

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
June 12, 2018

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
PRESENT VIA TELEPHONE:	Karece Thompson	Councilmember
STAFF PRESENT:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Bryce Thurgood – Castle Creek Homes, Bob Stevenson, Kathryn Murray, Jerry Preston

Mayor Shepherd called the meeting to order at 6:00 p.m.

DISCUSSION ON THE PROPOSED REZONE OF MULTIPLE PROPERTIES IN THE DOWNTOWN CORRIDOR IN ASSOCIATION WITH THE ADOPTION OF FORM BASED CODE

Brad McIlrath, Senior Planner, explained the proposed rezone requests for properties in the downtown corridor were the result of the City Council’s recent adoption of Form Based Code into the City’s land use regulations. He expressed appreciation to the Council for its input on fine tuning the Form Based Code and indicated staff was still working with the consultant to fix some minor grammatical errors. He reviewed the process for creating Form Based Code, its principles, and the list of parcels which were noticed for rezone.

Mr. McIlrath stated the Planning Commission reviewed the rezone and held a public hearing at its meeting on June 6, 2018. He reported that during the meeting some property owners expressed concerns about the proposed rezones and whether or not they could continue to

operate legally as nonconforming uses. He said some residents also responded on social media about the rezones and expressed worry about their impact to neighborhoods specifically along Ross Drive. Mr. McIlrath indicated rumors were corrected and residents were assured the rezone would only impact those properties along the State Street corridor.

He mentioned the downtown map associated with the drafting of Form Based Code originally recommended a large area in the downtown be zoned Town Residential; however, Form Based Code had pared it back allowing for a larger area of commercial and mixed uses. Mr. McIlrath reviewed a list of parcels affected by the rezone and identified their current designations as C-2 (Commercial), C-1 (Commercial), R-3 (Residential), R-2 (Residential), R-1-8 (Residential), P-F (Public Facilities), A-1 (Agricultural) or D-R (Downtown Redevelopment) as well as their proposed designation changes. He highlighted some of the differences in the suggested zoning designations which were Commercial Corridor (CC), Civic (CV), Town Commerce (TC), Town Residential (TR), Urban Residential (UR), and Urban Commerce (UC).

Councilmember Roper wondered why there was an address on Ross Drive included on the list of properties. Mr. McIlrath responded the only properties included with the rezone were those on State Street so it was likely on the corner of State Street and Ross Drive. Spencer Brimley, Community Development Director, added the property at 179 Ross Drive, which was deeper into the neighborhood, was inadvertently included and noticed as part of the rezones; however, that was an error and not actually part of the area designated for rezone. He indicated the property owner was aware the property would not be included with the rezones.

Mr. McIlrath noted staff had received requests after the noticing of the rezone proposal asking for properties to be included, excluded, or changed to another designation other than what was proposed. He mentioned Mr. Flint requested his properties, which were located just north of the Auto Zone property at 608 South and 628 South on 1000 East, be included with neighboring properties proposed as Town Commercial (TC). He explained the Planning Commission recommended inclusion of those properties with the rezone after hearing and reviewing the property owner's request.

Mr. McIlrath indicated the property owner of parcels at 627 South 1000 East, 655 South 1000 East, 1011 East 700 South, 1017 East 700 South and 1029 East 700 South had requested exclusion from the rezone. He noted currently those properties were owned by Crystal Inn, LLC a subsidiary of Maverick and the TC designation would impact the planned development of the site by mandating two story buildings and not allowing gas stations. He continued staff reviewed the request along with the Downtown Small Area Plan and the City's General Plan and recommended removing the parcels from the rezone because areas identified as mixed use ended at 1000 East. Mr. McIlrath suggested the properties could remain as currently zoned and any future change in zone would be the property owner's responsibility. There was a discussion about the potential impacts of excluding the properties from the rezone which could be beneficial for the site's development.

Mr. McIlrath noted after the Planning Commission meeting staff received a request from property owners for a change to the zone proposed for 293 South State Street and 275 South State Street (rear). The property owners requested the designation be changed from the proposed

CC to UC to allow for more marketability of the properties because of the additional uses in the UC zone.

Mr. McIlrath reported the Planning Commission recommended approval of the rezone of the properties identified in the Form Based Code which would apply specifically to properties located along the corridor of State Route 126 (State and Main Street) from 300 North to 1000 South and along the corridor of State Route 193 (700 South) from 1000 East to the rail corridor.

There was a discussion about the City Council's power regarding land use in the areas identified to be governed by the Form Based Code. Mr. McIlrath assured the City Council that it would still be heavily involved in land use decisions for the corridor. He stated all rezones, subdivision applications, development agreements, and any text amendments to the Form Based Code would require City Council consideration. Spencer Brimley, Community Development Director, added land use authority would remain as it was currently structured, but the rezones of properties in the downtown corridor were being addressed in one action. He acknowledged the approach to development of the corridor was new and different but the process remained the same. JJ Allen, City Manager, explained the only way a commercial project would currently get approval without the Council's consideration was if a project only needed a site plan to proceed with development, which was also true with Form Based Code in place. He suggested most projects in the downtown corridor would be assembling multiple properties requiring a subdivision plat and perhaps a development agreement, which was not that different from traditional zoning.

Councilmember Bush asked about public attendance at the Planning Commission meeting. Mr. McIlrath responded the City Council Chambers was about half full of property owners and most of those in attendance commented on the rezones. He stated the main concern appeared to be property owners wanting to make sure they could continue to use their properties as currently configured. He reported the property owners were told the properties' uses would continue as legal nonconforming. He stated other property owners were concerned about the public outreach regarding the Form Based Code process. He reported those property owners were told about the various ways the City attempted to reach property owners regarding the process. Trevor Cahoon, Communications Director, commented it was common for an individual to not get involved until an issue directly affected him/her. He indicated the City would continue to look for ways to engage residents in the process. Mr. McIlrath expressed his opinion that the City was making significant efforts to reach residents.

DISCUSSION ON THE CERTIFIED TAX RATE

Rich Knapp, Finance Manager, stated the City received its certified tax rate from Davis County. He indicated property values increased so the City's certified tax rate decreased. He reported the average home value in Clearfield increased two percent to \$193,000. He indicated the new rate would result in an average decrease of \$17.18 to residential property taxes. He reported commercial values increased at an even higher rate.

Mayor Shepherd asked if the City would be held harmless if businesses appealed the property value assessed by the County and won. He expressed concern that scenario would disrupt the City budget. Mr. Knapp was uncertain and offered to contact the County for additional

information. JJ Allen, City Manager, believed if an appeal were filed and won, the City budget would be affected. Mayor Shepherd also expressed concern regarding the City accepting the certified tax rate as set by Davis County rather than maintaining the current rate. Councilmember Bush expressed his desire to maintain the current certified tax rate rather than getting behind on revenue and having to increase taxes at a greater rate in the future. Councilmember Thompson expressed a desire to maintain the certified tax rate so increases would be small and incremental over time. He offered support to the will of the Council either way.

DISCUSSION ON THE 2018/2019 FISCAL YEAR BUDGET

Rich Knapp, Finance Manager, reviewed the changes to the tentative budget since its adoption in May 2018 as follows:

- Façade and Site Improvement Grant expenditure was increased to \$50,000 because of an additional \$25,000 revenue from the Davis Façade and Site Improvement Grant.
- Property and Liability Insurance expenditure was increased \$416.
- Enterprise Fund Indirect Cost Allocation was increased by \$36,785.

The following expenditures were being rolled over from the FY2018 budget because the projects were not yet complete:

- Outdoor Deck and Pool Repairs at \$11,000.
- Cemetery Design Project at \$35,000.
- Gateway Construction Project at \$50,000
- City Hall West Entry Stairs Project at \$20,000
- VAV Boxes for the Police Department Area at \$12,000
- Aquatic Center Blind Replacement at \$6,000
- H Street/SR 193 Landscaping Retention Basin at \$25,000
- Steed Pond Aerators at \$10,000
- Rail and Canal Trail Landscaping Projects at \$25,000

DISCUSSION ON THE UNIVERSITY PARK DEVELOPMENT LOCATED AT APPROXIMATELY 1900 EAST 700 SOUTH

Spencer Brimley, Community Development Director, reminded the Council of the tour taken in February 2018 to see two projects in other cities by the developers of the University Park development. He reviewed the various site layouts proposed for the development. He reported the developers recently proposed a new site layout that they felt more fully met the expectations of the Council. He pointed out the proposed site layout had changed from two-three story buildings to four-five story buildings, which would include various amenities for residents.

Councilmember Bush asked if the site still included a convenience store and gas station. Mr. Brimley responded he had been in contact with the individual developing that part of the site and the indication was that project would still be moving forward. JJ Allen, City Manager, explained access for the convenience store on the corner off SR 193 would be hard right in with no out. He added the access for the rest of the site off SR 193 would be hard right in and hard right out only. Mayor Shepherd added getting approval from the Utah Department of Transportation (UDOT) for accesses had been the biggest delay so far.

Councilmember Bush asked if the commercial space would be a three story building. Mr. Brimley explained the desired zoning for the development allowed up to a six story building. Mr. Allen commented that parking would have to be addressed if the developer desired to build a six story building. Mr. Brimley commented there had been a lot of talk about bringing retail development to the site but the limited access had caused problems for that type of design. Mayor Shepherd added the elevations of the property were a challenge for designing the development. He also remarked he liked the newest site proposal. He commented the developers had been told the development needed to be a statement property for the City.

Councilmember Phipps commented on the slope to the west and asked if some sort of retention was needed on the property. Mr. Allen responded there would be storm water retention designed for the development.

Councilmember Bush asked if gas trucks would be able to get in and out of the convenience store location. Mayor Shepherd responded the design had taken that need into consideration.

Councilmember Phipps asked how firmly committed the developers were for the development of the amenities for the residential component of the property. Bryce Thurgood, developer, indicated the amenities would be a necessary part of drawing people to the development to live. Councilmember Bush asked if the developers had considered rooftop amenities. Mr. Thurgood indicated that amenity had not yet been considered. He commented the project was targeting a market that could afford high rent values. Bob Stevenson, developer, stated the development would be the nicest one built in Davis County to date.

Councilmember Phipps asked if the development would create a connection to the Canal Trail for residents. Mr. Allen responded access to the Canal Trail would likely have to be negotiated with the owner of the AAA property but was doable. Councilmember Phipps suggested it would be an asset for the development. Mr. Allen stated the City owned property being leased to the owner of the AAA property for a parking lot that involved a future park in the area. He suggested it would be worth the effort to connect the development, park, and Canal Trail in some way at some point in the future. Eric Howes, Community Services Director, indicated the canal company would be burying the canal shortly and that would make it much easier for those connections to be made.

Mr. Brimley informed the Council that the developer indicated a desire to rezone the property to DR (Downtown Residential). The Council indicated consensus for the developers moving forward with the necessary land use applications for the project as proposed in the current site layout.

Councilmember Peterson moved to adjourn the work session and reconvene in policy session at 6:51 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

APPROVED AND ADOPTED
This 31st day of July, 2018

/s/Mark R. Shepherd, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, June 12, 2018.

/s/Nancy R. Dean, City Recorder