PRESIDING: Nike Peterson Chair

PRESENT: Kathryn Murray Commissioner
Timothy Roper Commissioner
Robert Browning Commissioner
Robert Allen Commissioner
Michael Millard Commissioner
Amy Mabey Commissioner
Michael Britton Alternate Commissioner
Brady Jugler Alternate Commissioner

ABSENT: Steve Parkinson Alternate Commissioner
Michael LeBaron Council Liaison
JJ Allen Assistant City Manager

STAFF PRESENT: Brian Brower City Attorney
Scott Hess Development Services Manager
Christine Horrocks Building Permits Specialist

VISITORS: Jeff Jackson

Pledge of Allegiance was led by Chair Peterson

APPROVAL OF THE AGENDA

Commissioner Murray moved to approve the agenda as presented. Seconded by Commissioner Jugler. The motion carried on the following vote: Voting AYE: Commissioners Murray, Browning, Allen, Millard, Mabey and Jugler. Voting NO: None.

APPROVAL OF MINUTES FROM APRIL 15, 2015 PLANNING COMMISSION TRAINING MEETING

Commissioner Mabey moved to approve the minutes of the April 15, 2015 training meeting as written. Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Murray, Browning, Allen, Millard, Mabey and Jugler. Voting NO: None.

APPROVAL OF MINUTES FROM MAY 6, 2015 PLANNING COMMISSION MEETING

Chair Peterson requested condition of approval 8d on page 10 have an addition that included berming. The condition would state: “…There shall be additional landscaping in the form of a berm or low patio wall…”
Commissioner Mabey moved to approve the minutes of the May 6, 2015 meeting with the change discussed. Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Murray, Browning, Allen, Millard, Mabey and Jugler. Voting NO: None.

DISCUSSION ON SP 1505-0004, A REQUEST BY JEFF JACKSON, ON BEHALF OF IRONWOOD DEVELOPMENT GROUP, LLC, FOR SITE PLAN APPROVAL LOCATED AT 850 SOUTH 490 EAST (TIN: 12-066-0089, 12-066-0090, 12-066-0115). THE PROPERTY IS APPROXIMATELY 8.82 ACRES AND LIES IN THE R-3 (MULTI-FAMILY RESIDENTIAL) ZONING DISTRICT.

Scott Hess stated the final subdivision plat was approved by the City Council on April 14, 2015. He said the site plan met General Plan and zoning requirements. Mr. Hess said the approved plat was reconfigured which generated a smaller commercial parcel, Lot 2. He said the plat or the site plan needed to be revised. Mr. Hess said the site showed Depot Street as the major access road off of 700 South (SR 193) and there was a secondary access through the Meadows condos. He said parking was adequate at 2.125 stalls per unit. He suggested that the extra parking be moved from north to south to add as much parking as feasible to the south. He said if it was possible the detention basin could be moved to the north and the parking to the south which would place the parking adjacent to the residential use.

Mr. Hess said landscaping was 38 percent and there was an access parcel from 550 East which was a bike and pedestrian pathway not a vehicular access. He said staff recommended irrigated turf grass but if xeriscape was used a detailed plan would be required. He said the number of shrubs and bushes needed to be shown on the landscaping plan. Mr. Hess said the garbage dumpster enclosures were located in two areas and should be designed to match the buildings. He said the project had multi-family residential zoning on two sides and the third side was Depot Street and the rail line. The other multi-family areas were fenced and staff wasn’t recommending any additional fencing at this time. Mr. Hess said the sign package was not part of the approval and would be approved administratively. He said the North Davis Fire District (NDFD) letter was attached and the applicant had worked with Public Works for the required infrastructure improvements. The city engineer stated the work benefited the area because it removed an old agricultural ditch and the site was designed as a regional detention basin. He said staff was appreciative of the developer’s willingness to include the regional detention basin in the project.

Mr. Hess said the building was a three-story apartment complex and the plan showed four-sided architecture with material changes on all four sides. He said the materials were stucco, hardie board, and brick or rock on the pillars. He said staff recommended an awning or some architectural feature at the entrances.

Mr. Hess reviewed the conditions of approval. Condition of approval number five was changed to state, “The plat and/or zoning must first be corrected to...prior to issuance of a building permit.” Brian Brower, City Attorney, asked for changes to condition of approval number nine. “As per City Code § 11-13-23 (B) (C) (D) the developer shall post a bond of 125 % of the value of the landscape should the landscape not be installed prior to certificate of occupancy. Pursuant to
Land Use Ordinance § 11-13-23 (B) (C) (D) final building permit approval…” Mr. Hess said condition of approval number ten referred to the improvements to be installed in Depot Street as all other streets were privately owned.

Jeff Jackson, Ironwood Development Group, referred to the elevation/rendering and said the exterior color had not yet been determined. He said a cinder block/rock type product would cover the exposed bare concrete along the garages. He said the lighter stucco was grey and the other stucco would be red or green. Mr. Jackson said the area around stairwells was rock. He said the fourth material type was a grey corrugated metal panel and would be on the corner accents and pop outs. He said hardie board was used as an accent. Mr. Jackson said if the buildings were red, then hardie board would be used instead of stucco.

Mr. Jackson said the garages were not attached to a particular unit and would be rented separately. He said there would be tuck under parking, which the developer hoped would be a good selling point. He said the additional parking area was added so the development met the parking requirements. Commissioner Murray asked if tuck under parking was added to meet the required number of parking spaces. Mr. Jackson said there had been discussion about tuck under parking from the start. Mr. Hess said the addition of the access parcel for the walking path increased the number of units on the site. Mr. Jackson said the walking path allowed the addition of 13 units.

Mr. Jackson asked what condition of approval number four required. Mr. Hess read from City Code § 11-18-5B, “Entrances: All building entrances shall be clearly articulated to indicate a transition from the exterior to the interior of the building. Every main entrance shall have a special emphasis when compared to the other portions of the building. This shall be accomplished through the use of at least three (3) of the following near entrances:
1. A prominent architectural feature that is unique to the overall building design;
2. Complementary yet differing building materials or colors;
3. Increased use of windows or glass;
4. Pedestrian amenities that may include patios, porches, special paving treatments, seating areas, or awnings; or
5. Increased landscaping.”

Mr. Hess said there were complementary building materials and the roof overhangs would be considered a prominent architectural feature. He said the addition of landscaping to anchor the base or a patio or awning cover would add the third required design element. Mr. Jackson said the addition of landscaping or an awning over the lowest entrance would be done so the requirement was met.

Mr. Jackson asked for an explanation for condition of approval number five. Mr. Hess said on the approved plat lot two was 0.86 acres and on the site plan lot two was shown as 0.35 acres. He said the break point for the residential and commercial zoning must line up on the plat and should not encroach on the other zone. Mr. Hess said a stand-alone parking lot was not allowed in the commercial zone. Mr. Jackson said the engineer had stated it might be possible to move the detention pond north. He said the detention pond in the north was not benefiting the project, but
was collecting water from the Meadow’s Condominiums. Mr. Hess said the number of accesses to the development might be able to be decreased to two pending Fire District approval. He said staff suggested having a landscaped detention basin at the north entry then a basketball court or other recreation facility and then putting more parking at the south end of the project. Mr. Jackson said the shape of the parcel to the south would not allow for many more parking spaces. Chair Peterson asked if the detention basin could be moved to the north. Mr. Hess said the detention basin could be placed on the commercially zoned property but the plat and property lines would still need to be addressed. Mr. Jackson said because of the sewer easements the property line was shifted to the north which allowed for additional units. Mr. Hess said the approval of the number of units was contingent upon the plat being corrected and the City would want to review the necessary detailed landscaping plan.

Chair Peterson asked the commissioners if the final decision could be left for staff to insure the site met requirements and the plat was corrected. Commissioner Mabey, Murray and Browning stated they were comfortable with leaving the final approval to staff.

Mr. Jackson asked what the process was to amend the plat. Mr. Hess said because the plat had not been recorded it would be a minor change and could be presented at the Planning Commission on July 1, and then City Council meeting on July 14.

Mr. Jackson wanted clarification on condition of approval number nine. Mr. Hess said that condition existed for construction that began in poor weather. Mr. Jackson asked if construction could begin on the buildings if the City improvements were bonded. Mr. Hess said that was a question for the building official and would need to be discussed later.

Mr. Jackson asked if a condition of approval could be added that the developer and the City could establish a development agreement. Mr. Hess said the development agreement was a condition of approval with the final subdivision plat and apologized for the condition not being included in the site plan approval. Mr. Jackson said the project would have turf grass within the landscaping and not xeriscape. He said the dumpster enclosures would match the project.

Mr. Jackson said they would be in favor of eliminating the third access and stated it was created because until Depot Street went through a hammer-head location was required for turnaround. Mr. Hess said a turnaround bulb could be considered, but access changes needed Fire District approval.

**Commissioner Jugler requested a five minute recess at 7:57 p.m. Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Murray, Browning, Allen, Millard, Mabey and Jugler. Voting NO: None.**

The meeting reconvened at 8:04 p.m.

Brian Brower said during the recess staff conferred with the applicant about changes and clarifications made to condition of approval number nine. He said the condition would be changed to state, “Prior to issuing any building permits, as per City Code § 11-13-23(B), (C) and
(D), the developer shall either post a bond or establish an escrow account as reviewed and approved by the City Engineer and City Attorney of 125 percent of the value of the landscape improvements. The landscaping plan shall indicate the nature of all landscaping listed in the site plan, both for “Open Space and Landscaping” and “Landscape Planter Area”.

Chair Peterson said in the review considerations on page five of the staff report it stated, “Traffic will ultimately increase, and will continue to be monitored as growth and development of this area of the City occurs.” Mr. Hess said traffic would not be majorly impacted until the connection was made with Clearfield Station. He said because of access and signal spacing required by UDOT there would not be a traffic light at the intersection of Depot Street and 700 South (SR 193). He said Depot Street would be built at capacity. Commissioner Allen asked about the ADA accessible parking. Mr. Hess said about 12 of 112 stalls were ADA accessible and in staff’s opinion that was adequate.

APPROVAL OF SP 1505-0004, A REQUEST BY JEFF JACKSON, ON BEHALF OF IRONWOOD DEVELOPMENT GROUP, LLC, FOR SITE PLAN APPROVAL LOCATED AT 850 SOUTH 490 EAST (TIN: 12-066-0089, 12-066-0090, 12-066-0115). THE PROPERTY IS APPROXIMATELY 8.82 ACRES AND LIES IN THE R-3 (MULTI-FAMILY RESIDENTIAL) ZONING DISTRICT.

Commissioner Browning moved to approve SP 1503-0004, A request by Jeff Jackson, on behalf of Ironwood Development Group, LLC, for Site Plan approval located at 850 South 490 East (TIN: 12-066-0089, 12-066-0090, 12-066-0115), based on discussion and findings in the staff report with the following conditions:

1) The developer shall submit a final clean copy of the Site Plan documents correcting all errors and omissions indicated by staff reviews.
2) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer and Public Works Director.
3) The final Fire Infrastructure design shall meet North Davis Fire District standards and be to the satisfaction of the Fire Marshall.
4) The exterior design of the entranceways shall incorporate three of five design elements as listed in City Code § 11-18-5B.
5) The Plat and/or zoning must first be corrected to accommodate the northern parking area as shown on this site plan, or the parking needs to be revised to match the Final Plat that was approved by City Council on April 15, 2015 prior to issuance of building permits.
6) Parking for guests shall be provided as close as possible to the building structures, and have direct sidewalk access to mitigate impacts to landscaping areas used as cut-thrus by pedestrians.
7) Garbage dumpsters shall be in enclosures designed to match the exterior of the project. Garbage enclosures must be constructed of masonry walls, and be sited in such a way to shield their view from public streets.
8) Fencing shall be added between the future commercial property and the R-3 property along the northern line of Lot 1. Fencing shall match the existing fence surrounding the project.
9) **Prior to issuing any building permits, as per City Code § 11-13-23 (B), (C) and (D), the developer shall either post a bond or establish an escrow account as reviewed and approved by the City Engineer and City Attorney of 125 percent of the value of the landscape improvements. The landscaping plan shall indicate the nature of all landscaping listed in the site plan, both for “Open Space and Landscaping” and “Landscape Planter Area”**.

10) **As per City Code § 12-4-5, an estimate of public improvements (as outlined in City Code § 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established for any improvements not yet installed prior to recordation of the Final Plat**.

11) **No building permits shall be issued or construction of buildings or improvements may begin until after recordation of the Final Plat**.

12) **The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits**.

13) **Conditioned upon the full execution and recordation of a development agreement between the City and the developer**.

Seconded by Commissioner Allen. The motion carried on the following vote: Voting AYE: Commissioners Murray, Browning, Allen, Millard, Mabey and Jugler. Voting NO: None.

DISCUSSION ITEM: CONSIDER USING A HEARING OFFICER FOR APPEALS TO LAND USE DECISIONS

Scott Hess said Clearfield City Code currently listed the Planning Commission as the Appeal Authority for Variances and the City Council as the Appeal Authority for Conditional Use Permits and Site Plan approvals. He said the City Council directed staff to consider amendments to the City Code that would create a hearing officer.

Mr. Hess said ordinances from different cities were attached for examples. Brian Brower pointed out some different criteria, 1) Hearing officer must be a resident. 2) Term of appointment was three years with no more than three consecutive terms. 3) May not live in the city or be a city employee. 4) Hearing officer appointed by the mayor with the advice and consent of the City Council. Mr. Brower recommended the hearing officer not live in the City and be appointed for one year terms. He said there was a cost savings and more efficiency gained with a hearing officer rather than convening the Planning Commission or City Council. Mr. Brower said his opinion was the City Council felt it was a more efficient process to have a hearing officer. Chair Peterson said her opinion was that there was real benefit for a hearing officer but wanted to have more than one hearing officer and have someone with land use knowledge.

Mr. Hess reviewed the Land Use and Appeal Authority table 11.1 in City Code Title 11. He said the appeal meetings would be a public meeting but not a public hearing. Mr. Hess said the appeals considered the decisions made, and whether or not the decision correctly applied the ordinances.
Chair Peterson said she sensed there was general support for the change and asked staff to proceed with the change to the ordinance.

Commissioner Allen asked to be excused at 8:37 p.m. Commission Roper took a chair on the dais.

DISCUSSION ITEM: DEFINITION OF FENCING

Scott Hess said the question of “impervious to sight” had been discussed on several occasions during site plan reviews with the Planning Commission. He said it was the opinion of the City Attorney that slatted chain link did not mean impervious to view. Mr. Hess said there needed to be some clarity on the definition and if slatted chain link was a desired product for use in the City.

Brian Brower said if the Planning Commission wanted to allow slatted chain link then the wording should be changed so it didn’t state impervious to sight.

Commissioner Mabey liked the wording in the code from Fairfield, California that stated, “Vinyl-clad chain-link fencing may be installed at the rear of buildings if not visible from public areas on- or off-site or any public right-of-way (e.g., vinyl-clad chain link shall not be used along a street-side property line).”

Mr. Hess said he was in favor of leaving the City Code as it was and creating a definition for impervious to sight and clean up Title 11-13-12: Outdoor Storage. Mr. Brower suggested the commissioners consider a different standard when the fence was bordering residential property. Commissioner Jugler said he preferred to leave the code and define impervious. Mr. Hess said it would take some work because of the number of references in the Code to fencing. Commissioner Browning wanted to see impervious to sight fences along major corridors and in between uses.

DISCUSSION ITEM: REQUIREMENTS FOR BUFFERING BETWEEN USES

Scott Hess said the discussion resulted from a request from a commissioner for landscape buffering. He said he didn’t like buffer yards and it was his opinion that large landscape buffers would not work well in Clearfield City because of the small lots and difficult redevelopment properties that often had unique challenges. Mr. Hess said his preference was to create a regular landscaping standard made up of predictable trees and bushes along the property line between uses.

STAFF COMMUNICATION

Scott Hess said he had accepted a new job with Wasatch Front Regional Council. He said he appreciated working with the commissioners. He was told by Valerie Claussen that the Planning Commission was supportive of staff and that was exactly what he found. Mr. Hess said it was an incredible Planning Commission. He said the Commission made decisions based on the General
Plan and that they needed to keep up the good work. He said he would be contracting with the City until the position was filled.

**PLANNING COMMISSIONERS’ MINUTE**

Commissioner Mabey – nothing

Commissioner Millard – said Scott Hess had been fantastic and taught him a lot. He told Chair Peterson congratulations on running for City Council.

Commissioner Browning – thanks to Scott Hess.

Commissioner Murray – nothing

Commissioner Jugler – said Scott Hess would be missed. He said Mr. Hess had directed him to UDOT and his recommendation was accepted by UDOT. He said it was a privilege working with Scott.

Commissioner Roper – thanked Scott Hess and wished him good luck on his next endeavor. He said he attended a great open house sponsored by Clearfield City.

Chair Peterson – said to get the map before Scott Hess left. She wished Scott good luck.

There being no further business to come before the Planning Commission, **Commissioner Murray moved to adjourn at 8:57 P.M. Seconded by Commissioner Mabey.**