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 16th, 2019, on the 3rd floor in the City Council Chambers of the Clearfield City Municipal Building, located at 55 S. State Street, Clearfield, UT 84015.

CALL TO ORDER - PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: None

PLANNING COMMISSION CHAIR STATEMENT

DECISION ITEMS

Non-Public Hearings


DISCUSSION ITEMS

4. Planning Commissioners’ Minute
5. Staff Communications

**PLANNING COMMISSION MEETING ADJOURNED**

Dated this 10th day of October, 2019

/s/Spencer W. Brimley, Senior Planner
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 the Customer Service Center at 801-525-2701, giving the City a 48 hour notice.

The Work Session meeting is a public meeting; however, public comments are only received in the formal Planning Commission meeting. 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.
Planning Commission
STAFF REPORT

TO: Clearfield City Planning Commission
FROM: Spencer W. Brimley, Community Development Director
Spencer.Brimley@Clearfieldcity.org
(801) 525-2785

MEETING DATE: Wednesday, October 16, 2019

SUBJECT: Discussion and Possible Action on PSP 1909-0001, a preliminary subdivision plat request Marvin Murri to consolidate the three existing parcels into one in order to accommodate a two-building residential multi-family development. Location: 452 & 530 South State Street (TIN: 12-003-0174, 12-003-0194, & 12-003-0196). Aggregate Parcel Area: 2.6 Acres. Zone: T-R (Town Residential). Planner: Brad McIlrath (Administrative Matter).

Discussion and Possible Action on FSP 1909-0001, a final subdivision plat request by Marvin Murri to consolidate the three existing parcels into one in order to accommodate a two-building residential multi-family development. Location: 452 & 530 South State Street (TIN: 12-003-0174, 12-003-0194, & 12-003-0196). Aggregate Parcel Area: 2.6 Acres. Zone: T-R (Town Residential). Planner: Brad McIlrath (Administrative Matter).

RECOMMENDATIONS
Move to approve the preliminary subdivision plat PSP 1909-0001, a request Marvin Murri to consolidate the three existing parcels into one in order to accommodate a two-building residential multi-family development at the subject property located at, 452 & 530 South State Street (TIN: 12-003-0174, 12-003-0194, & 12-003-0196). This recommendation is based on the discussion and findings in the Staff Report.

Move to forward a recommendation of approval of FSP 1909-0001, to the Clearfield City Council for the final subdivision plat, a request by Marvin Murri to consolidate the three existing parcels into one in order to accommodate a two-building residential multi-family development at the subject property located at, 452 & 530 South State Street (TIN: 12-003-0174, 12-003-0194, & 12-003-0196). This recommendation is based on the discussion and findings in the Staff Report.

PROJECT SUMMARY

<table>
<thead>
<tr>
<th>Project Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
</tr>
<tr>
<td>Site Location</td>
</tr>
<tr>
<td>Tax ID Number</td>
</tr>
</tbody>
</table>
BACKGROUND

The applicant is proposing to construct a 106 unit residential multi-family development, in two buildings, at the subject properties. Buildings cannot be constructed across existing parcel lines, which requires the
developer to consolidate any and all parcels into a single parcel for prior to development. As shown in the aerial image above, the project is located off of State Street and 550 South in the T-R (Town Residential) Zone within the downtown Form-Based Code (“FBC”) area. The two new buildings will have an overall height of four (4) stories with parking located to the rear to allow each building to address the street frontages as required by the FBC.

As a project in the FBC, specific building type standards are reviewed along with the landscaping and streetscape design for compliance with the FBC. The review and approval of the standards occurred previously. This request will only deal with the consolidation of parcels and whether or not there is compliance with adopted standards to do so. As an overview, the applicant has worked with staff and is proposing buildings that appropriately address the FBC with high quality design and materials that will contribute to overall desire for the State Street corridor and the overarching community.

PRELIMINARY AND FINAL SUBDIVISION PLAT REVIEW
The City Engineer and Public Works staff were provided with the proposed plat for review of technical items. The City Engineer has reviewed the plat for compliance and has provided approval of the proposed consolidation. Staff has included the approval letter from the City Engineer in the packet, which is attached to this report.

If recommended for approval by the Planning Commission, the final subdivision plat will be reviewed by the City Council on Tuesday, November 12, 2019.

Public Comment
No public comment has been received to date regarding this project.

CONDITIONS OF APPROVAL - PRELIMINARY SUBDIVISION PLAT, PSP 1905-0006
1) As needed, the plat shall be revised to meet requirements of the Clearfield City Engineer prior to approval by the City and recording at the Davis County Recorder’s office.
2) 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.
3) Future development or redevelopment of these properties shall comply with the development standards outlined for the TR Zone as outlined and described in the Clearfield City Downtown Form Based Code.

CONDITIONS OF APPROVAL - FINAL SUBDIVISION PLAT, FSP 1905-0006
1) The plat shall be revised to meet requirements of the Clearfield City Engineer prior to approval by the City and recording at the Davis County Recorder’s office.
2) 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.
3) Future development or redevelopment of these properties shall comply with the development standards outlined for the TR Zone as outlined and described in the Clearfield City Downtown Form Based Code.
4) All improvement drawings required by the City Engineer shall be provided for review prior to any remodeling/redesigning of the site.
5) The applicant shall obtain North Davis Fire District approval for the project and comply with the requirements of the Deputy Fire Marshal. Final approval shall be provided to Clearfield City prior to the issuance of any permit.

6) 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.

ATTACHMENTS

1. Site Plan (existing configuration)
2. Subdivision Plat
3. Engineering Review Letter dated 27 November 2018
24 September 2019

Clearfield City  
55 South State Street  
Clearfield City, Utah  84015

Attn: Brad McIIrath  
Proj: City Plaza Apartments  
Subj: Plat & Improvement Drawings - Review #3 – Recommendation for Approval

Dear Brad,

I have completed my review of the recently re-submitted Plat and Improvement Drawings and find the drawings in compliance with the “Public Works Standards of Clearfield City”.

I herewith recommend approval of the Plat and the Improvement Drawings and the calculations as submitted.

The Developer should now submit the “Engineer’s Cost Estimate” for the public improvements which need to be constructed.

Sincerely,

CEC, Civil Engineering Consultants, PLLC.

N. Scott Nelson, PE.  
City Engineer

Cc. Adam Favero, Public Works Director  
Brad Wheeler, Street Superintendent
TO: Clearfield City Planning Commission  
FROM: Spencer W. Brimley, Community Development Director  
Spencer.Brimley@Clearfieldcity.org  
(801) 525-2785  
MEETING DATE: Wednesday, October 16th, 2019  
SUBJECT: Discussion and Possible Action on CUP 1909-0004, a conditional use permit request by Betty Parker on behalf of Freeport Center Associates and Utility Trailer to amend to the previously approved landscaping plan at the subject property.  

RECOMMENDATION  
Staff recommends that the Planning Commission approve as conditioned, CUP 1909-0004, a conditional use permit request by Betty Parker on behalf of Freeport Center Associates and Utility Trailer to amend to the previously approved landscaping plan at the subject property. Location: Approximately 1050 South 1000 West (TIN: 12-931-0001). This recommendation is based on the discussion and findings in the Staff Report.

PROJECT SUMMARY

<table>
<thead>
<tr>
<th>Project Information</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
<td>Utility Trailer CUP Amendment (Landscaping)</td>
</tr>
<tr>
<td>Site Location</td>
<td>1050 South 1000 West</td>
</tr>
<tr>
<td>Tax ID Number</td>
<td>12-931-0001</td>
</tr>
<tr>
<td>Applicant</td>
<td>Betty Parker, Freeport Center Associates</td>
</tr>
<tr>
<td>Owner</td>
<td>Robert P. O’Block, Freeport Center Associates</td>
</tr>
<tr>
<td>Proposed Actions</td>
<td>Conditional Use Permit Amended</td>
</tr>
<tr>
<td>Current Zoning</td>
<td>M-1 (Manufacturing)</td>
</tr>
<tr>
<td>Gross Site</td>
<td>17.61 Acres</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Properties and Uses:</th>
<th>Current Zoning District</th>
<th>General Plan Land Use Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>M-1 (Manufacturing)</td>
<td>Business Park</td>
</tr>
<tr>
<td>East</td>
<td>M-1 (Manufacturing)</td>
<td>Business Park</td>
</tr>
<tr>
<td>South</td>
<td>M-1 (Manufacturing)</td>
<td>Manufacturing</td>
</tr>
</tbody>
</table>
BACKGROUND

Utility Trailer requested and was approved for the relocation of a trailer storage area to the location identified in the image above. This relocation request was approved by the Planning Commission at their July 10, 2019 meeting. The approval outlined the proper requirements and governing restrictions to insure the project is developed in accordance with Clearfield City Code. This new storage location will be located adjacent to the existing Utility Trailer facility and will include the improvements along the east side of 1000 West. This will include a six foot fence planned for the berm in order to support the required buffer and screening for the area along 1000 West.

Approved and required landscaping

The M-1 Zone requires that a minimum of ten percent (10%) of the lot or parcel be developed as landscaped open space. With a total parcel area of 17.61 acres or 767,091.6 square feet, the applicant is required to provide 76,709.16 square feet as landscaped open space. Based upon sheet LP1.1 of the plan
set, a total of 19,338 square feet of landscaping is was originally proposed for the project. Following the meeting with the Planning Commission an additional 57,371.16 square feet of landscaping was required and approved to bring the project into compliance with the ten percent (10%) requirement of the M-1 Zone.

Additional regulations for landscaping found in § 11-13-23, “Landscape Standards and Requirements,” one (1) tree is required for every five hundred (500) square feet of landscape area and one (1) shrub for every three hundred (300) square feet of landscape area. The trees must have a trunk size of two inches (2") as measured eight inches (8") above the soil line and a minimum height of six feet (6'). The shrubs must have a minimum size of one (1) gallon at time of planting that will attain a height of at least two feet (2').

Based upon the minimum landscape square footage requirement of 76,709.16 square feet, the development must have:

- One hundred and fifty three (153) trees; and
- Two hundred and fifty six (256) shrubs.

The landscape plan currently provides seventy two (72) trees and four hundred and fifty two (452) shrubs. The landscape plan was required to be revised to include an additional eighty one (81) trees and 57,371.16 square feet of landscaped area. The additional landscaping would be provided around the perimeter of the project surrounding the fencing to provide additional buffering and screening for the use of the project as outdoor storage.

**ANALYSIS AND RECOMMENDATION**

**Landscape amendments**

The applicant’s request is to amend the previously approved landscape plan, including additional requirements, in order to reduce the percentage of landscaped area, as well as the number of shrubs and trees that were previously approved. Staff has reviewed the plans and believes the request is consistent with the area and will not cause any negative or detrimental impacts as proposed. This amendment does not change any other requirements in the Notice of Decision (NOD) issued on July 12, 2019 regarding the CUP for outdoor storage. This request pertains only to the landscape requirements and the desire of the applicant to reduce this requirement from 10% to 7.5% along with a reduction in tree and shrub counts.

The applicant is requesting the landscaping and irrigation plans be revised to meet the following requirements, which will apply to the perimeters of the Utility Trailer Project:

1. A total of 58,656 square feet (approximately 7.5%) of landscaping shall be provided for the project
2. A total of 94 trees as shown on the attached map shall be provided
   a. A total of 72 trees shall be equally spaced along 1000 West
      i. A total of 3 trees shall be located on the south by the railroad tracks
      ii. A total of 4 trees shall be located on the north
      iii. A total of 15 trees shall be located to the east in a manner that does not block the vision of truck traffic
3. A total of 256 shrubs shall be planted according to the attached landscaping plan
A total of 58,656 square feet (approximately 7.5%) of landscaping shall be provided and shall, following the execution of the Development Agreement, constitute compliance with the landscaping requirements for the M-1 Zone for this project. The approval of this amendment does not change or reduce the requirement for all trees to have a trunk size of two inches (2”) as measured eight inches (8”) above the soil line and a minimum height of six feet (6’). The shrubs must have a minimum size of one (1) gallon at time of planting that will attain a height of at least two feet (2’), nor does this amendment change any of the previously approved requirements for the project, as stated in the attached NOD.

**Staff Recommendation and conclusion**

Staff recommends that the Planning Commission approve as conditioned, CUP 1909-0004, a conditional use permit request by Betty Parker on behalf of Freeport Center Associates and Utility Trailer to amend to the previously approved landscaping plan at the subject property. Location: Approximately 1050 South 1000 West (TIN: 12-931-0001).

Staff is willing and able to consider this request as is appropriate under subsection 11-13-23(I) for the following reasons:

a. No residents are adjacent to the Property. Neighboring uses include industrial, school bus storage, and a power transformer. Their uses will not be affected by these modifications to the code.

b. Maintaining existing vegetation will not adversely affect the public health, safety or general welfare because the project will be closed to the public and landscaping will be maintained without using scarce water resources.

c. Based upon the location of the Property, which is surrounded by industrial uses, the modification does not oppose the general spirit and intent of Title 11, Clearfield Municipal Code, or the intent of Clearfield’s general plan.

**PUBLIC COMMENT**

No public comments have been received to date.

**CONDITIONAL USE PERMIT REVIEW**

Clearfield Land Use Ordinance Section 11-4-3 establishes the general standards and determination the Planning Commission shall make to approve Conditional Use Permits. The findings and staff’s evaluation are outlined below:

<table>
<thead>
<tr>
<th>General Standard</th>
<th>Staff Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DETERMINATION:</strong> A Conditional Use Permit shall be approved if conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards set forth [in the Land Use Code]. If the reasonably anticipated detrimental impacts or effects of the proposed conditional use cannot be substantially mitigated or eliminated by the proposal or the imposition of conditions to achieve compliance with the standards set forth [in the Land Use Code], the Conditional Use Permit may be denied.</td>
<td></td>
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<tr>
<td></td>
<td>Equivalent to Permitted Use: Any detrimental impacts or effects from the proposed use on any of the following shall not exceed those which could reasonably be expected to arise from a use that is permitted in the zone:</td>
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<tr>
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</tr>
</tbody>
</table>
| 1) | a. The health, safety, and welfare of the City and its present and future inhabitants and businesses;  
|    | b. The prosperity of the City and its present and future inhabitants and businesses;  
|    | c. The peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses;  
|    | d. The tax base;  
|    | e. Economy in governmental expenditures;  
|    | f. The State’s agricultural and other industries;  
|    | g. The urban and nonurban development;  
|    | h. Access to sunlight for solar energy devices; or  
|    | i. Property values. |
|   | The applicant is responsible to address any detrimental impacts of the development. With conditions to address site design, landscaping, and circulation, the proposed use will be equivalent to a permitted use. |
|   | Impact Burden: Any cost of mitigating or eliminating detrimental impacts or effects in excess of those which could be reasonably expected to arise from a permitted use shall become a charge against the development so as not to constitute a burden on the municipality, surrounding neighbors, or adjacent land uses. |
| 2) | The development will be required to comply with ordinance standards as outlined in this report and associated agency/department review letters/comments. The burden to meet all the conditions will be on the applicant. |
|   | Conform to the Objectives of the General Plan: The proposed conditional use shall not limit the effectiveness of land use controls or the success of the General Plan for the community, promote blight or injure property values. |
| 3) | The proposed use does not limit the effectiveness of land use controls or the success of the General Plan. With conditions, the proposed use is not anticipated to promote blight or injure property values, but will contribute to the area. Conditions of approval are proposed to mitigate impacts of the proposed use and promote property investment and improvement. |
CONDITIONS OF APPROVAL

The following conditions of approval shall be addressed by the applicant and shown on a set of revised plans prior to issuance of final land use approval unless otherwise noted.

1) The project shall comply with all applicable development standards of the M-1 Zone.

2) The landscaping and irrigation plans shall be revised to meet the minimum code requirements which include:
   a. A total of **94 trees** as shown on the attached map shall be provided
      i. A total of 72 trees shall be equally spaced along 1000 West
         1. A total of 3 trees shall be located on the south by the railroad tracks
         2. A total of 4 trees shall be located on the north
         3. A total of 15 trees shall be located to the east in a manner that does not block the vision of truck traffic
   b. A total of **256 shrubs** shall be planted according to the attached landscaping plan

3) The project fencing shall have a minimum height of six feet (6') and shall be constructed of a material that is impervious as required by code.

4) The project shall comply with engineering standards / requirements and obtain approval prior to the issuance of final Land Use approval.

5) The applicant shall obtain a building permit for all project work prior to the commencement of said work.

6) As per 11-13-23(I), the applicant shall execute a development agreement with Clearfield City to allow the proposed landscaping to be less than the 10% required in the M-1 Zone.

7) The amended plat shall maintain existing utility and access easements as required by the City Engineer.

8) The proposed lots shall comply with lot frontage, width, setback, and development standards required by Title 11 of the Clearfield City Code.

9) If landscaping is not completed and prior to final occupancy or issuance of final land use approval the applicant is required to provide a bond in order to ensure that all required landscaping is installed in an acceptable manner...The cash bond or escrow account shall be subject to approval by the city engineer, and shall be in an amount equal to one hundred twenty five percent (125%) of the estimated costs of construction and installation of all required landscaping, parks, playgrounds, recreation facilities, fences, walls, and other amenities shown on the final landscape plan or site plan, as applicable

ATTACHMENTS

1. Approved Landscaping Plans
2. Proposed Landscaping Plans
3. July 12, 2019 NOD for Utility Trailer Land Use Approval (Outdoor Storage)
PLANT SCHEDULE

<table>
<thead>
<tr>
<th>PLANTS</th>
<th>QTY</th>
<th>BOTANICAL / COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEL DCC</td>
<td>22</td>
<td>Castilla laevigata / Common Waxberry</td>
</tr>
<tr>
<td>PIN NIG</td>
<td>48</td>
<td>Pinus nigra / Austrian Black Pine</td>
</tr>
<tr>
<td>PRIU NEW</td>
<td>24</td>
<td>Prunus serotina 'Newport' / Newport Plum</td>
</tr>
<tr>
<td>SHRUBS</td>
<td>QTY</td>
<td>BOTANICAL / COMMON NAME</td>
</tr>
<tr>
<td>COT LOW</td>
<td>275</td>
<td>Cotoneaster dammeri 'Lawlott' / Lawlott Cotoneaster</td>
</tr>
<tr>
<td>GROUND COVERS</td>
<td>QTY</td>
<td>BOTANICAL / COMMON NAME</td>
</tr>
<tr>
<td></td>
<td>43,747 sf</td>
<td>Shredded Bark Mulch</td>
</tr>
</tbody>
</table>

PLANTING NOTES

- All shrubs and trees shall be planted to a depth of 30 cm from the base of the trunk to the top of the root ball.
- Any plantings not at the proper planting depth will be rejected and the supplier will be responsible for replacing the plant.
- All plantings must be at least 30 cm from the edge of the road.
- All tree and shrub plantings must be at least 30 cm from any other plantings.
- All tree and shrub plantings must be at least 30 cm from any other tree or shrub plantings.
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1000 WEST STREET

Landscape Plan South Section

Landscape Plan Center Section
July 12, 2019

Betty J. Parker  
Building A-1  
Freeport Center  
Clearfield, UT 84016

Project Name: Utility Trailer North Storage  
File Number: CUP 1906-0004  
Property Location: Approximately 1050 South 1000 West  
TIN: 12-931-0001  
Zone: M-1 (Manufacturing)  
Decision Date: Wednesday, July 10, 2019

Dear Ms. Parker,

On Wednesday, July 10, 2019, the Clearfield City Planning Commission granted approval of the Conditional Use Permit application for the above listed property subject to the following conditions:

CONDITIONAL USE PERMIT – CONDITIONS OF APPROVAL

The following conditions of approval shall be addressed by the applicant and shown on a set of revised plans prior to issuance of final land use approval unless otherwise noted.

1) The project shall comply with all applicable development standards of the M-1 Zone.

2) The landscaping and irrigation plans shall be revised to meet the minimum code requirements which include:
   a. An additional eighty one (81) trees shall be provided; and
   b. An additional 57,371.16 square feet of landscaping shall be provided to comply with the minimum ten percent (10%) required for the M-1 Zone.

3) The site fencing shall have a minimum height of six feet (6’) and shall be constructed of a material that is impervious as required by code.

4) The project shall comply with engineering standards / requirements and obtain approval prior to the issuance of final Land Use approval.

The applicant shall obtain a building permit for all site work prior to the commencement of said work. The applicant shall obtain a Clearfield City Business License prior to the commencement of business operations at this site. It is the applicant’s responsibility to follow up and meet the conditions necessary to grant final approval. After all of the conditions and requirements of the
Planning Commission approval have been resolved the Zoning Administrator will issue the final land use approval. An applicant shall not receive a building permit, until a valid land use approval from the Community Development office has been issued, along with the payment of all outstanding fees. Please revise and resubmit any items listed above in a timely manner.

Any adversely affected person shall have the right to appeal the land use decision rendered by the Planning Commission, by filing in writing, stating the reasons for the appeal, within ten (10) calendar days following the date upon which the decision is made. Appeals to this decision shall be submitted to the Clearfield City Recorder.

If you have any questions or need additional information, please feel free to contact me either by phone at 801-525-2784 or by email at brad.mcilrath@clearfieldcity.org.

Sincerely,

Brad McIlrath, Senior Planner

CC: Spencer Brimley, Community Development Director (via email)
Tyler Seaman, Building Official (via email)
Stacy Millgate, Customer Service Manager (via email)
Scott Nelsen, City Engineer (via email)