CLEARFIELD PLANNING COMMISSION MEETING
October 3, 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
Ruth Jones  Alternate Commissioner
Nicole Bigelow  Alternate Commissioner
Eden Bush  Youth Ambassador

ABSENT:  Mallory Call  Commissioner

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

VISITORS:  Elijah Smith, Katrina Smith, Leslie Mascaro, Jason Felt, Donovan Gilliland,

The Pledge of Allegiance was led by Chair Jugler.

APPROVAL OF MINUTES FROM SEPTEMBER 5, 2018, PLANNING COMMISSION MEETING

Commissioner Uccardi moved to approve the minutes from the September 5, 2018 Planning Commission meeting as presented. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Jones. Voting NO: None.

Chair Jugler read the Planning Commission Chair Statement.
DISCUSSION ON SP 1809-0001 A SITE PLAN REQUEST BY DONOVAN GILLILAND FOR THE CLEARFIELD JUNCTION DEVELOPMENT TO CREATE A FOUR (4) BUILDING RESIDENTIAL AND COMMERCIAL MIXED USE DEVELOPMENT (2 MIXED USE BUILDINGS AND 2 MULTI-FAMILY BUILDINGS). LOCATED AT 52 SOUTH MAIN STREET, 17 NORTH MAIN STREET, 75 NORTH MAIN STREET, AND 101 NORTH MAIN STREET (TIN: 12-020-0143, 12-020-0018, 12-020-0020, 12-020-0021, 12-020-0022, & 12-020-0075).

Brad McIlrath said the request was for site plan approval for property zoned T-R (Town Residential) and CV (Civic). Part of the overall development included property for a future library. The plan included two mixed use building with 20,000 square feet of commercial space and two multi-family buildings. There would be 210 residential units with a mix of one bedroom, two bedroom and three bedroom units.

Staff determined the open space met the intent of the code and 50 percent was required to be accessible to the public. The buildings facing the street had complete transparency from the street through to the rear open space. The majority of the parking would be covered with carports.

Mr. McIlrath reviewed the items that needed to be addressed in the development agreement.

1. Not requiring six foot step back required for buildings taller than 3 stories.
2. Mixed use entry type not recessed as required by code.
3. Front property line coverage of 60 percent for multi-family buildings.
4. Allowing parking as podium parking on ground floor of building 3 and between the multi-family buildings and street.
5. Location of principal entries for the multi-family buildings.
6. Upper story windows not recessed and not all are double hung.

Staff recommended approval as conditioned. The conditions of approval were reviewed. It was determined some were duplicates and would be removed. Condition 3.f was removed for environmental concerns.

APPROVAL OF SP 1809-0001 A SITE PLAN REQUEST BY DONOVAN GILLILAND FOR THE CLEARFIELD JUNCTION DEVELOPMENT TO CREATE A FOUR (4) BUILDING RESIDENTIAL AND COMMERCIAL MIXED USE DEVELOPMENT (2 MIXED USE BUILDINGS AND 2 MULTI-FAMILY BUILDINGS). LOCATED AT 52 SOUTH MAIN STREET, 17 NORTH MAIN STREET, 75 NORTH MAIN STREET, AND 101 NORTH MAIN STREET (TIN: 12-020-0143, 12-020-0018, 12-020-0020, 12-020-0021, 12-020-0022, & 12-020-0075).

Commissioner Murray moved to approve as conditioned and amended, SP 1809-0001, a site plan review requested by Donovan Gilliland for the Clearfield Junction development at the properties located at 52 South Main Street, 17 North Main Street, 75 North Main Street and 101 North Main Street (TIN: 12-020-0143, 12-020-0018, 12-020-0020, 12-020-0021, 12-020-0022, & 12-020-0075) based on the discussion and findings in the staff report and with the following conditions:
1) The Planning Commission recommends that a new development agreement be required to address the deviations from a limited number of existing standards as outlined below:
   a. The buildings are allowed to be built without the required 6 foot setback back for buildings that are taller than 3 stories;
   b. The mixed use entry type can be built as proposed by the developer without the required recess provided that, an additional architectural feature be provided over the doorways to further identify those entries;
   c. The multi-family buildings are allowed to be located behind the future library and not along 60% of the front property line coverage;
   d. The multi-family buildings can be constructed to include podium parking on the ground floor of building three and surface parking around the buildings and between the buildings and the street frontages;
   e. The principal entries of the multi-family buildings are allowed to be constructed as proposed;
   f. The upper story windows are allowed to not be recessed and not all double hung provided that additional articulation be added to the windows located between the balconies and that the single pane windows provide lighting to the stairwells.

2) The project shall comply with all other development standards outlined in the Form Based Code not addressed in this report.

3) Consistent with the FBC and all other required and applicable development standards, the developer shall:
   a. Revise the ground story height of the mixed use buildings to be a minimum of 14 feet tall.
   b. Revise the mixed use building elevations to have the ground floor transparency at not less than 50% and the upper story transparency at no less than 25%.
   c. Revise plans to demonstrate that the corners of the buildings are modified to provide an additional vertical façade division as outlined in this report.
   d. Revise plans to demonstrate that the parapet roofs to have the horizontal expression line taller, as to define the parapet from the upper stories of the building along with the cap. If different roofs are to be used, then they shall comply with the development standards of the FBC.
   e. Revise plans to demonstrate that all balconies shall have a minimum depth of 5 feet and a minimum usable area of 60 square feet.
   f. REMOVED.
   g. As required by code pavement construction for the project shall comply with one of the following:
      i. Paving materials with a solar reflectance index (SRI) of at least 29.
      ii. Pervious pavement material, such as permeable asphalt, permeable concrete, or permeable pavers, as approved by the Zoning Administrator.
      iii. Recycled content of 15% or more.
h. Revise plans to demonstrate that the buildings comply with the primary and secondary building materials as required by the FBC and outlined in this report.
   i. Additional specification of the secondary materials shall be provided.

i. Revise plans to demonstrate that all upper story windows are recessed and double hung unless otherwise approved through an addendum to the existing development agreement or a new development agreement is entered.

j. Revise plans to demonstrate that the multi-family buildings differentiate from the mixed use buildings by the type of dominant material, color, scale, or orientation of material.

k. Revise plans to demonstrate that the multi-family buildings differentiate from the mixed use buildings with the proportion of recesses, and projections and with the roof type, plane, or materials.

l. Revise plans to demonstrate more detailed information and design for the proposed open spaces.

m. Revise plans to demonstrate that the site landscaping complies with the minimum development standards as outlined in this report and in the FBC, unless otherwise recommended by the Planning Commission and approved through an addendum to the existing development agreement or a new development agreement.

n. Revise plans to demonstrate that the buildings have a minimum 4 foot planting strip around the perimeter of each building, except for areas with entrances, utilities, and were the required setback is less than 4 feet.

o. Revise plans to demonstrate that the spacing of the street trees are no greater than 60 feet on center, as required by the FBC. If necessary, additional trees shall be added to comply with this standard.

p. Revise plans to demonstrate the exact location and separation of the street benches that are required to be provided within the furnishing zone.

q. Revise plans to demonstrate that the street lights match the existing spacing and design of the existing double acorn street lights along State Street.

r. Revise plans to demonstrate a 7 foot wide sidewalk and a 7 foot wide furnishing zone.
   i. The furnishing zone shall be provided with harvest blend Holland Pavers, and the tree grates shall have an expandable opening for the trees.

s. Revise plans to demonstrate that refuse containers are screened as required by the FBC and outlined in this report.
   i. The access shall not be blocked by vehicle parking.

t. Revise plans to demonstrate that utilities are screened as required by the FBC and outlined in this report.

u. Revise plans to demonstrate parking spaces shall be located within 50 of a shade tree.
   i. 1 tree shall be planted within the parking lot interior or within 7 feet of the parking lots edge for every 5 parking spaces provided.
v. Revise plans to demonstrate compliance with the minimum bicycle parking standards in the FBC and outlined in this report.

4) All proposed or future signage shall comply with Form Based Code standards and be reviewed at separate date as part of a building permit. This approval does not grant approval of any nonconforming proposed or existing signage on site.

5) The project shall comply with all applicable building and fire code standards.

6) The project shall comply with all North Davis Sewer District standards.

7) The project shall comply with all North Davis Fire District standards as outlined in the attached review letter and as otherwise required.

8) The project shall comply with all City Engineer standards as outlined in the attached review letter and as otherwise required.

9) No final land use approval, building permit approval, or other regulatory permit shall be issued without:

   a. the approval of an addendum to the existing development agreement or a new development agreement for the variations to the development standards outlined in this report,
   b. compliance to standards of the first development agreement, and
   c. the recording of the Clearfield Junction Subdivision Plat.

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

Commissioner Murray moved to recommend approval to the City Council the amendments to the development agreement for the Clearfield Junction development at the properties located at 52 South Main Street, 17 North Main Street, 75 North Main Street and 101 North Main Street (TIN: 12-020-0143, 12-020-0018, 12-020-0020, 12-020-0021, 12-020-0022, & 12-020-0075) based on the discussion with the following amendments:

1) The Planning Commission recommends that a new development agreement be required to address the deviations from a limited number of existing standards as outlined below:

   a. The buildings are allowed to be built without the required 6 foot setback back for buildings that are taller than 3 stories;
   b. The mixed use entry type can be built as proposed by the developer without the required recess provided that, an additional architectural feature be provided over the doorways to further identify those entries;
   c. The multi-family buildings are allowed to be located behind the future library and not along 60% of the front property line coverage;
   d. The multi-family buildings can be constructed to include podium parking on the ground floor of building three and surface parking around the buildings and between the buildings and the street frontages;
   e. The principal entries of the multi-family buildings are allowed to be constructed as proposed;
   f. The upper story windows are allowed to not be recessed and not all double hung provided that additional articulation be added to the windows located.
between the balconies and that the single pane windows provide lighting to the stairwells.

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

DISCUSSION AND POSSIBLE ACTION ON SP 1807-0006, A SITE PLAN REQUEST BY ED GREEN TO CREATE A 30-UNIT RESIDENTIAL TOWNHOME DEVELOPMENT AT PROPERTY LOCATED AT APPROXIMATELY 1142 WEST 300 NORTH (TIN: 14-065-0121).

Brad McIlrath said the site plan request was for a 30 unit townhome development. The property was rezoned to R-3 subject to the execution of a development agreement, site plan approval and subdivision approval. The development agreement was previously approved by the City Council. The subdivision included 30 dedicated townhome lots. The buildings met the design guidelines. The requirements of the development agreement were reviewed. Staff recommended approval of the site plan as conditioned.

APPROVAL OF SP 1807-0006 A SITE PLAN REQUEST BY ED GREEN TO CREATE A 30-UNIT RESIDENTIAL TOWNHOME DEVELOPMENT AT PROPERTY LOCATED AT APPROXIMATELY 1142 WEST 300 NORTH (TIN: 14-065-0121).

Commissioner Murray moved to approve as conditioned site plan SP 1807-0006 a request by Ed Green for the Canterbury Court Townhomes, a 30-unit residential townhome development for the property located at approximately 1142 West 300 North (TIN:14-065-0121) with the following conditions:

1) The project shall comply with all applicable development standards of the R-3 (Residential) Zone. The garages shall be modified to be a minimum size of 400 square feet as required by ordinance.

2) The landscape plan shall be modified to include the landscaping square footage and percentage calculations for the project. All site landscaping shall comply with applicable standards of the R-3 (Residential) Zone and as outlined in Chapter 13 (Supplementary Standards) of the Land Use Ordinance.

3) All fencing shall comply with established standards and as approved by the Planning Commission. A six foot (6’) fence shall be installed along the 300 North frontage as required by the development agreement.

4) An interior pedestrian walkway shall be provided for the development that provides connection to the open space and the public sidewalk along 300 North as required by the development agreement.

5) The applicant shall obtain a building permit prior to the commencement of construction and obtain all other necessary permits/approvals prior to site development work.

6) A bond shall be posted with the City Recorder for the installation and maintenance of landscaping as outlined in Section 11-13-23C of the Land Use ordinance.
Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Jones. Voting NO: None.

PUBLIC HEARING AND DISCUSSION ON CUP 1809-0003, A CONDITIONAL USE PERMIT REQUEST BY ELIJAH SMITH OF MOUNTAIN STORM SELF DEFENSE FOR A HOME OCCUPATION BUSINESS AT PROPERTY LOCATED AT 1480 SOUTH STATE STREET (TIN: 09-022-0026). THE PURPOSE OF THE REQUEST IS TO USE THE DETACHED GARAGE FOR MARTIAL ARTS INSTRUCTION CLASSES.

Chair Jugler declared the public hearing open at 8:36 p.m.

Brad McIlrath said the subject property was zoned C-2 (Commercial) and was a legal non-conforming single family residence. The conditional use permit was required for the use of the detached garage for the home occupation license. The request was for martial arts class instruction in the detached garage. There would be no more than eight students in each class and classes would be held on Tuesdays, Thursdays and Fridays.

Staff was concerned with the parking and condition of approval number five recommended only six students be allowed per class until additional off-street parking was provided on the adjacent property to the south. The shoulder of the road was wide enough that parking along the curb was permissible.

Chair Jugler asked if there were adequate spaces for on-street parking without using the driveway. Mr. McIlrath said four to six cars could comfortably park on the street in front of the house. Off-street parking was recommended.

Commissioner Britton asked what type of sign would be allowed. Mr. McIlrath said it was zoned commercial, but might be determined by the use.

Elijah Smith said recently they had a get together with eight people and were able to park all the cars without a problem. Katrina Smith said there would be no overnight parking on street. Mr. Smith said the majority of the students were dropped off.

PUBLIC COMMENT:

There were no public comments.

The public hearing was closed at 8:46 p.m.

Mr. McIlrath said condition number five stated six students and the applicant requested up to eight students. The Planning Commission as the land use authority could recommend allowing six or eight students.

Chair Jugler said he was not concerned if parking was permitted on the street during the daytime.
and parking was available on the driveway. It was his opinion that the number of students could be eight. Commissioner Britton agreed. Chair Jugler said there was a break of 15 minutes between each class that would help the parking situation.

APPROVAL OF CUP 1809-0003, A CONDITIONAL USE PERMIT REQUEST BY ELIJAH SMITH OF MOUNTAIN STORM SELF DEFENSE FOR A HOME OCCUPATION BUSINESS AT PROPERTY LOCATED AT 1480 SOUTH STATE STREET (TIN: 09-022-0026). THE PURPOSE OF THE REQUEST IS TO USE THE DETACHED GARAGE FOR MARTIAL ARTS INSTRUCTION CLASSES.

Commissioner Britton moved to approve as conditioned, CUP 1809-0003, a Conditional Use Permit by Elijah Smith of Mountain Storm Self Defense for a Home Occupation Business License at 1480 South State Street (TIN:090-022-0026) for martial arts instruction to be conducted with the use of the detached garage based on the findings and discussion in the Staff Report with the following conditions:

1) No more than one nonresident may be employed on the premises, at any time.
2) No sign or advertising shall be displayed on the premises other than signs permitted in accordance with Clearfield City Code § 11-15.
3) The home occupation shall not generate vehicular traffic significantly in excess of that which is normally generated by a residential use. The home occupation shall not generate frequent deliveries by large vehicles.
4) The home occupation shall comply with all applicable home occupation standards outlined in Chapter 11-16 of the Clearfield City Land Use Ordinance.
5) The martial arts classes shall be limited to eight (8) students per class until additional off-street parking is provided on the adjacent property to the south. Prior to construction of the parking lot, site plan review and approval shall be provided by the Planning Commission.
6) Due to the location of this property along State Street, the applicant shall obtain a UDOT access and review permit from the Utah Department of Transportation’s Region 1 office for review of the access and on street parking for this use.
7) There shall be complete conformity with the currently adopted building code, fire code, plumbing code, mechanical code, national electrical code and Davis County and state health codes, and to all state and city ordinances.
8) 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.
9) The applicant shall obtain a Clearfield City business license prior to the commencement of business operations from this location.

Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Jones. Voting NO: None.
PUBLIC HEARING AND DISCUSSION ON PSP 1807-0006, A PRELIMINARY SUBDIVISION PLAT REQUEST BY ED GREEN TO CREATE A 30-UNIT TOWNHOME SUBDIVISION AT PROPERTY LOCATED AT APPROXIMATELY 1142 WEST 300 NORTH. (TIN: 14-065-0121)

Chair Jugler declared the public hearing open at 8:56 p.m.

Brad McIlrath said the proposed plat was preliminary and revisions would be made before the final plat would be submitted for review by the Planning Commission and City Council. The covenants, conditions and restrictions for the future homeowners association were required to be submitted for approval with the final subdivision plat. The interior streets were private and the City would not provide maintenance for the streets. The sidewalk along 300 North would be improved as part of the right of way. Staff recommended approval of the preliminary subdivision plat as conditioned.

PUBLIC COMMENT:

Nicole Bigelow, referring to 300 North, asked if the street would be narrower with the development. Mr. McIlrath said the street would be wider with a wider shoulder and the sidewalk.

The public hearing was closed at 9:00 p.m.

APPROVAL OF PSP 1807-0006, A PRELIMINARY SUBDIVISION PLAT REQUEST BY ED GREEN TO CREATE A 30-UNIT TOWNHOME SUBDIVISION AT PROPERTY LOCATED AT APPROXIMATELY 1142 WEST 300 NORTH. (TIN: 14-065-0121)

Commissioner Murray moved to approve as conditioned PSP 1807-0006 a preliminary subdivision plat requested by Ed Green for the 30-unit Canterbury Court Townhouse subdivision for the property located at approximately 1142 West 300 North (TIN: 14-065-0121). The recommendation was 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 subdivision plat and associated plans shall be revised to provide additional visitor parking due to the narrowness of the proposed private streets.

3) A copy of the Covenants, Conditions, and Restrictions (CC&Rs) for the future Home Owners Association shall be submitted as part of the final subdivision plat review. The CC&Rs shall govern the future maintenance of the private streets and common areas.

4) 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.
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 City Code § 12-4-6.

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

PUBLIC HEARING AND DISCUSSION ON RZN 1808-0007, A ZONING MAP AMENDMENT REQUEST BY LESLIE MASCARO WITH MAVERIK TO REZONE FROM R-1-8 (RESIDENTIAL) TO C-2 (COMMERCIAL) THE PROPERTIES LOCATED AT 1017 EAST 700 SOUTH & 1029 EAST 700 SOUTH (TIN: 09-017-0009, 09-017-0010, & 09-0017-0011).

Chair Jugler declared the public hearing open at 9:02 p.m.

Brad McIlrath said the properties were previously used as single family residences and the houses had been recently demolished. The General Plan for the area was Commercial and the area was excluded from the Form Based Code. The surrounding properties were zoned C-2 (Commercial). Staff recommended approval of the rezone of the properties based on the findings outlined in the staff report.

Commissioner Jones asked if the entry to the site would be from 700 South or 1000 East. Mr. McIlrath said UDOT would not allow an entry on 700 South because of the grade change so the entry would have to be from 1000 East.

Leslie Mascaro, applicant, said Maverik had been working with UDOT. She said applications for a subdivision plat, a conditional use permit and site plan review would be submitted and presented to the Planning Commission at the December meeting.

PUBLIC COMMENT:

There were no public comments.

The public hearing was closed at 9:06 p.m.

RECOMMENDATION OF RZN 1808-0007, A ZONING MAP AMENDMENT REQUEST BY LESLIE MASCARO WITH MAVERIK TO REZONE FROM R-1-8 (RESIDENTIAL) TO C-2 (COMMERCIAL) THE PROPERTIES LOCATED AT 1017 EAST 700 SOUTH & 1029 EAST 700 SOUTH (TIN: 09-017-0009, 09-017-0010, & 09-0017-0011).

Commissioner Browning moved to recommend approval of RZN 1808-0007, to the Clearfield City Council, a request by Leslie Mascaro with Maverik to rezone the properties located at 1017 East 700 South and 1029 East 700 South (TIN: 09-017-0009, 09-017-0019 &
09-017-0011) from R-1-8 (Residential) to C-2 (Commercial) based on the following findings:
1. The proposed zone change is consistent with the land use guidelines, goals, and objectives of the Clearfield City General Plan.
2. The proposed zone change is supported by Chapter 2 – Land Use Element as the C-2 (Commercial) Zone is an appropriate designation for this location.
3. The C-2 Zone is the appropriate zone for properties along a major transportation corridor of the City.
4. Subject to conditional use permit approval, the C-2 Zone provides the flexibility, design standards, and process by which this type of commercial business can be constructed.

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

PUBLIC HEARING AND DISCUSSION ON ZTA 1809-0002, A ZONING TEXT AMENDMENT REQUEST BY TANIA JAMESON TO AMEND THE DEFINITIONS OF DAYCARE, RESIDENTIAL AND DAYCARE FACILITY TO ALLOW MORE CHILDREN TO BE CARED FOR AT A RESIDENTIAL DAYCARE.

Chair Jugler declared the public hearing open at 9:07 p.m.

Brad McIlrath said the applicant requested an amendment to allow more children at a home daycare. The current City ordinance limited the number to eight and State ordinance allowed up to sixteen children with a caregiver for every eight children. Municipalities were allowed to be more restrictive than the State.

The current definitions for daycare residential and daycare facility as found in Clearfield City Code and regulations from neighboring communities were reviewed and staff recommended the following changes to the definitions in the City ordinance:

**Daycare Residential:**
Any noncommercial, privately owned and occupied residence being used for the caring of more than four (4), but not more than twelve (12) less than nine (9) children, including the owner/resident's children under the age of four (4) two (2) years, for less than twenty four (24) hours per day. Each child care provider shall be eighteen (18) years of age or older. No more than four (4) children under the age of two may be cared for.

**Daycare Facility:**
A commercial building or structure, or portion thereof, occupied by persons of any age who receive custodial care for less than twenty four (24) hours a day by individuals other than parents or guardians, relatives by blood, marriage or adoption, in a place other than the home of the person cared for. This definition applies to commercial nonresidential facilities only shall include any residential daycare where more than eight (8) children, including the owner/resident’s children under the age of two (2) years, are cared for less than twenty four (24) hours per day.”
Commissioner Browning asked if a daycare had a license for eight children if it would be required to apply for the additional children. Mr. McIlrath said they would need to reapply.

Chair Jugler asked why not increasing the number to 16 as allowed by the State. Mr. McIlrath said the homes and lots in Clearfield were typically smaller than those in surrounding communities that allowed for more children. The daycare providers were required to obtain a license from the State which had limitations included.

Commissioner Uccardi asked if more caregivers were required going from eight to twelve children. Mr. McIlrath said the State required a ratio of one caregiver to eight children; so if there was an increase to twelve, there would need to be two caregivers.

PUBLIC COMMENT:

There were no public comments.

The public hearing was closed at 9:16 p.m.

Commissioner Browning preferred the increase from eight to twelve.

Commissioner Britton said if the daycares were restricted by the State because of square footage requirements, he recommended allowing 16 children.

RECOMMENDATION ON ZTA 1809-0002, A ZONING TEXT AMENDMENT REQUEST BY TANIA JAMESON TO AMEND THE DEFINITIONS OF DAYCARE, RESIDENTIAL AND DAYCARE FACILITY TO ALLOW MORE CHILDREN TO BE CARED FOR AT A RESIDENTIAL DAYCARE.

Commissioner Murray moved to recommend approval of ZTA 1809-0002, to the Clearfield City Council, a zoning text amendment request by Tania Jameson to amend the definitions of Daycare Residential and Daycare Facility to allow more children to be cared for at a residential daycare, based on the findings and discussion of the Staff Report with the following definitions:

**Daycare Residential:**
Any noncommercial, privately owned and occupied residence being used for the caring of more than four (4), but not more than twelve (12) children, including the owner/resident’s children under the age of four (4) years, for less than twenty four (24) hours per day. Each child care provider shall be eighteen (18) years of age or older. No more than four (4) children under the age of two may be cared for.

**Daycare Facility:**
A commercial building or structure, or portion thereof, occupied by persons of any age who receive custodial care for less than twenty four (24) hours a day by individuals, in a place other than the home of the person cared for.
Seconded by Commissioner Browning. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Jones. Voting NO: None.

PUBLIC HEARING AND DISCUSSION ON ZTA 1809-0004, A ZONING TEXT AMENDMENT REQUEST BY JOHN SEIDEL TO AMEND DEVELOPMENT STANDARDS OF THE DOWNTOWN CLEARFIELD FORM BASED CODE. THE PURPOSE OF THIS REQUEST IS TO REDUCE THE REQUIRED VISITOR PARKING PERCENTAGE, AMEND THE REQUIRED OPEN SPACE/LANDSCAPING PERCENTAGES, AND AMEND THE SETBACK FOR BUILDINGS LOCATED ADJACENT TO PARCELS NOT LOCATED IN THE FORM BASED CODE AREA.

Chair Jugler declared the public hearing open at 9:19 p.m.

Brad McIlrath said the applicant, John Seidel, owned two parcels on Main Street in the Form Based Code (FBC) area and requested changes to the FBC. The request was for the visitor parking requirement to be reduced from 25 percent to 15 percent, allowance for the overlap of the 10 percent open space and the 10 percent landscaping requirement to not require the full 20 percent of the site in open space and landscaping combined, and reduce the required 20 foot setback from building adjacent to existing single family or townhome residential that were not in the FBC area. The applicant’s property was almost completely surrounded by property not in the FBC area.

After staff compared codes from other cities the recommendation was to:

1. Reduce the visitor parking space requirement from 25 percent of amount required amounts to 15 percent;
2. Amend the open space and landscaping percentages to require that the total site shall have a combined open space and landscaping percentage of 20 percent and in no case shall either be less than five percent of the site;
3. Amend the required 20 foot setback for new buildings adjacent to existing single family or townhome residential to be a building rear yard setback of 20 feet and an eight or ten foot side yard setback. (This would allow more than landscaping to be located in that area) and
4. Amend Table 7.5 (2) to correctly read TC/CC in both columns.

The findings from staff were:

1. There was a need for staff to work with the Planning Commission and City Council on further comprehensive Form Based Code amendments and corrections in the coming months.
2. The proposed amendment would provide additional clarity and flexibility in the administration of the Form Based Code.
3. If percentages for the open space types were not provided, then additional development standards should be added to improve the open space amenities.
4. Percentage requirements were not a valid predictor of quality open space. Elimination of percentages with increased open space and landscaping standards might lead to more variety in development.

Jason Felt with Silverpeak Engineering represented the owner. He said they wanted to develop a small commercial office type building along the front with a multi-family development at the rear of the property. The struggle was with the 20 foot setback on all property lines not adjacent to FBC zoned properties. The residential buildings would be two stories in height.

PUBLIC COMMENT:

There were no public comments.

The public hearing was closed at 9:36 p.m.

Mr. McIlrath said some issues could be addressed with a development agreement and the development agreement made it possible to address unique circumstances on a case by case basis. The change to the FBC could benefit more than just the one project. He said the intent of the setback was to not have tall buildings towering over existing single family residences.

Mr. McIlrath said the zoning text amendment addressed three items. Mr. Felt said the proposed changes addressed all problems except the side setback that could be included in the development agreement. Mr. McIlrath said the development agreement would not be part of the FBC amendments but could be recommended to the City Council at time of site plan approval.

RECOMMENDATION OF ZTA 1809-0004, A ZONING TEXT AMENDMENT REQUEST BY JOHN SEIDEL TO AMEND DEVELOPMENT STANDARDS OF THE DOWNTOWN CLEARFIELD FORM BASED CODE. THE PURPOSE OF THIS REQUEST IS TO REDUCE THE REQUIRED VISITOR PARKING PERCENTAGE, AMEND THE REQUIRED OPEN SPACE/LANDSCAPING PERCENTAGES, AND AMEND THE SETBACK FOR BUILDINGS LOCATED ADJACENT TO PARCELS NOT LOCATED IN THE FORM BASED CODE AREA.

Commissioner Murray moved to recommend approval of ZTA 1809-0004 as recommended by staff and requested staff to do further research prior to presentation to the City Council, a zoning text amendment request by John Seidel to amend the following development standards of the Downtown Clearfield Form Based Code:

1. Reduce the visitor parking space requirement from 25 percent of amounts required amounts to 15 percent;
2. Amend the open space and landscaping percentages to require that the total site shall have a combined open space and landscaping percentage of 20 percent and in no case shall either be less than five percent of the site;
3. Amend the required 20 foot setback for new buildings adjacent to existing single family or townhome residential to be a building setback and allow more than landscaping to be located in that area;
4. Amend Table 7.5 (2) to correctly read TC/CC in both columns

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

PUBLIC HEARING AND DISCUSSION ON ZTA 1809-0006, A ZONING TEXT AMENDMENT BY CLEARFIELD CITY TO AMEND THE CONDITIONAL USE PERMIT AND SITE PLAN REVIEW CHAPTERS (11-4 & 11-5) OF THE CLEARFIELD CITY LAND USE ORDINANCE. THE PURPOSE OF THESE AMENDMENTS IS TO COME INTO CONFORMANCE WITH UTAH STATE CODE STANDARDS AND IMPROVE THE PROCESS OF THOSE TYPES OF APPLICATIONS.

Chair Jugler declared the public hearing open at 10:02 p.m.

Brad McIlrath said the proposed changes brought Clearfield City Code in line with Utah State Code. State Code wanted Cities to define what was allowed and conditions of approval in the ordinance standards. The changes were reviewed and the commissioners were asked if there were any concerns with the proposed changes to the conditional use permit or site plan review chapters.

PUBLIC COMMENT:

There were no public comments.

The public hearing was closed at 10:13 p.m.

RECOMMENDATION OF ZTA 1809-0006, A ZONING TEXT AMENDMENT BY CLEARFIELD CITY TO AMEND THE CONDITIONAL USE PERMIT AND SITE PLAN REVIEW CHAPTERS (11-4 & 11-5) OF THE CLEARFIELD CITY LAND USE ORDINANCE. THE PURPOSE OF THESE AMENDMENTS IS TO COME INTO CONFORMANCE WITH UTAH STATE CODE STANDARDS AND IMPROVE THE PROCESS OF THOSE TYPES OF APPLICATIONS.

Commissioner Browning moved to recommend approval of ZTA 1809-0006, to the City Council, a zoning text amendment request by Clearfield City to amend the Conditional Use Permit and Site Plan Review chapters 11-4 and 11-5 of the Clearfield City Land Use Ordinance based on the findings and discussion of the Staff report. Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Uccardi, Lloyd, Murray, Browning, Britton, and Jones. Voting NO: None.

STAFF COMMUNICATIONS

Brad McIlrath said there would be a combined work session with City Council on October 16th at p.m. Commissioners Jugler and Murray asked to be excused from the combined work session. He
said there was an APA Planning Conference tomorrow.

Spencer Brimley said the main discussion at the joint work session would be on the moderate income housing report. There would also be a discussion on accessory dwelling units.

**PLANNING COMMISSIONERS’ MINUTE**

Commissioner Uccardi – Nothing

Commissioner Lloyd – said the Planning Commission should discuss the recessed window requirement on upper stories because it could cause a lot of water problems.

Commissioner Murray – Nothing

Commissioner Browning – Nothing

Commissioner Britton – said it had been a great four years on the Commission. He was moving and resigned from the Planning Commission. Chair Jugler thanked Commissioner Britton for his service to Clearfield City.

Commissioner Jones – said the decisions made by the Planning Commission were important and it was getting more difficult to find property in Clearfield.

Commissioner Bigelow – Nothing

Chair Jugler – said he had neglected to mention that Commissioner Call asked to be excused from the meetings September through December.

There being no further business to come before the Planning Commission, **Commissioner Britton moved to adjourn at 10:22 P.M. Seconded by Commissioner Murray.**