

CLEARFIELD PLANNING COMMISSION MEETING

October 16, 2019

7:00 P.M. – Regular Session

PRESIDING: Kathryn Murray Vice Chair

PRESENT: Robert Browning Commissioner
Chris Uccardi Commissioner
Brett McAllister Commissioner
Ruth Jones Commissioner
Nicole Bigelow Commissioner
David Bloomfield Alternate Commissioner
Eden Bush Youth Ambassador

STAFF PRESENT: Brie Brass Assistant City Attorney
Spencer Brimley Community Development Director
Brad McIlrath Senior Planner

VISITORS: Marvin Murri, Betty Parker

Vice Chair Murray called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was led by Vice Chair Murray.

APPROVAL OF MINUTES FROM PLANNING COMMISSION MEETING

There were no minutes submitted for approval.

Vice Chair Murray read the Planning Commission Chair statement.

DISCUSSION AND APPROVAL OF PSP 1909-0001, A PRELIMINARY SUBDIVISION PLAT REQUEST BY MARVIN MURRI TO CONSOLIDATE THREE EXISTING PARCELS INTO ONE IN ORDER TO ACCOMMODATE A TWO-BUILDING RESIDENTIAL MULTI-FAMILY DEVELOPMENT. LOCATION: 452 AND 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: SPENCER W. BRIMLEY (ADMINISTRATIVE MATTER).

Spencer W. Brimley, Community Development Director, explained that the preliminary and final plat items could be reviewed at the same time, but would need separate actions and votes. He discussed the following points:

- The request was for a property consolidation of three properties located at approximately 452 and 530 South State Street.

- 1 • Parcels and addresses would be consolidated into one lot.
- 2 • Demolition work had begun on the site.
- 3 • The request was for a 106-unit apartment development.
- 4 • Located in the TR (Town Residential) zone of the Form Based Code.
- 5 • Planning staff had reviewed the plat along with public works and engineering staff and
- 6 recommended approval subject to conditions outlined in the staff report.
- 7 • To the north of the subject project was the old Clearfield Mobile Home Park property and
- 8 that project was continuing to move forward as well.
- 9 • Mr. Brimley reviewed the staff report and packet materials including the site plan and
- 10 engineering letter.

11
12 Vice Chair Murray asked about the grade of the site in relation to the Dick Kearsley property.
13 Mr. Brimley responded that the TR (Town Residential) zone allowed a maximum height of four
14 stories and the development was being built in relation to the existing grade. Mr. Brimley
15 suggested that the applicant, Mr. Murri, provide additional information about the grade and
16 design of the development.

17
18 Marvin Murri, applicant, addressed the grade and how the pedestrian access for the development
19 would be provided.

20
21 Vice Chair Murray asked if there would be any underground parking. Mr. Murri responded that
22 the site would have surface parking most of which was required to be covered. Vice Chair
23 Murray asked about compliance with the building step back requirements and Mr. Murri
24 responded that the buildings would comply with the ordinance.

25
26 Commissioner McAllister asked about the adjacent commercial property (Dick Kearsley
27 property) and how the development would relate to that commercial business. Mr. Murri
28 responded that the owner of that property was aware of the changes. He added the owner of that
29 property was also looking to make some improvements.

30
31 **Commissioner McAllister moved to approve as conditioned, PSP 1909-0001, a Preliminary**
32 **Subdivision Plat request by Marvin Murri for the property located at approximately 452**
33 **and 520 South State Street (TINs: 12-003-0174, 12-003-0194, and 12-003-0196). The**
34 **recommendation was based on the findings and discussions in the Staff Report with the**
35 **following conditions:**

- 36 1) **As needed, the plat shall be revised to meet requirements of the Clearfield City**
37 **Engineer prior to approval by the City and recording at the Davis County**
38 **Recorder's office.**
- 39 2) **The applicant is responsible for the replacement or repair of deteriorated,**
40 **damaged or missing surface improvements surrounding the perimeter of the**

1 subdivision. This includes, but is not limited to curb and gutter, sidewalk,
2 landscaping park strip improvements, driveways, etc.

- 3 3) Future development or redevelopment of these properties shall comply with the
4 development standards outlined for the TR Zone as outlined and described in the
5 Clearfield City Downtown Form Based Code.

6 **Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE:**
7 **Commissioners McAllister, Uccardi, Murray, Browning, Jones, Bloomfield, Bigelow.**
8 **Voting NO: None.**

9
10 DISCUSSION AND APPROVAL OF FSP 1909-0001, A FINAL SUBDIVISION PLAT
11 REQUEST BY MARVIN MURRI TO CONSOLIDATE THREE EXISTING PARCELS INTO
12 ONE IN ORDER TO ACCOMMODATE A TWO-BUILDING RESIDENTIAL MULTI-
13 FAMILY DEVELOPMENT. LOCATION: 452 AND 530 SOUTH STATE STREET (TIN: 12-
14 003-0174, 12-003-0194, & 12-003-0196). AGGREGATE PARCEL AREA: 2.6 ACRES. ZONE:
15 T-R (TOWN RESIDENTIAL). PLANNER: SPENCER W. BRIMLEY (ADMINISTRATIVE
16 MATTER).

17
18 **Commissioner Uccardi moved to approve as conditioned, FSP 1909-0001, a Final**
19 **Subdivision Plat request by Marvin Murri for the property located at approximately 452**
20 **and 530 South State Street (TINs: 12-003-0174, 12-003-0194, and 12-003-0196). The**
21 **recommendation was based on the findings and discussions in the Staff Report with the**
22 **following conditions:**

- 23 1) The plat shall be revised to meet requirements of the Clearfield City Engineer prior
24 to approval by the City and recording at the Davis County Recorder's office.
- 25 2) The applicant is responsible for the replacement or repair of deteriorated, damaged
26 or missing surface improvements surrounding the perimeter of the subdivision. This
27 includes, but is not limited to curb and gutter, sidewalk, landscaping park strip
28 improvements, driveways, etc.
- 29 3) Future development or redevelopment of these properties shall comply with the
30 development standards outlined for the TR zone as outlined and described in the
31 Clearfield City Downtown Form Based Code.
- 32 4) All improvement drawings required by the City Engineer shall be provided for
33 review prior to any remodeling/redesigning of the site.
- 34 5) The applicant shall obtain North Davis Fire District approval for the project and
35 comply with the requirements of the Deputy Fire Marshal. Final approval shall be
36 provided to Clearfield City prior to the issuance of any permit.
- 37 6) An escrow agreement shall be established for improvements outlined in City Code §
38 12-4-6 and will be subject to approval by the City Engineer and City Attorney. The
39 escrow account shall be established and executed prior to any permits being issued
40 for the properties or the plat being recorded.

41 **Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE:**

1 **Commissioners McAllister, Uccardi, Murray, Browning, Jones, Bloomfield, Bigelow.**
2 **Voting NO: None.**

3
4 DISCUSSION AND APPROVAL OF CUP 1909-0004, A CONDITIONAL USE PERMIT
5 REQUEST BY BETTY PARKER ON BEHALF OF FREEPORT CENTER ASSOCIATES
6 AND UTILITY TRAILER TO AMEND THE PREVIOUSLY APPROVED LANDSCAPING
7 PLAN AT THE SUBJECT PROPERTY. LOCATION: APPROXIMATELY 1050 SOUTH 1000
8 WEST (TIN: 12-931-0001). PARCEL AREA: 17.61 ACRES. ZONE: M-1
9 (MANUFACTURING). PLANNER: SPENCER W. BRIMLEY (ADMINISTRATIVE
10 ACTION).

11
12 Spencer W. Brimley, Community Development Director, presented the following information:

- 13 • The request to relocate the trailer storage for Utility Trailer was previously brought before
14 the Planning Commission in July 2019.
- 15 • Betty Parker, Freeport Center Associates, was requesting that the landscaping percentage
16 be reduced to lessen the financial and maintenance impact on the owner.
- 17 • The project complied with the landscaping standards and percentage when it was granted
18 approval in July 2019.
- 19 • The request was to reduce the required amount of landscaping from 10 percent to 7.5
20 percent. Staff felt that the 2.5 percent reduction would be consistent with the area and
21 appropriate.
- 22 • The locations and types of materials were reviewed.
- 23 • The approval of the reduction did not change any other requirements approved and
24 required in July 2019. The request would only apply to the percentage requirement.
- 25 • The request would be allowed in accordance with City Code § 11-13-23. The standards of
26 the Code were reviewed and staff recommended approval of the reduction because the
27 request complied with those standards.
- 28 • The request included the execution of a development agreement for the reduction as
29 required by City Code.

30
31 Commissioner Uccardi inquired about revising the landscaping standards not only for Freeport
32 Center but for the M-1 (Manufacturing) zone. Mr. Brimley stated there was interest in doing so
33 and efforts were being made to address the internal access and buildings as well as addressing the
34 aesthetics of the perimeter landscaping requirements.

35
36 Commissioner Bigelow asked if the proposed changes would reduce the landscape percentage to
37 seven percent for Freeport Center as a whole. Mr. Brimley clarified that the reduction was specific
38 to the property in the current request and not Freeport Center property in its entirety. He indicated
39 any changes to the Freeport Center in its entirety would be decided upon as the City worked with
40 the Freeport Center on amendments to the regulation.

41
42 Commissioner Browning asked for clarification that all the surrounding property other than the
43 west side of 1000 West belonged to the Freeport Center and was located in the Clearfield

1 boundaries. Mr. Brimley confirmed that was the case. Mr. Browning asked if the berm along 1000
2 West would still be required, and Mr. Brimley confirmed that the berm would still be required as
3 previously approved. He explained the current request was specific to a reduction in the
4 landscaping requirement.

5 Betty Parker, Freeport Center Associates, confirmed that the landscaping along 1000 West would
6 not change and the only changes would be along the perimeter of the interior sides of the
7 development.
8

9 Commissioner Jones wondered why the request was necessary if it only reduced the number of
10 trees and not all the landscaping. Mr. Brimley clarified that the request was for a 2.5 percent total
11 reduction of landscaping not just trees. Commissioner Jones asked how the plan was reducing the
12 required landscaping. Ms. Parker clarified that the planters were being narrowed around the
13 perimeter so there would not be room for as many trees. Mr. Brimley reviewed the landscape plan
14 and indicated that the area or ground covered by landscaping would be less than ten percent (10%).
15 He also clarified that the plan was more than what was shown in July, but less than what was
16 required. Commissioner Browning pointed out that there were three criteria that allowed for a
17 variation on the landscaping requirements. He commented the request met all three criteria and
18 should be approved.
19

20 Commissioner Murray asked for clarification on the action before the Planning Commission. Mr.
21 Brimley explained the Commission would need to address the Conditional Use Permit (CUP) and,
22 if approved, make it contingent on a development agreement being negotiated with the City
23 Council.
24

25 **Commissioner Browning moved to approve as conditioned, a CUP 1909-0004, a Conditional**
26 **Use Permit request by Betty Parker on behalf of Freeport Center Associates and Utility**
27 **Trailer to amend the previously approved landscaping plan for the property located at**
28 **approximately 1050 South 1000 West (TIN: 12-931-0001). The recommendation was based**
29 **on the discussion and findings in the Staff Report with the following conditions:**

- 30 1) **The project shall comply with all applicable development standards of the M-1 zone.**
31 2) **The landscaping and irrigation plans shall be revised to meet the minimum code**
32 **requirements which include:**
33 a) **A total of 94 trees as shown on the map attached to the staff report shall be**
34 **provided.**
35 i) **A total of 72 trees shall be equally spaced along 1000 West.**
36 1. **A total of 3 trees shall be located on the south by the railroad tracks.**
37 2. **A total of 4 trees shall be located on the north.**
38 3. **A total of 15 trees shall be located to the east in a manner that does not**
39 **block the vision of truck traffic.**
40 b) **A total of 256 shrubs shall be planted according to the landscaping plan attached**
41 **to the staff report.**
42 3) **The project fencing shall have a minimum height of six feet (6') and shall be**
43 **constructed of a material that is impervious as required by City Code.**

- 1 **4) The project shall comply with engineering standards/requirements and obtain**
- 2 **approval prior to the issuance of final land use approval.**
- 3 **5) The applicant shall obtain a building permit for all project work prior to the**
- 4 **commencement of said work.**
- 5 **6) As per City Code § 11-13-23(I), the applicant shall execute a development agreement**
- 6 **with Clearfield City to allow the proposed landscaping to be less than the ten percent**
- 7 **(10%) required in the M-1 zone.**
- 8 **7) The amended plat shall maintain existing utility and access easements as required by**
- 9 **the City Engineer.**
- 10 **8) The proposed lots shall comply with lot frontage, width, setback, and development**
- 11 **standards required by Title 11 of the Clearfield City Code.**
- 12 **9) If landscaping is not completed and prior to final occupancy or issuance of final land**
- 13 **use approval, the applicant is required to provide a bond in order to ensure that all**
- 14 **required landscaping is installed in an acceptable manner. The cash bond or escrow**
- 15 **account shall be subject to approval by the City Engineer, and shall be in an amount**
- 16 **equal to one hundred twenty five percent (125%) of the estimated costs of**
- 17 **construction and installation of all required landscaping, parks, playgrounds,**
- 18 **recreation facilities, fences, walls, and other amenities shown on the final landscape**
- 19 **plan or site plan, as applicable.**

20 **Seconded by Commissioner Uccardi. The motion carried on the following vote: VOTING**
21 **AYE: Commissioners McAllister, Uccardi, Murray, Browning, Jones, Bloomfield, Bigelow.**
22 **Voting NO: None.**

23
24 **OTHER DISCUSSION**

25
26 Commissioner Murray asked about the action of electing an interim chair and vice chair for the
27 remaining meetings of the year. Mr. Brimley stated that it could be discussed but because it was
28 not an item on the agenda it would have to be addressed at the next meeting. Brie Brass,
29 Assistant City Attorney, confirmed that.

30
31 Commissioner Browning asked how many of the current members would meet the qualifications
32 for chair or vice chair. Mr. Brimley indicated there were three members who met the
33 qualifications. Mr. Browning asked if others would qualify if the action were held in January. Mr.
34 Brimley explained he would have to check on that detail.

35
36 Commissioner Uccardi expressed his interest in being considered for the chair position. He also
37 indicated Mayor Shepherd and the City Council had asked that the Commission consider some
38 amendments to its bylaws. He expressed a desire for the Planning Commission to keep its
39 autonomy by controlling its own bylaws. Mr. Brimley reviewed the autonomy that the Planning
40 Commission had been given and stated that in other communities that was not the case and all
41 rules were put in place by the governing body. He mentioned one of the things the Council
42 wanted to see improved was the members of the Planning Commission taking a more active role
43 on training. He also mentioned the impending election had the potential to impact the

1 membership of the Commission and how it functioned.

2
3 Commissioner Uccardi asked how Commissioner Murray felt about filling the role of chair until
4 the end of the year. Commissioner Murray stated that her only concern was losing her vote as the
5 chair unless it was needed to break a tie. She added she was okay with addressing it now or
6 waiting until January. She asked if the intent was to have it on the November agenda for action.
7 Mr. Brimley confirmed that was the plan.

8
9 Commissioner Browning commented the members of the Commission were appointed and served
10 at the pleasure of the governing body. He expressed his opinion that he was willing to take
11 direction from the governing body.

12
13 PLANNING COMMISSIONERS' MINUTE

14
15 *Commissioner McAllister* mentioned he was thankful for fall break.

16
17 *Commissioner Uccardi* announced ballots were delivered to mailboxes and encouraged the
18 commissioners and their neighbors to make an educated decision and vote. He wished
19 Commissioner Jones good luck.

20
21 *Commissioner Murray* – None.

22
23 *Commissioner Browning* mentioned he enjoyed attending the APA Utah conference and found it
24 interesting.

25
26 *Commissioner Jones* expressed appreciation for the opportunity to attend the APA Utah
27 conference. She commented she learned a lot.

28
29 *Commissioner Bigelow* stated she was thankful for the opportunity to attend the APA Utah
30 conference and the City's willingness to send the commissioners.

31
32 *Alternate Commissioner Bloomfield* – None.

33
34 *Youth Commission Ambassador Bush* mentioned she was excited about what was going on in
35 Clearfield.

36
37 STAFF COMMUNICATIONS

38
39 Spencer Brimley stated that a lot of things were coming and he was excited about the future.

40
41
42 There being no further business to come before the Planning Commission, **Commissioner Jones**
43 **moved to adjourn at 8:51 P.M. Seconded by Commissioner Bigelow.**