

CLEARFIELD PLANNING COMMISSION MEETING

August 4, 2010

7:00 P.M. - Regular Session

PRESIDING:	Nike Peterson	Chair
PRESENT:	Darren Carpenter	Commissioner
	Matt Stones	Commissioner
	Ron Jones	Commissioner
	Randy Butcher	Commissioner
	Joel Gaerte	Commissioner
	Barbara Perry	Alternate Commissioner
	Doyle Sprague	Council Liaison
EXCUSED:	Bill Moore	Commissioner
	Brandon Stanger	Alternate Commissioner
	Brian Brower	City Attorney
STAFF PRESENT:	Adam Lenhard	Community Development Director
	Gregg Benson	Planner
	Christine Horrocks	Building Permits Specialist
VISITORS:	Chris Gamvroulas, Kathryn Murray, Mark Shepherd	

Pledge of Allegiance was led by Commissioner Peterson.

APPROVAL OF MINUTES FROM JUNE 16, 2010 PLANNING COMMISSION MEETING

Chair Peterson said Brian Brower, City Attorney, recommended a change for clarification on page 5. He asked to have the last sentence of the second paragraph say, "Unless there are additional changes made to the ordinance, the Planning Commission could address the issue without an additional public hearing." Chair Peterson asked to have a change to the minutes on page 4, referring to Chapter 13, line 6. The sentence should read, "The main possible change that the Commission was being asked to consider would allow signage on one bench per UTA bus stop."

Commissioner Butcher moved to accept the minutes as amended, seconded by Commissioner Jones. ALL Voting Aye.

ADDENDUM TO PARK VILLAGE DEVELOPMENT AGREEMENT

Adam Lenhard gave the commissioners an overview of the history of the original development agreement and subdivision. The developer requested changes and two addenda were added to the development agreement. The first addendum clarified the original intent of the subdivision which stated two story homes are not allowed. Twenty-six lots in the subdivision were lost to the bank

and are currently owned by the FDIC. Ivory Homes has the lots under contract and would like to amend the development agreement. In addition to approval from the Planning Commission and the City Council, any change must be approved by the developer, Gardner Development.

Adam Lenhard reviewed the proposed changes in Addendum No. 3. The first change is in paragraph A, which clarifies the role of Ivory Homes in this subdivision as strictly a home builder. The development agreement lists the developer as Gardner Development and they are responsible for the improvements.

Paragraph B requests to strike the final sentence of paragraph 1.a. requiring Lot 8 be held for a clubhouse. A house was built on the lot in error. The recommendation from staff is that the clubhouse would be a significant burden for the homeowners and that the requirement be removed.

Paragraph C amends paragraph 1.c. of the development agreement and would be an amendment to the prohibition on two story homes. Ivory Homes has requested to be able to build two story homes. The elevations and exterior materials would be consistent with the existing homes in the subdivision. The requirement would be at least 1,200 square feet of finished floor space above grade for ramblers, currently it is 1,425 square feet. Two story homes would be allowed and they would need to have a minimum of 1,500 square feet above grade. This request complies with the requirements of the R-2 zone and is consistent with other single family neighborhoods recently approved by the City. Mr. Lenhard said the Planning Commission needs to determine if two story homes are compatible in this subdivision. Ivory Homes has requested to wait and see if the addendum is approved before they go to the expense of having plans drawn to fit on the lots. At that time the elevations will be included with the development agreement as an addendum.

Paragraph D states Addendum No. 1 would be stricken, allowing only one story homes to be built.

Paragraph E is the clarification of the role of Ivory Homes as a homebuilder in this subdivision and that they are not the developer and they are not responsible for the infrastructure in the subdivision.

Commissioner Perry said the lots are small and asked if there are other two story homes in the City with the same lot size. Adam Lenhard said no, this is about as small as a lot can be for a single family detached home. Commissioner Stones asked about the Home Owners Association (HOA) in the subdivision. Adam Lenhard said the HOA is organized and functioning and will bear the responsibility of the roads and utilities. The homes built by Ivory would be included in the same HOA.

Chris Gamvroulas, Ivory Homes, said he understood the concern about the elevations. Ivory Homes didn't want to have the expense of having an architect draw plans if approval wasn't given. He said they don't want to do anything dramatically different; he feels the existing homes

in the subdivision are attractive. Mr. Gamvroulas said the biggest concern with the development agreement was to make it clear Ivory Homes was not the developer of record. They don't want to be held to the requirements that have been established for the developer. Ivory Homes wants to be good partners and neighbors with the Gardners. He felt the development agreement was poorly written in regard to lot 8 and the clubhouse.

Councilmember Sprague asked how many lots Gardner Development still had. Adam Lenhard said there are ten. Councilmember Sprague said the desire of the City was to have a senior community and keep the lots small so the number of residents in the subdivision is kept at a minimum. Chris Gamvroulas said Park Village is not an age restricted community.

Mr. Gamvroulas said they want to do something with the open space between lots 8 through 13 and 41 through 45. They feel it could be better to add the property to the adjacent lots. Commissioner Stones asked if the strip of land for the open space was to be an access for the clubhouse if it had been constructed on lot 8. Gregg Benson said the original intent of this subdivision was to have a senior community, without fences and common landscaping through all the lots. The open space was added to give an open feel behind the homes with the common area. But fences have been installed and the openness that was intended has gone away. Commissioner Stones asked if there would need to be a subdivision amendment to make those changes. Adam Lenhard said the plats would need to be amended and signatures from all current property owners in the subdivision would be required.

Chair Peterson said she feels Addendum No. 3 goes back to the original agreement. She was concerned as she walked through the subdivision that a two story home would not fit in the subdivision. She said elevations would help in making a decision. Chris Gamvroulas said Ivory Homes is trying to see if there is some flexibility within those standards and if there is then they will show some architecture that is harmonious. They will not ask for building permits until the plans and elevations are approved. Mr. Gamvroulas said a standard Rambler of 1,425 square feet fills the entire footprint of the lot. He would like to see a smaller Rambler that makes the yard more useable. Chair Peterson talked to several residents and they were concerned because they were told no two story buildings would be built in the subdivision. She said she doesn't want to give approval without the elevations. Mr. Gamvroulas said they could probably live with the current standards. He felt a small Rambler would make sense. Ivory Homes wants to purchase the lots and do something that is harmonious in the neighborhood. Mr. Gamvroulas said he hoped for a little bit of trust that Ivory Homes will do what they say they are going to do. Chair Peterson recognized Ivory Homes is a reputable company, but the City must follow its development policies with every developer as set by the City Council. Chair Peterson asked Mr. Gamvroulas how flexible Ivory Homes was for building a one story house with a loft. He said he felt they can make that work if they can get the size of the Rambler reduced.

Chair Peterson asked the commissioners for their concerns about two-story homes. Commissioner Carpenter said Park Village was a give and take situation when the City allowed a change in the size of the lot, type of home, and materials used. He said he was fine with the Addendum No. 3

except for C and D. He doesn't want to strike Addendum No. 1 because he feels it provides a higher quality product with the larger home. Commissioner Carpenter felt the commission should move forward with the single story house with the loft and the square footage requirements that were there before.

Commissioner Stones said the lots are quite small and he would like to see the open areas amended and incorporated into some of the lots that would give some homes a larger area to build. He felt the HOA is viable at this point and there is not a lot the City can do with the streets and utilities. He also felt the houses should be kept consistent with what is in the subdivision.

Commissioner Butcher said he lives across the street from this subdivision. He stated it started out as a senior community and then became single family homes. He doesn't want to see two story homes. He had no objection to lot 8 being stricken.

Commissioner Jones said he didn't have any issues with lot 8. He said Ivory Homes has the capability to conform to this neighborhood and they should come up with elevations. He felt it would hurt the look of the neighborhood to build two story homes, and it could hurt the value of two story homes on larger lots in the surrounding area. He felt to stay with the current look which follows Vision 2020, to be clean and consistent.

Commissioner Butcher said paragraph A in Addendum No. 3 states Ivory Homes is not responsible for any infrastructure that has been installed. He asked what happens when Ivory Homes connects to the existing water lines and in a few years there are issues. Adam Lenhard said Ivory Homes will have responsibility for the laterals they install.

Councilmember Sprague asked if the City was still holding funds in escrow. Adam Lenhard said the escrow amount was for the construction of the roads and they were completed over two years ago and it was released. There are certain other improvements in the subdivision that need to be completed and the City can withhold issuing permits until those items are completed.

Commissioner Gaerte said he doesn't feel the second floor is appropriate. His opinion is that the smaller house isn't a deal breaker. He would recommend staying with the current agreement or possibly changing the 1,425 square foot home to 1,200.

Commissioner Perry said this is in her neighborhood and she can't see a two-story house being on the small lots. The original idea of being a village was very attractive to her. She doesn't feel the City should allow a two-story house. She said when the project was going to be for seniors, lot 8 would have been a good idea.

Chair Peterson said she feels the City should come close to the original intent that allowed for the zoning. She felt the commission would like to see the elevations before making a recommendation to the City Council. Adam Lenhard said, in order to protect the City's interest, language could be added that would read similar to: "the elevations of all homes built by Ivory

Homes or its successors shall be subject to review and approval by the City and shall be made an exhibit to this agreement. Chair Peterson said she isn't comfortable treating it as an addendum that comes in after the fact. She would like to see the elevations prior to moving forward. Chris Gamvroulas said the main concern of Ivory Homes is the liability, it isn't the square footage or the architecture; they don't want to be responsible for infrastructure. He said it makes sense to clean up the issues with lot 8. Mr. Gamvroulas felt the CC&R's in place will do more to dictate what the homes will look like. He said Ivory Homes would be comfortable with striking the proposed paragraphs C and D. He said the time line with the FDIC is short, and he needs to know what the City is willing to accept.

Chair Peterson asked what would give the City the maximum protection to make sure the product met the intent of the original project. Adam Lenhard said the original development agreement has requirements for materials. It also states all homes shall be consistent in look and feel. Mr. Lenhard said if the language was added requiring all homes to be subject to review and approval by the City prior to the issuance of building permits, it protects the City. Chair Peterson asked the commissioners for their opinion of paragraphs A and E in Addendum No. 3. All commissioners were comfortable with the liability issue. She also asked the commissioners if they wanted to have the plans in advance or if they were comfortable with an additional paragraph. The commissioners agreed to add a paragraph stating the elevations will be subject to review and approval prior to the issuance of a building permit.

Commissioner Jones asked Mr. Gamvroulas if they had an idea what the price range would be for the homes. Chris Gamvroulas said it will be similar to the price point of the homes already in the subdivision. Commissioner Jones said with the lack of liability that Ivory Homes wants to assume, what is Ivory's stance on installing curb, gutter and fencing on their lots. Mr. Gamvroulas said the curb, gutter and sidewalk are installed. He said they will work with the developer to complete anything that is required in the development agreement. Adam Lenhard said there are still some sidewalks and fences that need to be installed. Commissioner Stones said he wasn't concerned that the Planning Commission reviews the elevations before moving forward with the amendment to the development agreement.

Chair Peterson said the general consensus of the Planning Commission is that paragraphs C and D be stricken from Addendum No. 3. , that a paragraph be added that would recognize Ivory Homes and any assigns, that elevations be included as part of the agreement as an exhibit, compliance will be that permits would be contingent upon approval by the City. For findings of fact, striking paragraphs C and D is in recognition that the City made concession for larger homes in trading for smaller lots and keeping the square footage similar is keeping the spirit of the original agreement. Downsizing the square footage on these homes could have a negative impact on the surrounding value of homes in the area, that keeping the homes consistent with the product that is in the neighborhood currently is in keeping with the Vision 2020 goals of being clean and consistent. Commissioner Stones said the liability issue is currently with the Gardner Park Village LLC and the HOA is currently operating.

Commissioner Carpenter moved to recommend to the City Council that Addendum No. 3 between Clearfield City and Gardner Park Village LLC, be approved with the following changes: 1) paragraphs C and D be stricken; 2) an additional paragraph be added that states the elevations of all homes built by Ivory Homes and its successors or assigns shall be subject to review and approval by the City and shall be made an exhibit to the development agreement; and 3) and the issuing of building permits will be contingent on the City's approval of the elevations. Commissioner Carpenter noted the following findings of fact: 1) the property was rezoned to allow larger homes on smaller lots; 2) to meet the goals of Vision 2020 the homes needed to remain consistent with the original agreement; 3) liability for the infrastructure remains with Gardner Park Village LLC as the developer of the subdivision; and 4) the HOA shall remain active and functioning. Seconded by Commissioner Stones. All Voting AYE.

PLANNING COMMISSIONER'S MINUTE

Commissioner Peterson – said she appreciates staff's efforts.

Commissioner Carpenter – Nothing

Commissioner Stones – Nothing

Commissioner Jones – Nothing

Commissioner Butcher – said he was not at the last meeting and asked about the new members being sworn in. Chair Peterson told the commissioners that needed to be sworn in to set an appointment with the City Recorder, Nancy Dean.

Commissioner Gaerte – Nothing

Commissioner Perry – Nothing

Councilmember Sprague – Nothing

There being no further business to come before the Planning Commission, **Commissioner Carpenter moved to adjourn to a work session at 8:25 p.m.**

PLANNING COMMISSION TRAINING

Adam Lenhard explained when the Planning Commission takes action, it is important that the reasons for doing so are clearly established in the record. "Findings of Fact" are the reasons why a motion or a decision is being made. Findings should be part of a motion. It states why we are making the decision based on facts. As commissioners they need to read and apply the land use ordinance.

GENERAL PLAN

Adam Lenhard explained the General Plan is a document required by the State. It is a guide for future growth and development within the City. The General Plan must address land use, transportation, and affordable housing. The City has flexibility to make the General Plan be what it wants it to be. Clearfield City's General Plan was last changed in 2008. Because of recent changes to the land use ordinance, the General Plan must be changed. All land use decisions must be consistent with the general plan.

Mr. Lenhard asked the commissioners to read through the proposed changes and look at the goals and policies for each element. The General Plan should reflect your vision for Clearfield, what you want to see in the future. He told the commissioners if they had any questions to talk to staff.

Adam Lenhard asked how the Planning Commission would like to proceed. He told them their role is advisory. The Planning Commission makes a recommendation to the City Council. The City Council is the land use authority and has final approval. Both the Planning Commission and the City Council hold a public hearing.

Adam Lenhard suggested the commission review any changes at the meeting on August 25, 2010 and then a public hearing will be held on September 1, 2010. Mr. Lenhard said State statute requires notification to affected entities such as utility companies, Hill Air Force Base, West Point City, Syracuse City and other public agencies. Weber Basin Water was the only affected entity that responded and they requested the City include a map of well collection areas within the City. This information has not been included in the past, but if the Planning Commission desires it can be added to the General Plan.

Commissioner Butcher moved to adjourn at 8:46 P.M.