Chair Jugler called the meeting to order.

Commissioner Jones asked if the City was amending the Form Based Code (FBC) formally or making an exception for Mr. Murri’s project. Brad McIlrath, Senior Planner, stated the request was to formally amend the FBC. Commission Jugler commented the Commission was aware of the City’s efforts to update the FBC and wondered why the applicant submitted the request prior to the conclusion of the City’s efforts. Mr. McIlrath explained that Mr. Murri needed the amendment for his project and staff felt that the recommendation was a good one and would likely be addressed with the City’s comprehensive amendments to the FBC. He continued the comprehensive updates were expected by the end of June so the Planning Commission could choose to table or deny the request until the results of the City’s process were reviewed. He informed the Commission that the applicant wanted to move forward with the request because staff did not believe a development agreement allowing the exception was appropriate.

Commissioner Jones expressed her concerns about changing something that might not match the recommendation of the City’s consultant for the FBC revisions. Mr. McIlrath stated the applicant would be held to the requirements of FBC at the time his project was approved. Chair Jugler expressed a desire to make sure the consultant made a recommendation specific to the step back requirement during the revision process.
Mr. McIlrath informed the Commission that the development currently needed to comply with the step back requirement or receive a recommendation from the Planning Commission for the negotiation of a development agreement prior to site plan approval if the applicant’s request was not granted.

Commissioner Uccardi asked why the City wanted to amend the current Form Based Code. Mr. McIlrath responded the City identified a need for better graphics and designs as well as a fine-tuning of the design guidelines.

Chair Jugler expressed his concern about proceeding with consideration of the request with only a small number of commissioners present. Mr. McIlrath explained the request could be tabled until the first meeting in April if the commissioners attending were uneasy making the decision without additional input from the larger body or a recommendation could be made to the City Council.


The Planning Commission had no questions on the request.


Commissioner Browning had a question regarding the exits on the property. Brad McIlrath, Senior Planner, explained the ingress and egress for the property.

DISCUSSION AND POSSIBLE ACTION ON FSP 1902-0005, A FINAL SUBDIVISION REQUEST BY RICK SCADDEn FOR A 16-UNIT TOWNHOME SUBDIVISION (LANDSON’S CORNER TOWNHOMES) AT THE SUBJECT PROPERTIES. LOCATION: 357 AND 343 WEST 300 NORTH (TIN: 12-020-0087 & 12-020-0155). AGGREGATE PARCEL AREA: 1.03 ACRES. ZONING: R-3 (RESIDENTIAL).

Brad McIlrath, Senior Planner, advised the Planning Commission it was appropriate to ask the applicant questions during its consideration of the request about the planned design for the final product in the development.

The meeting adjourned at 6:58 p.m.
The Pledge of Allegiance was led by Chair Brady Jugler.

APPROVAL OF MINUTES FROM MARCH 6, 2019 PLANNING COMMISSION MEETING

Commissioner Uccardi moved to approve the minutes from the March 6, 2019 Planning Commission Meeting and Work Session as written. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioner Browning, Uccardi, Jones and Jugler. Voting NO: None.

Chair Jugler read the Planning Commission Chair Statement.

DISCUSSION AND ACTION ON ZTA 1902-0002, A ZONING TEXT AMENDMENT REQUEST BY MARVIN MURI TO AMEND SECTION 5.4 FOOTNOTE 3 OF THE FORM BASED CODE (FBC) TO REQUIRE THE SIX FOOT (6’) STEP BACK FOR RESIDENTIAL BUILDINGS TALLER THAN FOUR (4) STORIES RATHER THAN THREE (3) STORIES AS THE CODE CURRENTLY READS

Brad McIlrath, Senior Planner, presented the following background information;
- Form Based Code (FBC) currently required buildings that were three (3) stories or higher to have a six-foot (6’) step back between the first floor and the top of the building.
- The applicant wanted to construct a multi-family development with two buildings, four stories each without a step back as required.
FBC did not allow for that except through a development agreement.

There were other structures being developed along the downtown Clearfield corridor that did not include building step backs.

Mr. McIlrath presented pictures of different types of buildings from Sugar House, Salt Lake City and Ogden with and without step backs. He commented buildings built along the Wasatch Front with step backs were generally five (5) stories or higher.

Staff recommended the Planning Commission forward a recommendation of approval for the zoning text amendment based upon the following:

1. Buildings along the Wasatch Front that included the step back were generally five (5) stories or greater.
2. Construction type changed from a four (4) story building to a five (5) story to better meet the needs of the step backs.
3. The amendment would provide better clarity and allow for better design and development in the administration of the Form Based Code.
4. The City had hired a consultant to review and update the FBC and the update was expected to be completed by the end of June 2019.

Chair Jugler opened the public hearing.

PUBLIC COMMENT

In Favor

Trenton Saxton, CRSA-architect for the project, stated the step back requirement was not common with buildings four (4) stories or less, especially when the use was strictly multi-family residential. He stated the requirement was more common for mixed-use buildings. He offered his professional opinion that typically step backs were required for taller buildings and those that were mixed-use.

Opposed

None.

Chair Jugler closed the public hearing.

Commissioner Jones stated she was opposed to the amendment. She expressed her opinion that the City needed to finish its review of FBC prior to making any further changes to it. She clarified it was not the project that she was opposed to rather asking for amendments to FBC when it was already under review by the City. She expressed her desire to see the development of the downtown are to be uniform with the same standard applying to all projects. She felt making changes for individual projects would be premature.

Commissioner Browning also expressed a concern with amending the code for individual projects.
Commissioner Uccardi commented he could support staff’s recommendation because it was likely the City would end up with something similar to the recommendation at the conclusion of the FBC review. He acknowledged the developer could attempt to negotiate a development agreement for the exception. He expressed concern that the City should not start the practice of managing multiple development agreements rather than applying the standards already adopted in the FBC.

There was a discussion about tabling the decision on the amendment until a later date. Mr. McIlrath commented if the Commission wanted to table the decision it would need to identify its desire to receive additional information from the developer before considering the amendment. He acknowledged the requirement was on the list of items for the consultant to review. Chair Jugler asked if it could be moved to the top of the priority list so a decision could be rendered more quickly. Mr. McIlrath expressed his desire to complete the entire review rather than making changes periodically throughout the process. He emphasized the City wanted to get the downtown redevelopment right.

Marvin Murri, developer, clarified that he was only seek an amendment for buildings that were residential use only. He expressed his opinion that the FBC did not include a picture of a residential four-story building with a step back because none existed along the Wasatch Front for strictly residential buildings.

Commissioner Uccardi asked if the development was in the Town Residential (TR) zone. Mr. McIlrath responded it was and that zone left mixed use optional to the developer.

Marvin Murri, developer, provided clarification that the amendment he was seeking would only apply to buildings with strictly residential use. He suggested step backs were more commonly used for mixed-use developments where retail was on the first floor and residential use was on the other floors. There was a discussion about the possibility of tabling consideration of the amendment as proposed. Mr. McIlrath explained the action of tabling an item was generally used to allow more time to gather additional information. Chair Jugler asked if staff could ask the City’s consultant to prioritize its review of the step back requirement. Mr. McIlrath assured the Commission and applicant the consultant would be asked to review the requirement along with other priorities.

Commissioner Uccardi asked if the Town Residential (TR) zone was strictly residential use. Mr. McIlrath explained the TR zone did not require mixed-use, but it was allowed. Chair Jugler asked if there would be additional public interaction during the upcoming review of the FBC. He suggested reaching out to the development community specifically. Mr. McIlrath explained the consultant intended to reach out to the development community to get more feedback, but there would be no more public open houses.

Commissioner Uccardi expressed his opinion that the developer’s assertion that step backs were meant for buildings with mixed-use rather than those with residential only use should be further studied by the City. He continued the City needed to be able to defend whatever decision it made on step backs should the conversation come up with developers in the future on even taller buildings. Commissioner Jones agreed. There was a discussion about the implications and time frames associated with tabling the decision until the consultant was finished with a review of the
Mr. McIlrath explained the options available to the Commission in making a recommendation to the City Council.

Commissioner Jones expressed her desire to preserve the integrity of the Form Based Code. Commissioner Uccardi agreed.

Commissioner Jones moved to recommend denial of ZTA 1902-0002 to the City Council, seconded by Commissioner Uccardi. Commissioner Jugler asked what the procedures would be should there be a tie vote on the action. Mr. McIlrath explained the motion would fail if the vote were not unanimous since there were only four commissioners in attendance. The motion failed on the following vote: Voting AYE: Chair Jugler, Commissioners Jones and Uccardi. Voting NO – Commissioner Browning. Spencer Brimley, Community Development Director, informed the Commission that is was important to articulate the reasons for a recommendation of denial or tabling.

There was a discussion about the need for further study on the step back issue as it applied to the entire FBC, including residential only buildings and/or mixed-use buildings. Staff reminded the Commission that the applicant’s request was specific to the step back requirements in Section 5.4 – Multi-family Residential Buildings, Footnote 3. Chair Jugler asked if the applicant could submit the amendment again in the future if the Commission denied the request. Mr. McIlrath explained the applicant would have a one-year waiting period to submit the same request again. Mr. Brimley explained the Commission could recommend denial or approval to the City Council or add additional language that it felt was appropriate to the request. He stated the City Council was the designated land use authority on zoning text amendments.

Brie Brass, Deputy City Attorney, referred to the discussion during the work session earlier in the evening wherein a development agreement was suggested as a way for the developer to be granted an exception to the step back requirement. She explained the Commission needed to act on the request for a zoning text amendment that was before them because the developer had not requested a development agreement allowing for an exception to the FBC. She indicated if the Commission chose to table the issue it would need to articulate what additional information was needed from the developer before a decision could be made.

Commissioner Uccardi reiterated his concern about a complete analysis of the step back requirement. He expressed his concern regarding the work done by the original consultants in helping the City create its FBC. He commented that at some point the land use authority needed to articulate what it wanted to see and then stick to those requirements. He suggested it was important to communicate the need for the City to determine the specifics associated with the step back requirement during its current review and update to the FBC if a recommendation of denial was forwarded to the City Council. Commissioner Jones commented her motion to deny the request was not because she did not like step backs but rather recognized there should be further study of the issue.

Commissioner Uccardi moved to recommend denial of ZTA 1902-0002 to the City Council based on the fact that the City hired a consultant to review and update the entire FBC, which should be completed by the end of June 2019, and asked for further study on the step back requirement and its impact to the entire FBC, seconded by Commissioner Jones. The
motion carried on the following vote: Voting AYE: Chair Jugler, Commissioners Browning, Jones, and Uccardi. Voting NO: None.


Brad McIlrath, Senior Planner, provided the following background information on the request:

- The request was to amend Lot 102 of the existing subdivision and create Lots 201 and 202.
- Lot 201 would be the location for the Bravada 193 Apartments.
- Lot 202 would be the location for an office/commercial building.
- There would be an ingress/egress easement on Lot 202(260,797),(758,818) in favor of Lot 201.

Commissioner Uccardi moved to recommend approval of the request to amend the Midtown Village at Legend Hills Subdivision Plat with the following conditions:

1) The plat and plans shall be revised to address Clearfield City engineering requirements with revisions noted in a response letter to obtain final approval.
2) The plat shall be revised to locate the ingress/egress easement to match the civil drawings with the access off University Park Boulevard.
3) The applicant is responsible for the placement 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.
4) An escrow agreement shall be established for improvements outlined in City Code § 12-4-6 and will be subject to approval by the City Engineer and City Attorney. The escrow account shall be established and executed prior to any permits being issued for the properties or the plat being recorded.
5) The applicants shall execute a development agreement with the City as required by the D-R (Downtown Redevelopment) zone. The final signed and executed agreement shall be recorded in conjunction with the final subdivision plat and prior to the issuance of any building permits.

Seconded by Commissioner Jones. The motion carried upon the following vote: Voting AYE – Chair Jugler, Commissioners, Browning, Jones, and Uccardi. Voting NO – None.


Brad McIlrath, Senior Planner, explained the applicants requested a Conditional Use Permit to construct a 328-unit apartment development at approximately 788 South 2000 East. He reviewed the following:
The request was for the first phase of a two phase development.

The second phase would include the construction of an office building to the east of the apartments.

The plan was to construct four buildings, five stories each.

The property was zoned D-R which complied with the General Plan land use designation of mixed-use.

A development agreement was required to address site design, development timing, unit counts, parking and access, and other items deemed necessary by the City.

Commissioner Jones asked if residents would be driving through undeveloped property if the apartments were developed as the first phase. Mr. McIlrath responded the parking lot and ingress and egress were required to be developed. He also stated the timing of the development for both lots would be addressed in the development agreement. Commissioner Uccardi asked who owned University Park Boulevard. Mr. McIlrath explained the street was owned by Clearfield and Layton. He expressed a need to address the impact of the residential component for traffic and pedestrian safety on University Park Boulevard. He encouraged planning for pedestrian access in the area.

Commissioner Jones moved to approve the Conditional Use Permit (CUP) to construct a 328-unit multi-family development, to be known as Bravada 193, at approximately 788 South 2000 East based on the findings and discussions in the Staff Report with the following conditions:

1) A development agreement shall be approved that addresses the site design, development timing, unit counts, parking and access, and other items as deemed necessary by the City to ensure that the development contributes to the health, safety, and general welfare of the community.

2) Site development signage shall be reviewed by the City and, if needed, addressed in the development agreement for the residential project.

3) The landscaping and irrigation plans shall be submitted for review and final land use approval prior to the submittal of a building permit. The applicant shall post a cash bond or escrow account for 125 percent of a landscaping company’s estimate for the landscaping improvements prior to the certificate of occupancy for any building.

4) All site lighting shall comply with the standards outlined in Sections 11-13-17 and 11-18-4E of the Clearfield City Land Use Ordinance for design and shielding. Revised plans shall be submitted and approved that comply with those standards.

5) The five foot (5’) wide pedestrian accesses shall be constructed of a different material than the surrounding asphalt or concrete. Plans shall be revised to indicate the different material used.

6) 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.

7) The project shall comply with all North Davis Fire District requirements.

8) The project shall comply with all City Engineer requirements.
9) The project shall provide the necessary infrastructure improvements for water, sewer, and storm water management.

10) UDOT access approval shall be provided to the City prior to the issuance of final land use and engineering approval.

11) The project shall comply with all requirements of the D-R zone for timing unless otherwise authorized by the development agreement.

Seconded by Commissioner Browning. The motion carried upon the following vote: Voting AYE – Chair Jugler, Commissioners Browning, Jones, and Uccardi. Voting NO – None.

DISCUSSION AND ACTION ON FSP 1902-0005, A FINAL SUBDIVISION REQUEST BY RICK SCADDEN FOR A 16-UNIT TOWNHOME SUBDIVISION (LANDON’S CORNER TOWNHOMES) AT THE SUBJECT PROPERTIES. LOCATION: 357 AND 343 WEST 300 NORTH (TIN: 12-020-0087 & 12-020-0155). AGGREGATE PARCEL AREA: 1.03 ACRES. ZONING: R-3 (RESIDENTIAL).

Brad McIlrath, Senior Planner, explained Landon’s Corner Townhome Subdivision was located south of the 300 North viaduct and west of the Union Pacific Railway corridor. He reviewed the following:

- The development would be a 16-unit townhome residential subdivision.
- There would be two (2) private access driveways to the individual garages of the units and visitor parking.
- Each building complied with the minimum setback standards of the R-3 zone with the exception of the building with units nine through twelve (9-12), which would be modified for compliance.

Chair Jugler moved to recommend approval of FSP 1902-0005, to the City Council for a final subdivision request by Rick Scadden for a 16-unit townhome subdivision (Landon’s Corner Townhomes) located at approximately 357 and 343 West 300 North based on the findings and discussions in the Staff Report with the following conditions:

1) Plans shall be revised to address Clearfield City engineering requirements prior to approval of the final plat and improvement plans.

2) The Covenants, Conditions, and Restrictions (CC&Rs) for the future Home Owners Association (HOA) shall be revised to address the comments in the staff report and those of the City Attorney’s office.

3) The plat shall be modified to comply with all setback standards of the R-3 zone.

4) The applicant shall obtain site plan approval for the project and provide the needed pedestrian connections for the townhomes and comply with all other development standards of the R-3 zone.

5) The project shall comply with all applicable supplementary standards outlined in Chapters 13 and 18 of the Clearfield City Land Use Ordinance.

6) The applicant shall obtain North Davis Fire District approval for the project and comply with the requirements of the Deputy Fire Marshal as outlined in the attached review letter. Final approval shall be provided to the City prior to the issuance of any permit.

7) 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.

8) An escrow agreement shall be established for improvements outlined in City Code § 12-4-6 and will be subject to approval by the City Engineer and City Attorney. The escrow account shall be established and executed prior to any permits being issued of the properties or the plat being recorded.

Seconded by Commissioner Uccardi. The motion carried upon the following vote: Voting AYE – Chair Jugler, Commissioners Browning, Jones, and Uccardi. Voting NO – None.

STAFF DISCUSSION

No further discussion from staff.

PLANNING COMMISSIONERS’ MINUTE

Commissioner Uccardi – Nothing

Commissioner Browning asked for a copy of the bylaws. Brad McIlrath, Senior Planner, said he could provide a copy. Commissioner Browning also asked for a map of the streets at the Clearfield Station Apartments.

Commissioner Jones announced she was under contract for her home and would soon own two homes in Clearfield.

Chair Jugler – Thanked the members of the Planning Commission and staff for their participation in the discussion during the meeting. He asked when the City Council would consider the zoning text amendment discussed during the meeting. Spencer Brimley, Community Development Director, informed the Commission that the item was scheduled for consideration by the City Council on April 9, 2019.

Youth Ambassador Bush – Nothing

There being no further business to come before the Planning Commission, Commissioner Jones moved to adjourn at 8:35 P.M. Seconded by Commissioner Uccardi. All voting AYE.