MEETING AGENDA OF THE CLEARFIELD CITY PLANNING COMMISSION

Notice is hereby given that the Clearfield City Planning Commission will hold a regularly scheduled meeting at 7:00 P.M., Wednesday, October 4, 2017, on the 3rd floor in the City Council Chambers of the Clearfield City Municipal Building, 55 S. State, Clearfield, Utah.

7:00 PM CALL TO ORDER-- PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: September 6, 2017

APPROVAL OF FINDINGS OF FACT:
   − Acceptance and signing of Findings of Fact for the item ZD 1708-0002 that held during the September 6th Hearing, of the Planning Commission.

DECISION ITEMS

Non-Public Hearings item:

WORK SESSION ITEMS
1. Staff Communications and Training
2. Planning Commissioners’ Minute

**PLANNING COMMISSION MEETING ADJOURNED**

Dated this 28th day of September, 2017
/s/Spencer W. Brimley, Development Services Manager

The City of Clearfield, in accordance with the ‘Americans with Disabilities Act’, provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting accommodations for City sponsored public meetings, service programs, or events, should call Christine Horrocks at 525-2780, giving her 48 hours notice.

The Planning Commission Public Meeting is a public forum where the Planning Commission receives comment from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Commission’s agenda. In addition, it is where the Planning Commission takes action on these items. Action may be taken which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.
Welcome to tonight’s (10/4/2017) Clearfield City Planning Commission Meeting.

A copy of today's agenda and a sign-in sheet are located on a stand at the back of the room. Please note your participation in today's meeting by signing in.

The Planning Commission is a voluntary citizen board. The Commission's function is to hear and decide applications that are administrative in nature, and can include; conditional uses, preliminary subdivision plats, site plans, etc.

The commission is also tasked with providing recommendations to the Clearfield City Council on items that are legislative in nature or require City Council approval. These may include such requests as zoning changes, changes to ordinances, general plans amendments, etc.

The decisions made by the Commission are based on: information from field observations, recommendations from city staff and other agencies regarding compliance with the general plan and relevant ordinances. The Commission shall also consider information presented at the public meeting, including presentations by city staff, testimony from the applicant, and comments from the public.

Be advised that that the Commission shall not make a decision based on “public clamor,” which is defined by the Utah Department of Commerce Office of Property Rights Ombudsman as “emotional or baseless opinion on a matter,” but will consider public comment that is “factual information presented by the public.”

Today's meeting is recorded. If you elect to speak at tonight’s meeting, please speak directly into the microphone and begin by clearly stating your full name for the record. Please note that comments from the public are only appropriate when presented at the podium and in accordance with the General Rules of Procedure found with the agenda. Please be respectful of those speaking or waiting to speak by only providing comment when at the podium.

Tonight’s agenda is divided into two categories: (1) Decision Items and (2) Work Session Items.

(1) **Decision Items**:

- Under **Decision Items**, the Commission will make a decision or recommendation based on the scheduled matters to be considered on the Commission’s published agenda.

- **Public Hearing/Comment**: Only those items that require a public hearing will include any public comment. These items are ones for which public comment is taken so that the Commission can be made aware of all of the issues of concern with regards to a scheduled matter.

- All other scheduled matters will be limited to discussion between the Commission, city staff, and the applicant.

- A decision, or recommendation, will be rendered by the Commission for these items which may include approval, approval with conditions, denial, or, continuation of the item to a future meeting.

(2) **Work Session items**:

- During the **work session**, the Commission may discuss and provide direction on policy issues and administrative matters that do not require public input. Special presentations, reports, and updates from city staff or others that do not require a decision at a public hearing may also be made.

- There will be no discussion of an application, request, or approval of any matter scheduled for the public hearing item portion of the meeting.

Please see the General Rules of Procedure included with the agenda.
In addition to the formal rules of parliamentary procedure, as more set forth in the most current version of the Robert’s Rules of Order, the following basic Clearfield City Planning Commission procedures are provided as general direction.

I. DECISION ITEMS:

A. Basic Procedures

1. Motion and second to open the Public Hearing
2. Applications will be introduced by a Staff Member.
3. The applicant will be allowed answer question and provide additional information (Limit 15 mins.).
4. Persons in favor of, or not opposed to, the application will be invited to make comment.
5. Persons opposed to the application will be invited to make comment.
6. The applicant is provided no more than 5 minutes to provide concluding remarks.
7. Motion and second to close of the public hearing
8. Commission discussion and decision

B. Public Comment Procedures

1. Speakers will be called to the podium by the Chair.
2. Because the meeting minutes are recorded, it is important for each speaker to state their name prior to making any comments.
3. All comments should be directed to the Planning Commission members, not to the city staff or to members of the audience.
4. For items where there are several people wishing to speak, the Chair may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson.
5. After the hearing is closed, the discussion will be limited to the Planning Commission members and city staff. No additional public comment will be accepted.

II. WORK SESSION ITEMS OR NON-PUBLIC HEARING ITEMS

A. Basic Procedures

1. Any item that does not require a public hearing will include steps 2, 3, and 8 from Section I(A) above.

City staff is available and happy to discuss any specific questions or concerns you might have regarding the planning application/development process. To schedule an appointment with the appropriate city staff member, please contact 801-525-2784 to make an appointment.
TO: Clearfield City Planning Commission
FROM: Spencer W. Brimley, Development Services Manager, MRED
MEETING DATE: Wednesday, October 4, 2017
SUBJECT: Sandridge Apartments Subdivision Plat – First Amended

RECOMMENDED ACTION: Discussion and Possible Action – FSP 1708-0004 (Amended Final Subdivision Plat). Mr. Jared Nielsen, on behalf of Highmark Construction, has requested to amend the existing Sandridge Apartments Subdivision Plat. Location: 70 South State Street (TIN: 12-870-0001). Parcel Size: 2.527 acres. Zoning: D-R (Downtown Redevelopment). Planner: Spencer W. Brimley

DESCRIPTION / BACKGROUND

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<tr>
<td>Project Name</td>
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ANALYSIS
The applicant, Mr. Jared Nielsen, is working to complete the City-Centre Apartments, an approved mixed-use development within the D-R zoning district west of City Hall. This project was approved by the Council in August of 2015, along with the required development agreement. This project is seen as a catalyst for the area because of the location, mass, scale, and the integration of residential dwelling units with commercial in this area. The project represents the first of what we hope are multiple Main/State Street redevelopment projects that include a mixture of uses along the corridor. This is consistent with the recently adopted Downtown Small Area Plan, which identifies this specific area as the “Civic / Exchange Center.”

SUBDIVISION PLAT REVIEW
The Final Plat was approved by the Council in August 2015. This request is to amend the subdivision by removing a public utility easement on the north end, in order to accommodate the commercial space required by the Development Agreement. The review, analysis, and conditions of approval include comments and recommendations from City Staff and Engineering on the amended final plat.
The Plat consists of one lot between State Street (S.R. 126) and Depot Street. The single lot, Lot 1, is being developed as a single building configured as a mixed-use project with four-story multi-family residential (123 units) above approximately 4,500 square feet of commercial of space on the north end of the project. The site has direct pedestrian access from State Street (S.R. 126), with parking access from Depot Street to the west and south of the project, as well as underground parking for the development. The Plat, as proposed, meets the requirements of the zone. The specifics of the structure, building use, commercial component, landscaping, parking, and other relevant development standards have been reviewed and approved through the Development Agreement.

ENGINEERING REVIEW
Planning Staff will defer to the positive recommendation for the requested amendment by the Engineer and Public Works Director.

STAFF REVIEW
Staff has no concerns with the requested amendment and is supportive of the request to amend the plat, in order to accommodate the desired commercial square footage for the development.

Public Comment
No public comment has been received to date.

ATTACHMENTS
  Vicinity Map
  Sandridge Apartment Subdivions Plat
  Sandridge Apartments Subdivision Plat – First Amended
  City Centre apartment site plan
FILED IN THE 4TH DISTRICT COURT,
DAVIS COUNTY, UTAH
STEPHEN N. PEARSON, S.J.
JUDGE PRELIMINARY STATEMENT

The purpose of this plat is to dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use.

BOUNDARY DESCRIPTION

The property described herein consists of land located in the Northwest Quarter, Section 1, Township 4 North, Range 2 West, Salt Lake Base and Meridian, and running:

1. From the south line of the Northwest Quarter, Section 1, Township 4 North, Range 2 West, Salt Lake Base and Meridian, due north 184.00 feet to the point of beginning.
2. Thence south 89°45'34" east 4.00 feet.
3. Thence south 0°13'20" west 124.96 feet.
4. Thence north 89°45'34" west 56.53 feet.
5. Thence south 52°34'26" west 93.84 feet.
6. Thence southeasterly 47.28 feet along the arc of a 200.00 foot radius curve to the left, (center bears 66°00'51") along the east line of Main Street to the west line of State Street.
7. Thence northeasterly 23.61 feet along the arc of a 15.00 foot radius curve to the right, (center bears 90°10'17") along the east line of Main Street.
8. Thence due west 650.00 feet to the center line of State Street.
9. Thence west 173.46 feet along the west line of State Street.
10. Thence south 175.62 feet along the south line of the Northwest Quarter, Section 1, Township 4 North, Range 2 West, Salt Lake Base and Meridian, and running;

CONTAINS 110,073 square feet, 2.527 acres, 1 lot.

SWART, BY PAGE 20, DEPUTY RECORDER

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Owner:

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Notary:

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PLANNING COMMISSION
FINDINGS OF FACT

This Findings of Fact is Made Pursuant to Clearfield City Code 11-13-17(B) as a Result of the September 6, 2017 Public Hearing Before the Planning Commission as to the Validity of the Alleged Violation of Tender Years Daycare Lighting.

I. GENERAL BACKGROUND

1. In the fall of 2016, the Clearfield City Community Development Office received complaints from Rudy Rowe, the property owner residing at 302 West 1800 South, that the lighting from Tender Years Daycare (“TYD”), an adjacent commercial property, located at 325 West 1700 South, #16, was casting or glaring light across the fence/property line onto his property and into his home.

2. In October and November of 2016, Clearfield City Staff conducted multiple nighttime site visits to observe the lighting alleged to be in violation of Clearfield City Code 11-13-17 (B). In December of 2016, Clearfield City Staff provided a notice of violation for the lighting to TYD. TYD pursued remedial measures in March of 2017, whereby Staff required TYD’s lighting be: lowered to a height not to exceed ten feet; properly shrouded; and pointed in a downward direction. Following TYD compliance with Staff’s requirements, in June of 2017, Staff made the determination that TYD lighting was not in violation of Clearfield City Code.

3. In August of 2017, pursuant to Clearfield City Code 11-13-17(B), Mr. Rowe, requested a public hearing before the Planning Commission to receive a determination of whether TYD lighting is in violation of Clearfield City Code 11-13-17(B).

4. The Planning Commission reviewed the March 2017 written determination of the City’s Zoning Administrator during the September 6, 2017 public hearing.

5. Clearfield City Staff provided background and relevant information to the Planning Commission.

6. Mr. Rowe made statements before the Planning Commission and submitted information to the Planning Commission for review.

7. TYD made statements before the Planning Commission and submitted information to the Planning Commission for review.

8. The Planning Commission asked questions and engaged in dialogue with City staff, Mr. Rowe, and TYD.
9. The Planning Commission deliberated and made the determination that it disagreed with the City’s Zoning Administrator’s determination that TYD lighting was not in violation of Clearfield City Code 11-13-17.

10. The Planning Commission found, as the result of a 4-2 vote, that TYD is in violation of Clearfield City Code 11-13-17.

I. UNDISPUTED FACTS

1. The Planning Commission finds that Mr. Rowe is the property owner residing at 302 West 1800 South.

2. The Planning Commission finds that TYD is a commercial property located at 325 West 1700 South, #16, adjacent to Mr. Rowe’s property.

3. The Planning Commission finds that TYD added lighting, in 2012, on the south end of their commercial building (two light units), which is the specific lighting Mr. Rowe contends either casts light or glares light onto his property in violation of Clearfield City Code 11-13-17(B).

4. The Planning Commission finds that Clearfield City Code 11-13-17 is the controlling ordinance in this matter.

II. SUBSTANTIVE FINDINGS

1. The Planning Commission includes in these Substantive Findings, Clearfield City Code 11-13-17, which provides in relevant part:

   Glare: All lights shall be so designed, located, shielded and directed so as to prevent the casting or glare or direct light from artificial illumination upon surrounding property and public roadways.

2. The Planning Commission finds there is no definition of “casting” or “glare” within the Clearfield City Code, and thus, the Planning Commission applied the plain meaning of each undefined term.

3. The Planning Commission finds that TYD has taken remedial steps to mitigate the casting or glare of the TYD lighting on Mr. Rowe’s property.

4. The Planning Commission finds that TYD made admissions to consistently parking TYD vans in a manner that will take some of the glare from the lighting, thus conceding the lighting is still casting or glaring on Mr. Rowe’s property.
5. The Planning Commission finds, despite the remedial measures, there is casting or glare on Mr. Rowe’s property from TYD lighting.

6. The Planning Commission disagrees with the City Zoning Administrator’s written March 2017 determination that TYD is not in violation of Clearfield City Code 11-13-17.

7. The Planning Commission finds TYD to be in violation of Clearfield City Code 11-13-17.

8. The Planning Commission does not make any remedial determinations.

9. The determination is consistent with Clearfield City Code 11-13-17.

Now, therefore, the Clearfield City Planning Commission finds TYD to be in violation of Clearfield City Code 11-13-17. The final recorded motion reads as follows:

After careful consideration of the information presented and known to the Planning Commission at this time, the Planning Commission reaches the following well-reasoned and articulated determination: The Planning Commission disagrees with the Zoning Administrator’s March 2017 determination that TYD is not in violation of Clearfield Code 11-13-17.

Hearing Date: September 6, 2017
Decision Date: September 6, 2017

VOTING:

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This Finding of Facts is approved by the Planning Commission of Clearfield City, Utah, at a regular meeting thereof, held this 4th day of October, 2017, and signed by the Planning Commission Chair or his designee.

Brady Jugler, Chair
Clearfield City Planning Commission