

1 **CLEARFIELD PLANNING COMMISSION MEETING**

2 April 17, 2019

3 7:00 P.M. – Regular Session

4  
5 PRESIDING: Brady Jugler Chair

6  
7 PRESENT: Kathryn Murray Commissioner  
8 Robert Browning Commissioner  
9 Chris Uccardi Commissioner  
10 Levi Lloyd Commissioner  
11 Ruth Jones Commissioner  
12 Nicole Bigelow Commissioner  
13 Brett McAllister Alternate Commissioner  
14 Eden Bush Youth Ambassador

15  
16  
17 ABSENT: David Bloomfield Alternate Commissioner

18  
19 STAFF PRESENT: Brie Brass Assistant City Attorney  
20 Brad McIlrath Senior Planner  
21 Madi Brazier Customer Service Representative  
22

23 VISITORS: Wayne Belleau, Blake Smithing, Ryan Belleau, Nate Swain, Gary Wright,  
24 Colette Takahashi, Gary Takahashi.  
25

26 The Pledge of Allegiance was led by Chair Jugler

27  
28 Chair Jugler read the Planning Commission Chair statement.  
29

30 PUBLIC HEARING, DISCUSSION AND ACTION ON GPA 1903-0013, A GENERAL PLAN  
31 AMENDMENT REQUEST BY WAYNE BELLEAU TO CHANGE THE GENERAL PLAN  
32 DESIGNATION FOR 9.067 ACRES OF THE SUBJECT PROPERTIES FROM  
33 COMMERCIAL TO RESIDENTIAL. LOCATION: APPROXIMATELY 1300 SOUTH 2000  
34 EAST (TIN: 09-341-0306 & 09-341-0305).  
35

36 The public hearing was declared open at 7:06 p.m.  
37

38 The following facts were presented:

- 39 • This was a request to change Clearfield City’s General Plan for the areas of the properties  
40 mentioned above.
- 41 • The applicant wanted to change the property from a commercial to a residential  
42 designation.
- 43 • Additionally, the applicant was requesting to change the zoning of the property from C-2  
44 (Commercial) to R-3-SP (Multi-family Residential with a Special Purpose Overlay).
- 45 • In 1986, the General Plan for Clearfield City encouraged the development of the area as  
46 residential.

- The area had been difficult to develop as commercial because of the location, visibility of the property, and limited access.
- Residential properties surrounded the area to the west, north, northwest, and east in Layton.

Staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed General Plan Amendment, based upon the findings in the Staff Report.

PUBLIC COMMENT:

There were no public comments.

The public hearing was closed at 7:12 p.m.

- Commission was concerned if there was ingress and egress.
- Staff explained that the developer would have to put in a roadway system for access to the area.

**Commissioner Uccardi moved to recommend to the Clearfield City Council approval of GPA 1903-0013, a General Plan Amendment request by Wayne Belleau to change the Future Land Use Map in the General Plan from Commercial to Residential for the property located at approximately 1300 South 2000 East based on the following findings as outlined in the Staff Report:**

- **The amendment is consistent with the land use guidelines, goals, and objectives of the Clearfield City General Plan.**
- **The amendment and future development designated as residential will support the surrounding commercial uses as a mixed use area.**
- **The residential designation of this area will provide a gradual land use transition from the Goldstone Place Apartments to the west and the Pinnacle Mountain View Apartments to the north.**
- **Development of residential adjacent to the canal trail open space will provide a better environment for the patrons of the trail and will help prevent this section of trail from becoming secluded and potentially unsafe.**

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

PUBLIC HEARING, DISCUSSION AND ACTION ON RZN 1903-0014, A ZONING MAP AMENDMENT REQUEST BY WAYNE BELLEAU TO REZONE 9.067 ACRES OF THE SUBJECT PROPERTIES FROM C-2 (COMMERCIAL) TO R-3-SP (MULTI-FAMILY RESIDENTIAL WITH A SPECIAL PURPOSE OVERLAY) TO ALLOW FOR A DENSITY

1 OF TWENTY FIVE (25) UNITS TO THE ACRE. LOCATION: APPROXIMATELY 1300  
2 SOUTH 2000 EAST (TIN: 09-341-0306 & 09-341-0305).

3  
4 The public hearing was declared open at 7:15 p.m.

5  
6 The following facts were presented:

- 7 • The applicant requested a rezone from C-2 (Commercial) to R-3-SP (Multi-family  
8 Residential with a Special Purpose Overlay).
- 9 • The SP or Special Purpose Overlay would allow up to 25 residential units to the acre.
- 10 • The following information identified the surrounding densities in comparison to what the  
11 request was:
  - 12 ○ Goldstone Place Apartments: 18.81 units to the acre
  - 13 ○ Pepperidge Apartments: 20.33 units to the acre
  - 14 ○ Pinnacle Mountain View Apartments: 19.71 units to the acre
  - 15 ○ Wingpoint Apartments: 19.24 units to the acre.
  - 16 ○ The proposed Bravada 193 Apartments would have 40.60 units to the acre.
- 17 • The average density in the area, excluding the proposed Bravada 193 Apartments, was  
18 19.92 units per acre.
- 19 • The apartments would be a four-story concept including an elevator and some parking  
20 garages under the building.

21  
22 Staff recommended the Planning Commission forward a recommendation of approval to the City  
23 Council for the proposed rezone based on the findings in the Staff Report.

24  
25 PUBLIC COMMENT:

26  
27 Wayne Belleau, Manor House Development at Legend Hills, stated that the mayor and staff  
28 wanted the project to be a four-story project with 50 percent parking garages and a lot of different  
29 amenities. Those items would make the project a luxury apartment complex. The affordability of  
30 the project would appeal to 33 percent of the population in the area.

31  
32 The public hearing was closed at 7:24 p.m.

33  
34 **Commissioner Jones moved to recommend to the Clearfield City Council approval of RZN**  
35 **1903-0014, a rezone request by Wayne Belleau for 9.067 acres located at approximately**  
36 **1300 South 2000 East from C-2 (Commercial) to R-3-SP (Multi-family Residential with a**  
37 **Special Purpose Overlay) to allow for a density of twenty five (25) residential units to the**  
38 **acre based on the findings as outlined in the Staff Report:**

- 39 • **The proposed rezone is consistent with the land use guidelines, goals, and objectives**  
40 **of the Clearfield City General Plan.**
- 41 • **The proposed rezone and future development of this area as residential will support**  
42 **the surrounding commercial uses as a mixed use area.**
- 43 • **The R-3-SP zoning designation of this area will provide a gradual land use transition**  
44 **from the Goldstone Place Apartments to the west and the Pinnacle Mountain View**  
45 **Apartments to the north with only a slight increase in residential density.**
- 46 • **Development of residential adjacent to the canal trail open space will provide a**

1 better environment for the patrons of the trail and will help prevent this section of  
2 trail from becoming secluded and potentially unsafe.

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

5  
6 DISCUSSION AND APPROVAL OF CUP 1903-0011, A CONDITIONAL USE PERMIT  
7 REQUEST BY NATE SWAIN TO CONSTRUCT A SINCLAIR CONVENIENCE STORE  
8 AND GAS STATION AT THE SUBJECT PROPERTY. LOCATION: 1972 EAST 700 SOUTH  
9 (TIN: 09-419-0101). PARCEL AREA: 1.48 ACRES. ZONE: C-2 (COMMERCIAL).

10  
11 The following information was presented:

- 12 • There would be limited access to the property on SR-193, but there would be full access  
13 on University Park Boulevard for vehicles.
- 14 • The storm drain would combine with the Bravada 193 development.
- 15 • Needed to have a significant retaining wall to insure the property was stabilized and safe.
- 16 • Fuel pumps for the Sinclair station would be on the north side of the property.
- 17 • Fuel trucks would be able to turn right into the Sinclair off of SR-193, and turn out onto  
18 the full access on University Park Boulevard.
- 19 • The convenience store would have an outdoor amenity.
- 20 • The site was located in a wellhead protection area.
- 21 • Fuel tanks could still be built on the parcel, but they were required to meet higher  
22 standards so the fuel did not leak into the wellhead protection area.
- 23 • There would be one row of parking to meet Clearfield City Land Use Ordinance  
24 requirements. The island on the west end was required to be 5 foot by 20 foot.
- 25 • On the landscape plan provided by the applicant, the island did not meet Clearfield City's  
26 ordinance and needed to be adjusted slightly.
- 27 • An additional eleven trees needed to be added to the landscape plan.
- 28 • Design standards had been met by the plan provided.

29  
30 Staff recommended that the Planning Commission approve as conditioned, CUP 1903-0011, a  
31 conditional use permit request. The recommendation was based on the findings and discussion in  
32 the Staff Report.

33 Nate Swain, applicant, was asked if there would be any solar panels. He stated that solar panels  
34 were being considered atop the fuel canopy. He also stated, regarding electric charging ports,  
35 there was not a large enough demand to have electric car charging stalls.

36  
37 **Commissioner Uccardi moved to approve CUP 1903-0011, a conditional use permit request**  
38 **by Nate Swain to construct a Sinclair convenience store and gas station at the property**  
39 **addressed as 1972 East 700 South (TIN: 09-419-0101) with the following conditions:**

- 40 1) **The project shall comply with all engineering requirements outlined by the City**  
41 **Engineer and Staff Engineer in the attached review letter and as provided on the**  
42 **submitted plans.**
- 43 2) **The site landscape plan shall be modified to provide eleven (11) additional trees.**  
44 **The development shall comply with all landscaping and bonding standards outlined**  
45 **in Section 11-13-23 of the Land Use Ordinance.**
- 46 3) **An irrigation plan shall be submitted with the revised landscape plan and shall be**

1 designed to be a low water use irrigation system.

- 2 4) The project shall comply with all local, State, and Federal regulations for the storage  
3 of the fuel and location of the storage tanks in this area.  
4 5) The applicant shall provide a copy of the UDOT approval for the access off of SR  
5 193.  
6 6) The project shall comply with all applicable standards included in this report and as  
7 outlined in Chapter 18 of the Clearfield City Land Use Ordinance.  
8 7) A business license shall be obtained prior to the commencement of business  
9 operations.

10 This recommendation was based on the findings and discussion in the Staff Report.

11 Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE:  
12 Commissioners Uccardi, Jones, Lloyd, Murray, Browning, and Bigelow. Voting NO: None.  
13

14 DISCUSSION AND APPROVAL OF SP 1903-0016, AN AMENDED SITE PLAN REQUEST  
15 BY PSION HOMES TO AMEND THE APPROVED LANDSCAPE PLAN FOR THE J-BIRD  
16 CONDOMINIUM DEVELOPMENT TO ALLOW A XERISCAPE LANDSCAPE DESIGN.  
17 LOCATION: 572 WEST 300 NORTH (TIN: 14-551-0013). PARCEL AREA: 0.65 ACRES.  
18 ZONE: R-3 (RESIDENTIAL).  
19

20 The following information was provided:

- 21 • In 2018, the original developer proposed additional landscaping to soften the impact of  
22 the development.  
23 • The applicant wanted to move the trees from the north parking strip to the far north end of  
24 the property line.  
25 • The applicant wanted to make the entire northern section of the property xeriscape,  
26 excluding the trees on the property line.  
27 • The applicant wanted to remove all trees along the park strips on 300 North and 500 West.  
28 • The trees in the park strip on 300 North might need to be removed regardless so they do  
29 not interfere with the Rocky Mountain Power lines.  
30 • Visibility with the trees in the park strip on 500 West could cause an issue.  
31

32 Staff recommended that the Planning Commission approve as conditioned SP 1903-0016, an  
33 amended site plan request by Psion Homes to amend the approved landscape plan to allow a  
34 xeriscape landscape design base on the following conditions:

- 35 1) The landscaping area along the west and north property lines shall remain unchanged in  
36 order to be used as recreational space for the future residents of the condominiums.  
37 2) The landscaping area along the South and East of the building shall be modified to include  
38 additional shrubbery mixed throughout the landscape areas with the trees.  
39 3) The landscape planters around the trees on each end of the drive access shall remain  
40 unchanged to match the original approved landscape plan.  
41 4) The trees in the park strip along 500 West street shall be planted in accordance with the  
42 original approved landscape plan.  
43 5) Trees located in the clear vision area as identified in Section 11-13-10 of the Land Use  
44 Ordinance may be removed to comply with those ordinance standards. All other trees  
45 shall be planted as shown on the original landscape plan.  
46 6) The updated plan shall, at a minimum, provide one (1) shrub for every 300 square feet of

1 landscape area for each area individually that will be allowed to be transformed to the  
2 xeriscape design. Each shrub shall have a minimum size of five (5) gallons at the time of  
3 planting.

- 4 7) The applicant shall update the new landscape and irrigation plans and bond for the  
5 installation of the landscaping prior to the issuance of the certificate of occupancy.  
6

7 The Commission had the following questions and concerns:  
8

- 9 • Staff clarified that the north side of the property would remain the same with no xeriscape  
10 and the trees would be required along the parking lot.
- 11 • The property had enough trees to meet the requirement of Clearfield City's ordinance. The  
12 property line started at the back of the sidewalk, not at the park strip.
- 13 • Commissioner Browning expressed his concern that the building would be prominent in a  
14 residential area. There were concerns the xeriscape would make the property stand out  
15 even more. Landscaping would help to soften the impact of the large building and help the  
16 building blend in with the neighborhood. Commissioner Murray and Jones agreed.
- 17 • The comment was made that the trees in the park strip on 300 North might not be tall  
18 enough to reach the power lines.
- 19 • The two large trees on the corner of 300 North and 500 West could impact clear vision. If  
20 it did impact the clear vision ordinance the trees would have to be removed no matter the  
21 consensus.
- 22 • Commissioner Murray stated that she did not agree with gravel anywhere but the park  
23 strip. She expressed her opinion that the landscape needed to be grass.
- 24 • Commissioner Jones stated that she wanted the trees on the north side, along the row of  
25 parking, to remain where they were. She presented the fact that if the trees were along the  
26 property line the neighboring yards to the north would be cleaning up tree debris in their  
27 backyards.
- 28 • The Commissioners agreed to leave the trees on the north parking as they currently were.
- 29 • Commissioner Murray and Jones expressed that they believed the landscaping plan should  
30 not be allowed to change. Commissioner Jones stated that the Commission approved the  
31 original plan for a reason, and there was no need to change it.
- 32 • Chair Jugler stated the Commission was not compelled to make changes to the original  
33 site plan. Even if the new site plan complied the changes were discretionary. Staff agreed.
- 34 • Commissioner Bigelow stated she wouldn't have an issue with xeriscape on the south side  
35 of the property.
- 36 • Commissioner Uccardi was worried that the Commission could cause a delay in the  
37 project and could potentially end the project because of the debate on xeriscape.
- 38 • If the Commission denied the request, the applicant could revamp the plan and reapply for  
39 the Commission's consideration or they could appeal the decision to the appeal authority.
- 40 • Brie Brass, Assistant City Attorney, stated any decision would be held valid as long as it  
41 was supported by substantial evidence and was not illegal.
- 42 • Commissioner Murray was concerned that the developer would not maintain the xeriscape  
43 based on her previous Planning Commission experience.
- 44 • The comment was made that the original plan should not change just because there was a  
45 new developer on the project.
- 46 • The Commission agreed that the north side of the property would not change but stick to

1 the original plan.

- 2 • The Commission agreed that the developer could do what was necessary with the trees on  
3 the corner of 300 North and 500 West if they were not in the clear view. The Commission  
4 was also okay if the trees in the park strip on 300 North needed to be removed if Rocky  
5 Mountain Power stated the trees are interfering with the power lines.
- 6 • Commissioner Bigelow believed the developer should stick to the original plan for the  
7 north side of the property, the entrance, and the corner of the property unless the trees  
8 were in clear view. She did not mind either way if the south side of the building was grass  
9 or xeriscape. Commissioner Browning agreed.
- 10 • Commissioner Jones believed the developer could stick to the original plan and remove  
11 the trees that were necessary. Commissioner Murry agreed.
- 12 • Commissioner Uccardi wanted to go with the staff recommendation with the exception of  
13 only removing trees from 300 North. Commissioner Lloyd agreed.
- 14 • Youth Ambassador Bush agreed with the staff recommendation.

15  
16 Blake Smithing, Psion Homes, expressed his concerns regarding the trees in the park strip on 300  
17 North interfering with power lines, the clear vision ordinance in regards to the trees on the corner,  
18 and the xeriscape plan on the south side of the building. He stated the air conditioning units  
19 would be on the south side of the buildings. He expressed his concern with putting grass on the  
20 south side. He didn't want to encourage children to play near the busy road and air conditioning  
21 units.

22  
23 **Commissioner Uccardi moved to approve SP 1903-0016, an amended site plan request by**  
24 **Psion Homes to amend the approved landscape plan to allow a xeriscape landscape design**  
25 **for the J-Bird Condominium development located at 572 West 300 North (TIN: 14-551-**  
26 **0013). The recommendation was based on the findings and discussion in the Staff Report**  
27 **and with the following seven conditions:**

- 28 1) **The landscaping area along the west and north property lines shall remain**  
29 **unchanged in order to be used as recreational space for the future residents of the**  
30 **condominiums.**
- 31 2) **The landscaping area along the south and east of the building shall be modified to**  
32 **include additional shrubbery mixed throughout the landscape areas with the trees.**
- 33 3) **The landscape planters around the trees on each end of the drive access shall remain**  
34 **unchanged to match the original approved landscape plan.**
- 35 4) **The trees in the park strip along 500 West shall be planted in accordance with the**  
36 **original approved landscape plan.**
- 37 5) **Trees located in the clear vision area as identified in Section 11-13-10 of the Land**  
38 **Use Ordinance may be removed to comply with those ordinance standards. All**  
39 **other trees shall be planted as shown on the original landscape plan.**
- 40 6) **The updated plan shall, at a minimum, provide one (1) shrub for every 300 square**  
41 **feet of landscape area for each area individually that will be allowed to be**  
42 **transformed to the xeriscape design. Each shrub shall have a minimum size of five**  
43 **(5) gallons at the time of planting.**
- 44 7) **The applicant shall update the new landscape and irrigation plans and bond for the**  
45 **installation of the landscaping prior to the issuance of the certificate of occupancy.**

46 **Seconded by Commissioner Bigelow. The motion carried on the following vote: Voting**

1 **AYE: Commissioners Uccardi, Bigelow, Browning, and Lloyd. Voting NO: Commissioners**  
2 **Murray and Jones.**

3  
4 DISCUSSION ITEMS

5  
6 DISCUSSION ON ZTA 1903-0017, A ZONING TEXT AMENDMENT BY CLEARFIELD  
7 CITY TO AMEND SECTION 11-15-8F, THE BILLBOARD REGULATIONS OF THE SIGN  
8 ORDINANCE. THE PURPOSE OF THESE AMENDMENTS IS TO PROVIDE ADDITIONAL  
9 BUFFERING AND SEPARATION OF BILLBOARDS FROM RESIDENTIAL AREAS  
10 WITHIN THE CITY.

11  
12 The Commission had the following discussion:

- 13 • A billboard was moved from State Street to 200 South.
- 14 • 200 South was the only place considered when the billboard was moved.
- 15 • Moving the billboard from State Street to 200 South was not in any violation of Clearfield  
16 City Code or State Code.
- 17 • Clearfield City Code stated that billboards could not be within 500 feet of each other.  
18 Where the billboard was placed on 200 South, there was over 500 feet on that property  
19 where a second billboard could be placed.
- 20 • A survey was done in the neighborhood to show how many people were notified of a  
21 rezone in that area and that the billboard would be moving to that location.
- 22 • City staff did send out letters of a rezone and the new location for the billboard.
- 23 • Commissioner Uccardi clarified that the letters sent out by staff were addressed to the  
24 property owners.
- 25 • The following proposed standards were provided by Jeff Baker, a resident in the  
26 neighborhood:
  - 27 ○ No billboards (going forward) within 1000 feet (or more) of residential use.
  - 28 ○ No digital billboards anywhere in the City.
  - 29 ○ “Relocation” of a billboard could only occur to a new area of similar  
30 characteristics, e.g. billboard along a state highway must go to a new location also  
31 along a state highway.
  - 32 ○ No upgrading of a billboard in sign, style, or size during relocation.
- 33 • Commissioner Murray clarified that a digital billboard goes from one advertisement to the  
34 other.
- 35 • The billboard slightly changed in size when it was relocated from State Street to 200  
36 South. It was not a drastic change in size, therefore, it was not considered an upgrade.
- 37 • Clearfield City had a current ordinance that stated that there could be no new billboards in  
38 the City.
- 39 • The City must allow a relocation or it would be determined to be a “taking” of the  
40 billboard.
- 41 • It was discussed whether the Commission could make a designated area for billboards.
- 42 • It was requested to have a map of where all of the billboards were located in the City.
- 43 •

44 STAFF COMMUNICATIONS

45  
46 A reminder, May 7, 2019 there would be a joint work session with the City Council. The next



1 Planning Commission meeting would be on May 8, 2019.

2  
3 PLANNING COMMISSIONERS' MINUTE

4  
5 Commissioner Bigelow- Hoped that Commissioner Lloyd liked where he moved to and that it  
6 worked out for him. She also added that she and her family had enjoyed the new attractions in  
7 Clearfield.

8  
9 Commissioner Jones- stated Commissioner Lloyd would be missed.

10  
11 Commissioner Browning verified May 7, 2019, and May 8, 2019 for the upcoming meetings.  
12 Said goodbye to Commissioner Lloyd.

13  
14 Commissioner Murray stated the Commission would miss Commissioner Lloyd and was sure he  
15 could get on the Planning Commission at his new location. Encouraged Commissioner Lloyd to  
16 stay involved and wished him well.

17  
18 Commissioner Uccardi joked it was not his fault that everyone moved.

19  
20 Commissioner Lloyd thanked everyone for allowing him to be a part of the Planning  
21 Commission. He commented he would miss it.

22  
23 Commissioner McAllister expressed his pleasure in being appointed to the Planning Commission.  
24 He stated he was looking forward to working with everyone.

25  
26 Chair Jugler stated it was Commissioner Lloyd's last Planning Commission meeting and he was  
27 sad to see him go. He appreciated his time on the Commission.

28  
29 There being no further business to come before the Planning Commission, **Commissioner**  
30 **Murray moved to adjourn at 9:16 P.M.**