF MINUTES FROM AUGUST 1, 2018 PLANNING COMMISSION MEETING

**Commissioner Uccardi moved to approve the minutes from the August 1, 2018 meeting as written. Seconded by Commissioner Lloyd. The motion carried on the following vote:
Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Bigelow.
Voting NO: None.**

Chair Jugler read the Planning Commission Chair Statement.

PUBLIC HEARING AND DISCUSSION ON PSP 1808-0002, A PRELIMINARY SUBDIVISION PLAT AND FSP 1808-0002, A FINAL SUBDIVISION PLAT REQUEST BY BETTY PARKER OF FREEPORT CENTER ASSOCIATES TO CREATE A TWO (2) LOT INDUSTRIAL SUBDIVISION FROM THE PROPERTIES LOCATED AT: 217, 330, 333, 371, 383, AND 395 SOUTH 1000 WEST, AND ONE LARGE PROPERTY WITH APPROXIMATE ADDRESS OF 775 WEST HIGHWAY 193 (TIN: 12-021-0033, 12-021-0004, 12-021-0005, 12-021-0006, 12-021-0007, 12-021-0008, 12-021-0034)

Brad McIlrath, Senior Planner, said the subdivision plat request included one large property and a few smaller properties located at the northwest corner of Freeport Center. The properties were combined which created a two lot subdivision. The plat was reviewed by City staff, the City Engineer, public works staff, North Davis Sewer District and the North Davis Fire District. The City Engineer submitted redlined corrections to be made. Mr. McIlrath said based on findings staff recommend approval of the preliminary subdivision plat and recommended the Planning Commission forward a recommendation of approval to the City Council for the final subdivision plat.

The public hearing was opened at 7:09 p.m.

PUBLIC COMMENT:

Mark Downs, Clearfield, asked if the sound wall would be raised along SR193. Mr. McIlrath said there was no plan to increase height of the wall. A decision to raise the wall would be made by UDOT. Commissioner Browning said before the wall was built, public input determined the height of the wall. Mr. McIlrath explained the wall was in the UDOT right-of-way and any changes would need to be made by UDOT. Mr. Downs was given information to contact the UDOT Region One office.

The public hearing was closed at 7:15 p.m.

APPROVAL OF PSP 1808-0002, A PRELIMINARY SUBDIVISION PLAT REQUEST BY BETTY PARKER OF FREEPORT CENTER ASSOCIATES TO CREATE A TWO (2) LOT INDUSTRIAL SUBDIVISION FROM THE PROPERTIES LOCATED AT: 217, 330, 333, 371, 383, AND 395 SOUTH 1000 WEST, AND ONE LARGE PROPERTY WITH APPROXIMATE ADDRESS OF 775 WEST HIGHWAY 193 (TIN: 12-021-0033, 12-021-0004, 12-021-0005, 12-021-0006, 12-021-0007, 12-021-0008, 12-021-0034)

Commissioner Murray moved to approve the preliminary subdivision plat PSP 1808-0002, a request by Betty Parker of Freeport Center Associates to create a two (2) lot industrial subdivision for the properties located at 217, 330, 333, 371, 383, and 395 South 1000 West, and one large property with approximate address of 775 West Highway 193 (TIN: 12-021-0033, 12-021-0004, 12-021-0005, 12-021-0006, 12-021-0007, 12-021-0008, 12-021-0034) based on discussion and findings in the Staff report with the following conditions:

- 1) **Plans shall be revised to address Clearfield City Engineering requirements prior to review of the final plat by the Clearfield City Council.**
- 2) **The applicant is responsible for the replacement or repair of deteriorated, damaged or missing surface improvements surrounding the perimeter of the subdivision. This includes, but is not limited to curb and gutter, sidewalk, landscaping park strip improvements, driveways, etc.**
- 3) **Future development of these properties shall comply with the development standards outlined for the M-1 Zone and also found in Chapter 11-18 Design Standards of the Clearfield City Land Use ordinance.**
- 4) **An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any permits being issued for the properties or plat being recorded. Installation of required improvements or an escrow account shall be established prior to recordation of the Final Plat as outlined in Clearfield City Code 12-4-6.**

Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Bigelow. Voting NO: None.

RECOMMENDATION OF FSP 1808-0002, A FINAL SUBDIVISION PLAT REQUEST BY BETTY PARKER OF FREEPORT CENTER ASSOCIATES TO CREATE A TWO (2) LOT INDUSTRIAL SUBDIVISION FROM THE PROPERTIES LOCATED AT: 217, 330, 333, 371, 383, AND 395 SOUTH 1000 WEST, AND ONE LARGE PROPERTY WITH APPROXIMATE ADDRESS OF 775 WEST HIGHWAY 193 (TIN: 12-021-0033, 12-021-0004, 12-021-0005, 12-021-0006, 12-021-0007, 12-021-0008, 12-021-0034)

Commissioner Murray moved to forward a recommendation of approval to the City Council as conditioned for the final subdivision plat FSP 1808-0002, a request by Betty Parker of Freeport Center Associates to create a two (2) lot industrial subdivision for the properties located at 217, 330, 333, 371, 383, and 395 South 1000 West, and one large property with approximate address of 775 West Highway 193 (TIN: 12-021-0033, 12-021-0004, 12-021-0005, 12-021-0006, 12-021-0007, 12-021-0008, 12-021-0034). The recommendation is based on the discussion and findings in the Staff Report with the following conditions:

- 1) **The final subdivision plat shall be revised to address Clearfield City Engineering requirements prior to submittal for review and recording of the plat with the county recorder's office.**
- 2) **The applicant is responsible for the replacement or repair of deteriorated, damaged or missing surface improvements surrounding the perimeter of the subdivision. This includes, but is not limited to curb and gutter, sidewalk, landscaping park strip improvements, driveways, etc.**
- 3) **Future development of these properties shall comply with the development standards outlined for the M-1 Zone and also found in Chapter 11-18 Design Standards of the Clearfield City Land Use ordinance.**

- 4) **An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any permits being issued for the properties or plat being recorded. Installation of required improvements or an escrow account shall be established prior to recordation of the Final Plat as outlined in Clearfield City Code § 12-4-6.**

Seconded by Commissioner Lloyd. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Bigelow. Voting NO: None.

PUBLIC HEARING AND DISCUSSION ON PSP 1808-0005, A PRELIMINARY SUBDIVISION PLAT REQUEST BY BROCK LOOMIS FOR THE MODA CLEARFIELD TOWNHOMES SUBDIVISION TO CREATE A 41-UNIT TOWNHOME SUBDIVISION, MODA CLEARFIELD TOWNHOMES, AT THE PROPERTY LOCATED AT 180 SOUTH STATE STREET. (TIN: 12-001-0132).

The public hearing was opened at 7:27 p.m.

Brad McIlrath said the applicant requested preliminary subdivision plat approval for a 41 unit townhome development. The property was included in the form based code (FBC). At the time of the final subdivision plat review the covenants, conditions and restrictions for the homeowners association (HOA) must be included. The FBC had specific right-of-way requirements which would be included on the final subdivision plat. Staff recommended approval of the preliminary subdivision plat for the Moda Clearfield Townhomes as conditioned.

PUBLIC COMMENT:

There were no public comments.

The public hearing was closed at 7:33 p.m.

Commissioner Murray asked if there was a requirement for the number of occupants allowed in a two or three bedroom townhome. Mr. McIlrath said City code contained a definition for “family”. The design of the townhomes would dictate the number of individuals that could occupy the residence.

APPROVAL OF PSP 1808-0005, A PRELIMINARY SUBDIVISION PLAT REQUEST BY BROCK LOOMIS FOR THE MODA CLEARFIELD TOWNHOMES SUBDIVISION TO CREATE A 41-UNIT TOWNHOME SUBDIVISION, MODA CLEARFIELD TOWNHOMES, AT THE PROPERTY LOCATED AT 180 SOUTH STATE STREET. (TIN: 12-001-0132).

Commissioner Britton moved to approve the preliminary subdivision plat PSP 1808-0005, by Brock Loomis for the Moda Clearfield Townhomes Subdivision to create a 41-unit townhome subdivision at the property addressed 180 South State Street (TIN: 12-001-0132) based on the discussion and findings in the Staff Report with the following conditions:

- 1) **Plans shall be revised to address Clearfield City Engineering requirements prior to the submittal of plans for Final Plat review and approval.**
- 2) **The final subdivision plat shall include any necessary right-of-way dedication and easements required for the project.**
- 3) **The applicant is responsible for the replacement or repair of deteriorated, damaged or missing surface improvements surround the perimeter of the subdivision. This includes, but is not limited to curb and gutter, sidewalk, landscaping park strip improvements, driveways, etc.**
- 4) **Any preexisting driveway approaches that will not be used for the future development shall be replaced with curb, gutter, and the appropriate park strip/furnishing zone treatments.**
- 5) **An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any permits being issued for the properties or plat being recorded. Installation of required improvements or an escrow account shall be established prior to recordation of the Final Plat as outlined in 12-4-6.**

Seconded by Commissioner Uccardi. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Bigelow. Voting NO: None.

PUBLIC HEARING AND DISCUSSION ON CUP 1807-0007 A CONDITIONAL USE PERMIT REQUEST BY JARED JEPSEN TO OPERATE AN AUTO SALES BUSINESS, DIAMOND J MOTORS LLC AT THE PROPERTY LOCATED AT 329 NORTH MAIN STREET (TIN: 14-071-0085).

The public hearing was opened at 7:36 p.m.

Brad McIlrath said the request was for a conditional use permit (CUP) to have an auto dealership. The property was a former gas station. The site contained contaminated soil and limitations were placed on the property with disturbing the soil. The property had access on Main Street and would be required to obtain UDOT site access and review. The environmental constraints made it difficult for improvements to the site. The dumpster enclosure would be required to match the design of the building. A permanent surface would be required. The site met landscape standards with minor modifications. The building would be required to comply with current design standards.

Commissioner Uccardi asked if the property was outside the downtown area with the Form Based Code. Mr. McIlrath said it was located north of the Form Based Code area. Commissioner Browning said if the ground couldn't be disturbed could modifications be made to the storm drain. Mr. McIlrath said storm drainage was required to be onsite. The City Engineer said there was not an existing storm drain system. After some research it was determined it wasn't impossible to dig in the ground but with the restricted deed, a soils management plan was required and any soil removed couldn't be placed back.

Applicants Joe Jepsen, Jared Jepsen and their Architect, Gary Knapp, were present. Joe Jepsen said they had clearance letters from the State saying that the levels in the ground were at an acceptable level of chemical contamination. Commissioner Murray asked if they had written permission from BP to dig in the ground. Jared Jepsen said it was difficult to get in touch with anyone at BP. Commissioner Murray said an agreement with BP stated that a 30 day notice must be given before digging in ground and BP must reply or the responsibility and liability would be theirs. Mr. McIlrath said the deed was recorded in 2013.

Joe Jepsen asked why the current drainage system needed to be updated. Mr. McIlrath said the change of use required that current City standards must be met. Mr. Jepsen asked if the project would be able to move forward. Commissioner Murray said if approval were granted there would be a condition with the understanding that if work were done on the site without permission from BP you would accept total liability.

Jared Jepsen asked if the City would assist in bringing the site to code. Chair Jugler said it was not within the scope of the Planning Commission's role for that decision. Spencer Brimley, Community Development Director, said redevelopment funds were not available and the request for assistance would need to be discussed with a different body.

Mr. Jepsen said if they were required to dig into the ground the project wouldn't be possible.

Commissioner Browning said both the City and the applicant want the changes but there were monetary limitations and restrictions to code.

Commissioner Murray said the law dictated what could be done and she didn't want the project started without awareness of challenges of the lot.

After discussion on the three entrances to the property Mr. Jepsen said if one had to be closed their preference was to close the entrance on Main Street.

Gary Knapp asked if the requirement for the storm drain could be changed to allow them to work with the City Engineer. Mr. McIlrath said if the Commission wanted to leave it open the condition could state, "As required or as otherwise approved by the City."

Mr. Jepsen said it might be difficult to do as was recommended to change the front door to the east side of the building. They would like to use cover for entrance into the building and with the overall flow on the site. Mr. McIlrath said design standards required each frontage had an entryway. He said there might be more flexibility with the storm drain than the design standards.

PUBLIC COMMENT:

Mike LeBaron, Clearfield, said he supported the project; however, his concern was with the restricted use deed from BP. An issue seven years ago was the inability to obtain communication from BP for clarification that any disturbance of the ground constituted the removal or the acceptance of the liability of the property on the individuals that were disturbing the ground. A

clear answer was never received from BP as to what constituted disturbed ground. There was a large underground storage tank that leaked which was capped and left in place. It has been a brownfield to the point and degree necessary for it to not present an environmental hazard as is. One reason the disturbed soil needed to be replaced with clean fill because the lessee would be cleaning up the property for the property owner. The person that disturbed the ground was liable for cleaning up the property.

Mr. LeBaron said the storm water management codes adopted by the State of Utah were as stringent as Federal standards. He recommended the City check with the State to make sure there weren't any hazardous leaking issues which were BP's responsibility. If there was an issue BP needed to do something about it.

Bernida Sessions, Clearfield, was concerned with the use of the driveway on 300 North. It was a very busy street and would back up traffic. She was also concerned because there were small children in the area. She wondered if digging up the ground would affect neighbors' property.

The public hearing was closed at 8:15 p.m.

Commissioner Browning was concerned with the conditions of the CUP which included obtaining a UDOT access permit, complying with landscape standards, and meeting design standards.

Commissioner Britton asked if it was a correct assumption that the conditions would cause disruption of the ground and be in violation of the environmental standards. Mr. McIlrath said the addition of landscaping, replacement of the approach with curb and gutter caused issues with disturbing the ground. There were Brownfield grants that were available and possibly that needed to be done.

Commissioner Uccardi said BP walked away if the ground was disturbed. The developer needed to decide if he wanted to take responsibility for the property.

Chair Jugler said the question of liability fell outside of the scope of the Planning Commission. Commissioner Britton was concerned that the conditions were in conflict with State Law. Mr. LeBaron said it was not a violation of law but was the reception of liability. The work could be done and not have any problem. Any cleanup made the area cleaner and safer.

Commissioner Bigelow said she wasn't familiar with Mr. LeBaron and asked what his background was. Mr. LeBaron said his background was in chemical, nuclear and environmental engineering.

Commissioner Murray asked the applicant if after hearing what Mr. LeBaron said about what would be required, would you want approval or do you want the decision tabled to allow additional research.

Mr. Joe Jepsen said they had done due diligence and the restricted use deed should have been reported by the State and other agencies when the property was cleared. If not they might not purchase the property. He said they were okay with most of the conditions but they didn't like storm drain requirements and would like to have those worked out. Mr. Jared Jepsen said it was ideal to get approval and move forward and work out the issues.

Mr. McIlrath said the CUP could be modified but the conditions were based on the standards in City Code. The project could be approved and the applicant would continue with due diligence with the environmental issues.

APPROVAL OF CUP 1807-0007 A CONDITIONAL USE PERMIT REQUEST BY JARED JEPSEN TO OPERATE AN AUTO SALES BUSINESS, DIAMOND J MOTORS LLC AT PROPERTY LOCATED AT 329 NORTH MAIN STREET (TIN: 14-071-0085)

Commissioner Britton moved to approve as conditioned CUP 1807-0007, a conditional use permit request by Jared Jepsen to operate an auto sales business, Diamond J Motors, at the property addressed 329 North Main Street (TIN: 14-071-0085) based on the findings and discussion in the Staff Report with the following conditions:

- 1) The proposed use shall obtain a UDOT access and site review and make any required changes.
 - a. If the Main Street access is closed, landscaping that complies with ordinance standards shall be placed in the access area at a minimum depth of ten feet.**
 - b. The approach along Main Street shall be removed and replaced with curb and gutter to match the Main Street frontage.****
- 2) The proposed use shall comply with all applicable landscaping standards for the site and as outlined in the Site Plan Review section of this report.
 - a. All park strip areas shall be replanted or reseeded and maintained to add to the aesthetic appeal of the two street frontages.****
- 3) All lighting, including motion sensor and security lighting, shall be designed to be shielded and directed downward as not to spill onto the adjacent residential properties to the west.**
- 4) The project shall comply with all engineering and building code standards.**
- 5) The applicant shall obtain a Clearfield City Business License prior to the commandment of business at this location.**

Seconded by Commissioner Lloyd .The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Bigelow. Voting NO: None.

PUBLIC HEARING AND DISCUSSION ON CUP 1608-0005 A CONDITIONAL USE PERMIT REQUEST BY MICHAEL BARNES FOR THE OUTDOOR STORAGE OF EARTHEN MATERIALS TO BE PROCESSED AND REFINED AT THE PROPERTY LOCATED AT 135 WEST 200 SOUTH, REAR. (TIN: 12-022-0048).

The public hearing was opened at 8:36 p.m.

Brad McIlrath said the CUP was required because of the height of the outdoor storage. The business processed coal ash to extract soil composites and minerals used for the manufacturing of glass, metals and fertilizer. The Utah Department of Environmental Quality inspected the property in 2016 and noted that the coal ash was as clean as or cleaner than the surrounding soil. Coal ash was required to be stored on a concrete surface and be covered. Photos of the site were reviewed. Staff recommended approval with five conditions which were reviewed.

Commissioner Murray asked if the site complied with the North Davis Fire District. Mr. McIlrath said no comments had been received from them at this time. Commissioner Lloyd asked if the ADA parking stall needed to be revised so it met code. Mr. McIlrath said it might need to be reworked to have the ADA stall van accessible.

Commissioner Browning asked about the six foot height requirement. Spencer Brimley explained the CUP was required because the height of the outdoor storage would be in excess of six feet and would be required to be screened because of its adjacency to rail.

Josh Yeates, representing Bug Bath, said it wasn't planned to go higher than six feet, but they would like the ability to stack higher.

Commissioner Murray asked how many employees there were. Mike Barnes, owner, said his intent was to have three to four employees. Commissioner Murray asked what would be done to protect the employees from the air particles. Mr. Barnes said there was a scrubber and water was used in the process. Commissioner Murray asked if he had a certificate of approval from the Division of Air Quality. Brie Brass said there were state laws outside the conditional use permit that must be met.

Commissioner Browning asked how they kept the ash from blowing around. Mr. Barnes said the ash would be kept in bins with covers.

PUBLIC COMMENT:

Mike LeBaron said he supported the project and was happy to know the DEQ had visited the site in 2016. There were different divisions from the Department of Air Quality that would be reviewing the process. He said contact water might need to be detained in a pond to evaporate and then how to dispose of the accumulated solid waste. He encouraged the applicant to stay compliant because notices of violations from the State can be hefty.

The public hearing was closed at 9:02 p.m.

APPROVAL OF CUP 1608-0005, A CONDITIONAL USE PERMIT REQUEST BY MICHAEL BARNES FOR THE OUTDOOR STORAGE OF EARTHEN MATERIALS TO BE PROCESSED AND REFINED AT THE PROPERTY LOCATED AT 135 WEST 200 SOUTH, REAR. (TIN: 12-022-0048).

Commissioner Britton moved to approve as conditioned, CUP 1608-0005, a conditional use

permit request by Michael Barnes for the outdoor storage of the earthen materials to be processed at the property addressed 135 West 200 North (TIN: 12-022-0048) based on the findings and discussion in the Staff Report with the following conditions:

- 1) **The outdoor storage of the coal ash shall include screening as not to be seen from the commuter rail train to the east.**
- 2) **The coal ash shall be stored on an approved all-weather surface.**
- 3) **All processing of materials shall occur inside the manufacturing building.**
- 4) **The business shall comply with all Utah Department of Environmental Quality and EPA regulations for the storage and processing of the coal ash.**
- 5) **All inoperable vehicles and unused solid waste shall be removed from the site prior to the issuance of a business license.**

Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Bigelow. Voting NO: None.

PUBLIC HEARING AND DISCUSSION ON ZTA 1807-0005, A ZONING TEXT AMENDMENT BY CLEARFIELD CITY TO ENACT A SMALL WIRELESS FACILITIES ORDINANCE TO GOVERN THE USE, LOCATION, CONSTRUCTION, AND DESIGN OF SMALL WIRELESS FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY.

The public hearing was opened at 9:04 p.m.

Spencer Brimley said the Utah State Legislature passed legislation that required cities to provide regulatory parameters for small wireless facilities that would be located within the right-of-way. The City Council had concerns with complexity of the previously presented document. The document was revised and the definitions were more detailed. The fees were based on State Statute and were a maximum that could be required. The preference for the City was for colocation on current poles and not new construction.

PUBLIC COMMENT

There were no public comments.

The public hearing was closed at 9:09 p.m.

RECOMMENDATION ON ZTA 1807-0005, A ZONING TEXT AMENDMENT BY CLEARFIELD CITY TO ENACT A SMALL WIRELESS FACILITIES ORDINANCE TO GOVERN THE USE, LOCATION, CONSTRUCTION, AND DESIGN OF SMALL WIRELESS FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY.

Commissioner Britton moved to recommend approval to the City Council ZTA 1807-0005 a zoning text amendment to enact a Small Wireless Facilities ordinance to govern the use, location, construction and design of Small Wireless Facilities within the public right-of-way, based on the findings and discussion in the Staff Report. Seconded by Commissioner Lloyd.

The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Bigelow. Voting NO: None.

PSP 1807-0006, A PRELIMINARY SUBDIVISION PLAT REQUEST BY ED GREEN TO CREATE A 30-UNIT TOWNHOME SUBDIVISION AT THE PROPERTY LOCATED AT APPROXIMATELY 1142 WEST 300 NORTH.

The item was postponed to the October 3, 2018 Planning Commission meeting.

DISCUSSION ON SP 1808-0005 A SITE PLAN REQUEST BY BROCK LOOMIS FOR THE MODA CLEARFIELD TOWNHOMES DEVELOPMENT TO CREATE A 41-TOWNHOME DEVELOPMENT, MODA CLEARFIELD TOWNHOMES, AT THE PROPERTY LOCATED AT 180 SOUTH STATE STREET. (TIN: 12-001-0132).

Brad McIlrath showed the layout of the property and said the project needed to be shifted to the west. The Form Based Code (FBC) required separate open space and landscaping standards. Ten percent of the site provided open space and another ten percent of the site provided landscaping. The development had a pocket park available for use by the residents. A landscape plan was provided. To comply with the FBC, staff recommended that in the interior pocket park a playground be provided. He reviewed the building layout and materials. The interior driveways provided access only to the garages as required by code.

Staff recommended approval with conditions. The conditions were standard from the FBC.

APPROVAL OF SP 1808-0005 A SITE PLAN REQUEST BY BROCK LOOMIS FOR THE MODA CLEARFIELD TOWNHOMES DEVELOPMENT TO CREATE A 41-TOWNHOME DEVELOPMENT, MODA CLEARFIELD TOWNHOMES, AT THE PROPERTY LOCATED AT 180 SOUTH STATE STREET. (TIN: 12-001-0132).

Commissioner Britton moved to approve as conditioned, SP 1808-0005, a site plan application by Brock Loomis for the Moda Clearfield Townhomes development in the T-R (Town Residential) zone of the Form Based Code at the property addressed 180 South State Street (TIN: 12-001-0132) based on the discussion and findings of the Staff Report with the following conditions:

- 1) **The development layout shall be revised to provide a minimum 10 foot build to zone from the back of sidewalk for the townhomes located along State Street.**
- 2) **The third story height of the townhomes shall be increased to a minimum height of 9 feet.**
- 3) **The flat roof portions of the townhomes shall be revised to include a 14 inch eave that is a minimum of 8 inches thick.**
- 4) **The townhomes shall use a traditional color palette. The green and red colors shall be replaced with a traditional palette that is more muted and/or similar to the "Downing Stone" shown on the colors and materials sheet.**
- 5) **All of the windows on the upper stories shall be recessed and double hung as required by the FBC.**

- 6) **A playground shall be added to the interior pocket park space as an amenity for the future residents and to comply with the pocket park open space type of the FBC.**
- 7) **The corner pocket park space shall be revised to include more sitting areas and a more walkable design and layout. The walking surface shall consist of pervious pavers as encouraged by the FBC. The corner pocket park space must be designed to provide more of a connection to the project.**
- 8) **The Street Trees and Streetscape Design shall be revised to comply with the FBC and include but not limited to the following:**
 - a. **For every development the sidewalk and streetscape furnishings must comply with those required by the street type.**
 - b. **Benches are required every 200 feet.**
 - c. **Street lighting along State Street must consist of double acorn lights spaced to match the existing spacing of lights along the corridor. Street lighting along 200 South will be single acorn lights and spaced to match the spacing along State Street.**
 - d. **State Street is required to have Honey Locust trees planted at a minimum distance of 30 feet and maximum of 60 feet on center. Tree wells will be required for each of the trees as the sidewalk / furnishing zone will extend to the street.**
 - e. **200 South is required to have medium street trees planted at a minimum distance of 20 feet and a maximum distance of 40 feet on center. The applicant will need to work with the City Arborist in selection of the type of medium street tree.**
 - f. **On State Street the seven foot (7') sidewalk shall be constructed with concrete material and the seven foot (7') wide furnishing zone shall be constructed using harvest blend Holland Pavers. Tree grates shall be provided for each tree within the furnishing zone that include an expandable opening in the grate for the growth of the tree trunk.**
- 9) **The development plans shall be revised to either show the location and buffering of a common refuse container or the storage and location of private refuse cans for the individual townhomes.**
- 10) **The development plans shall be revised to address the storm water management of the site as called out by the City Engineer for the well head protection area.**
- 11) **The project shall comply with all applicable building and fire code standards.**
- 12) **The project shall comply with all North Davis Sewer District standards.**

Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Bigelow. Voting NO: None.

DISCUSSION ON SP 1807-0007 A SITE PLAN REQUEST BY JARED JEPSEN TO OPERATE AN AUTO SALES BUSINESS, DIAMOND J MOTORS LLC, AT PROPERTY. LOCATED AT 329 NORTH MAIN STREET (TIN: 14-071-0085).

Brad McIlrath reviewed the conditions of approval and said the applicant questioned condition of

approval number three which stated, “The north entrance shall be relocated to the east façade or a new main entry shall be constructed along that building frontage” and condition of approval number seven, “The roofline of the building and canopy shall be modified to comply with standards outlined in this report.” He said the canopy didn’t meet design standards but wasn’t against them either.

Commissioner Browning said it would be hard to put a door on the east side of building and asked if the front of the building could be on 300 North. Commissioner Lloyd said if UDOT required the removal of the access from Main Street, the front of the building would be on 300 North. Mr. McIlrath said the code stated that a corner lot needed an entrance per frontage. The ordinance was written for an ideal design, for a blank slate which the property wasn’t.

Mr. Brimley stated City Code § 11-18-3: Deviations from Strict Compliance allowed the Planning Commission the option to grant a deviation. The motion needed to state why the deviation was being granted and what the deviation was.

Chair Jugler said condition number three could be removed and being that the building was a redeveloped building and because the building was not adjacent to the right-of-way.

Mr. Joe Jepsen said they agreed with most of the conditions. He requested they be allowed to use corrugated metal into the elevations of the building, the product they used was an architectural type and was used on new apartment buildings.

Brie Brass, Assistant City Attorney, said the findings needed to be on the record and the reasons of deviations from strict compliance in City Code § 11-18-3B 1, 2 and 3a, b, c or d. 9:47

Mr. McIlrath said the deviation was consistent with the purpose of the chapter, it would not adversely affect the neighboring property owners or residents and the building would be redeveloped.

APPROVAL OF SP 1807-0007 A SITE PLAN REQUEST BY JARED JEPSEN TO OPERATE AN AUTO SALES BUSINESS, DIAMOND J MOTORS LLC, AT PROPERTY. LOCATED AT 329 NORTH MAIN STREET (TIN: 14-071-0085).

Commissioner Britton moved to approve as conditioned SP 1807-0007, a site plan request by Jared Jepsen to operate an auto sales business, Diamond J Motors, at the property addressed 329 North Main Street (TIN: 14-071-0085) based on the finding and discussion in the staff report with the conditions listed with the exception of amending the conditions to strike condition of approval number three based on findings consistent with § 11-18-3B 1, 2 and 3a as discussed by the Commission in respect to the orientation of the entrance of the building not being required to face east as stated in § 11-18-4-A-5. The conditions of approval were amended as follows:

- 1) The applicant shall obtain a UDOT access and site review and make any required changes.**

- 2) **The site landscaping shall be modified to comply with ordinance standards required by the Land Use Ordinance and reviewed in this staff report.**
- 3) ~~**The north entrance shall be relocated to the east façade or a new main entry shall be constructed along that building frontage.**~~
- 4) **The dumpster enclosure shall be screened by approved masonry materials and provided with landscaping around the enclosure to further screen the enclosure.**
- 5) **All site lighting shall not exceed 20 feet and shall be shielded and directed downwards.**
- 6) **The building entrances shall be modified to comply to have two (2) other architectural elements as outlined in the report.**
- 7) **The roofline of the building and canopy shall be modified to comply with standards outlined in this report.**
- 8) **The building facades shall be revised to include separate colors and materials per façade.**
- 9) **Approved building materials such as stonework, mixed with stucco and vertical banding shall be incorporated in place of the proposed corrugated metal.**
- 10) **The canopy shall respond and relate to the building materials and the windows shall have additional architectural features or awnings as encouraged by ordinance.**
- 11) **The project shall comply will all other design standards not discussed in this staff report and as outlined in Chapter 18 of the Land Use Ordinance.**
- 12) **The ADA parking space shall have the required signage provided at the head of the stall and have the access aisle striped to the nearest entrance of the building.**

Seconded by Commissioner Lloyd. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Bigelow. Voting NO: None.

DISCUSSION ON SP 1608-0001 A SITE PLAN REQUEST BY MICHAEL BARNES FOR THE OUTDOOR STORAGE OF EARTHEN MATERIALS TO BE PROCESSED AND REFINED AT THE PROPERTY LOCATED AT 135 WEST 200 SOUTH, REAR. (TIN: 12-022-0048).

Brad McIlrath asked if the commissioners had any questions on the site plan as the project was discussed with the conditional use permit.

Josh Yeates, applicant, said a couple of the building pads were removed which precipitated a geo tech study on the site. They asked the engineer if the building pads were removed if the geo tech study was required but they had not received a definite answer. He requested some flexibility with condition of approval number one. Mr. McIlrath said the commission could revise condition number one to state: "The applicant shall submit complete construction drawings that complied with engineering standards."

APPROVAL OF SP 1608-0001 A SITE PLAN REQUEST BY MICHAEL BARNES FOR THE OUTDOOR STORAGE OF EARTHEN MATERIALS TO BE PROCESSED AND REFINED AT THE PROPERTY LOCATED AT 135 WEST 200 SOUTH, REAR. (TIN: 12-022-0048).

Commissioner Britton moved to approve as conditioned SP 1608-0001 a site plan request by Michael Barnes to operate a fine mineral extraction and manufacturing business at the property addressed 135 West 200 South (TIN: 12-022-0048) based on the findings and discussion in the staff report with the following conditions:

- 1) **The applicant shall submit complete construction plans that comply with Clearfield City Engineering requirements.**
- 2) **The project shall comply with all engineering standards and requirements.**
- 3) **The site landscaping shall comply with minimum ordinance standards outlined in the Land Use Ordinance.**
- 4) **The ADA parking space shall have a minimum eight foot (8') wide access aisle to comply with federal ADA standards.**
- 5) **The applicant shall submit additional information regarding the square footages of the industrial building to ensure parking provided complies with ordinance standards.**

Seconded by Commissioner Lloyd. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Bigelow. Voting NO: None.

DISCUSSION ON SP 1808-0003 A SITE PLAN REQUEST BY HAMID JANVERSAN FOR CLEARFIELD PLAZA, A 5-UNIT COMMERCIAL/RETAIL CENTER AT THE SUBJECT PROPERTY. LOCATION: 150 EAST 1700 SOUTH (TIN: 12-077-0018).

Brad McIlrath said the request was for a five unit commercial retail center. The site was subject to UDOT access review and approval. Staff determined with the grade change the building still met ordinance standards to not have the building brought up to the street. Parking stalls must meet City ordinance standards. The access driveway needed to be increased to 30 feet, and the perimeter landscaping needed to be six feet wide. Some minor modifications might need to be made to the location of the building on the site or the building design. Design standards required the addition of color to the building. Staff recommended approval with conditions.

APPROVAL OF SP 1808-0003 A SITE PLAN REQUEST BY HAMID JANVERSAN FOR CLEARFIELD PLAZA, A 5-UNIT COMMERCIAL/RETAIL CENTER AT THE SUBJECT PROPERTY. LOCATION: 150 EAST 1700 SOUTH (TIN: 12-077-0018).

Commissioner Britton moved to approve as conditioned SP 1808-0003, a site plan request by Hamid Janversen for the Clearfield Plaza, a 5-unit commercial/retail center at the property addressed 150 East 1700 South (TIN: 12-077-0018) based on the discussion and findings in the staff report with the following conditions:

- 1) **The project shall comply with all applicable development standards of the C-2 Zone.**

- 2) **The project shall comply with the minimum landscaping standards outlined in this report and as required by the Land Use Ordinance.**
- 3) **The applicant shall obtain a UDOT site access and review for the proposed development and implement any requirements of that approval.**
- 4) **The site shall be redesigned to accommodate the minimum perimeter landscaping and shall include shared access for the existing commercial property to the west.**
- 5) **A shared access agreement shall be completed between the two properties and be recorded on both properties for future reference and record keeping.**
- 6) **The parking and access for the site shall be modified to comply with minimum ordinance standards as identified in this report.**
- 7) **The project shall provide decorative site lighting and comply with CPTED lighting and design standards as outlined in Chapter 18 of the Clearfield City Land Use Ordinance.**
- 8) **The applicant shall obtain a building permit and the project shall comply with all applicable building code standards.**
- 9) **The project shall comply with all applicable fire code standards.**
- 10) **The project shall comply with engineering standards / requirements.**

Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Bigelow. Voting NO: None.

STAFF DISCUSSION AND COMMUNICATIONS

Brad McIlrath said the October meeting had eight items. One item would be amending the site plan and conditional use chapter of City Code. In the future months amendments would be presented about public hearings which would bring City Code into conformance with State Code. He asked the commissioners to contact him with any questions.

PLANNING COMMISSIONERS' MINUTE

Commissioner Bigelow – Nothing

Commissioner Britton – Nothing

Commissioner Browning – Nothing

Commissioner Murray – Nothing

Commissioner Lloyd – Nothing

Commissioner Uccardi – Nothing

Commissioner Bush – Nothing

Chair Jugler – Thanked staff and commissioners.

There being no further business to come before the Planning Commission, **Commissioner Murray moved to adjourn at 10:06 P.M. Seconded by Commissioner Uccardi.**