



Community Development

PLANNING, BUILDING INSPECTIONS,
CUSTOMER SERVICE, AND CODE COMPLIANCE

CLEARFIELD CITY PLANNING COMMISSION MEETING AGENDA

Notice is hereby given that the Clearfield City Planning Commission will hold a regularly scheduled meeting at **6:30 P.M., Wednesday, November 6, 2024**, on the **3rd floor** in the City Council Chambers of the Clearfield City Municipal Building, located at 55 S. State Street, Clearfield, UT 84015.

REGULAR SESSION – 6:30 PM- Council Chambers

- CALL TO ORDER – PLEDGE OF ALLEGIANCE
- PLANNING COMMISSION CHAIR STATEMENT
- APPROVAL OF MINUTES
 - July 10, 2024
 - August 7, 2024
 - September 4, 2024
 - October 2, 2024

DECISION ITEMS

Scheduled Items:

1. Discussion and Possible Action on **CUP 2024-1003**, a conditional use permit request by Carmel Clermont to operate a Group Home for Persons with a Disability at the subject location. **Location:** 355 E Marilyn Drive (TIN: 12-010-0020). **Parcel Area:** 0.15 Acres. **Zone:** T-R (Town Neighborhood Residential). **Staff:** Tyson Stoddard, Planner (Administrative Action).

DISCUSSION ITEMS

1. Staff Discussion
 - Meeting Management Training by Mayor Mark Shepherd
2. Staff Communications

*****PLANNING COMMISSION MEETING ADJOURNED*****

Dated this 30th day of October 2024.

/s/Tyson Stoddard, Planner

Meetings of the Planning Commission of Clearfield City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207 as amended. In such circumstances, contact will be established and maintained via electronic means and the meetings will be conducted pursuant to the Electronic Meetings Policy established in City Code § 1-6-4H for electronic meetings.

Clearfield City, 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 may receive comment from applicants, the public, applicable agencies and city 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.

The complete public notice is posted on the Utah Public Notice Website - www.utah.gov/pmn/, the Clearfield City Website - clearfield.city, and at Clearfield City Hall, 55 South State Street, Clearfield, UT 84015. To request a copy of the public notice or for additional inquiries please contact Tyson Stoddard at Clearfield City, tyson.stoddard@clearfieldcity.org & 801-525-2718.

1 **CLEARFIELD PLANNING COMMISSION MEETING**

2 July 10, 2024

3 6:00 P.M. – Work Session

4
5 PRESIDING: Brogan Fullmer Chair

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7 PRESENT: Kathryn Murray Commissioner
8 David Bloomfield Commissioner
9 Chad Mortensen Commissioner
10 Riley Wheeler Commissioner
11 Brian Swan Commissioner
12 Danielle Sikes Commissioner (Alternate)
13 Jaylee Bouwhuis Youth Commission Ambassador
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15 ABSENT: Robert Browning Vice Chair

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17 STAFF PRESENT: Spencer Brimley Community Development Director
18 Amy Jones Deputy City Attorney
19 Brad McIlrath Senior Planner
20 Tyson Stoddard Planner
21

22 VISITORS:

23
24 Chair Fullmer called the meeting to order at 6:00 p.m.
25

26 DISCUSSION ON DA 2024-0601 FOR AN AMENDMENT TO THE LAKESIDE
27 APARTMENTS DEVELOPMENT AGREEMENT FOR THE PROPOSED MIXED-USE
28 PROJECT TO CLARIFY THE DEVELOPMENT AGREEMENT'S PERMITTED
29 SUCCESSORS AND ASSIGNS. LOCATION: 325-375 SOUTH STATE STREET (TIN: 12-003-
30 0283). PARCEL AREA: 5.85 ACRES. ZONE: U-C (URBAN CORE COMMERCE).
31

32 Mr. Brimley explained that it was a simple request, for the developer to be able to assign the project
33 to other ownership entities within their ownership and partnership structure.
34

35 DISCUSSION ON CUP 2022-060127, A CONDITIONAL USE PERMIT EXTENSION
36 REQUEST BY GARRETT GOFF WITH GARN DEVELOPMENT FOR A MARRIOTT
37 TOWNEPLACE SUITES HOTEL AT THE SUBJECT LOCATION. LOCATION: 2000 EAST
38 LEGEND HILLS DRIVE (TIN: 09-470-0004). PROJECT AREA: 2.06 ACRES.
39

40 Youth Ambassador Bouwhuis asked why a conditional use permit extension request required a
41 public hearing. Mr. McIlrath responded that it was a requirement still in the code that needed to be
42 amended and taken out. He said that it should have been changed when conditional use permits
43 were changed to no longer require a public hearing.
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45 The Commission and staff discussed the reasons for the request, which the developer attributed to
46 interest rates and construction costs. In the request, the developer wrote that they were hoping more
47 favorable conditions would emerge to help them move forward with the project.

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2 Commissioner Bloomfield asked what would happen if the six month extension expired. Mr.
3 McIlrath replied that they would have to get conditional use permit approval from the Planning
4 Commission again.

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6 DISCUSSION ON CUP 2024-0503, A CONDITIONAL USE PERMIT REQUEST BY RYUN
7 NACARIO TO OPERATE A CHEERLEADING GYM AND TRAINING FACILITY AT THE
8 SUBJECT LOCATION. LOCATION: 340 WEST 1700 SOUTH SUITE A103-104 (TIN: 12-940-
9 0001). PARCEL AREA: 3.95 ACRES. ZONE: C-2 (COMMERCIAL).

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11 Mr. Stoddard said that the conditional use permit was just for the use of a training facility and that
12 it would be in an existing building at the Clearfield Flex development.

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14 DISCUSSION ON CUP 2024-0504, A CONDITIONAL USE PERMIT REQUEST BY
15 MICHAEL LYFORD TO OPERATE A PLUMBING AND HVAC BUSINESS AT THE
16 SUBJECT LOCATION. LOCATION: 340 WEST 1700 SOUTH SUITE B101 (TIN: 12-940-
17 0001). PARCEL AREA: 3.95 ACRES. ZONE: C-2 (COMMERCIAL).

18
19 Mr. Stoddard said that the business was relocating from Kaysville and that the use required a
20 conditional use permit. He said it would be at the same development as the cheerleading gym that
21 was recently discussed.

22
23 Chair Fullmer asked if the businesses expressed any concerns. Mr. Stoddard replied that the gym
24 was trying to get operational as soon as possible, so they already applied for a building permit for
25 a tenant improvement.

26
27 The Commission asked some questions about business operations and parking. Mr. Stoddard said
28 that the business wouldn't be parking their fleet vehicles at the site and staff didn't have any
29 parking concerns.

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31 Chair Fullmer said he was excited to have some new businesses relocate to Clearfield.

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33 **Chair Fullmer moved to adjourn the work session. Seconded by Youth Ambassador**
34 **Bouwhuis.**

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CLEARFIELD PLANNING COMMISSION MEETING

July 10, 2024

6:30 P.M. – Regular Session

PRESIDING: Brogan Fullmer Chair

PRESENT: Kathryn Murray Commissioner
David Bloomfield Commissioner
Chad Mortensen Commissioner
Riley Wheeler Commissioner
Brian Swan Commissioner
Danielle Sikes Commissioner (Alternate)
Jaylee Bouwhuis Youth Commission Ambassador

ABSENT: Robert Browning Vice Chair

STAFF PRESENT: Spencer Brimley Community Development Director
Amy Jones Deputy City Attorney
Brad McIlrath Senior Planner
Tyson Stoddard Planner

VISITORS:

Chair Fullmer called the meeting to order and led the Pledge of Allegiance.

Chair Fullmer read the Planning Commission Chair Statement and thanked everyone for their participation and work for the Fourth of July events.

RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OF DA 2024-0601 FOR AN AMENDMENT TO THE LAKESIDE APARTMENTS DEVELOPMENT AGREEMENT FOR THE PROPOSED MIXED-USE PROJECT TO CLARIFY THE DEVELOPMENT AGREEMENT'S PERMITTED SUCCESSORS AND ASSIGNS. LOCATION: 325-375 SOUTH STATE STREET (TIN: 12-003-0283). PARCEL AREA: 5.85 ACRES. ZONE: U-C (URBAN CORE COMMERCE). STAFF: SPENCER BRIMLEY, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR. (LEGISLATIVE ACTION)

Chair Fullmer declared the public hearing open.

Spencer Brimley, Community Development Director, presented the following:

- Gave a summary of the project
 - 6 story mixed use buildings
 - Approximately 300 housing units
 - Approximately 27,000 square feet of ground story commercial space
- The amendment request was to adjust some language from the development to clarify language that provides for successors and assignment
- Everything else in the development agreement would remain the same

Chair Fullmer asked about the language in the development agreement that required the developer to notify the City of assignment after it occurs rather than before. Mr. Brimley said that the language was consistent with how other agreements have been done and didn't raise any flags with legal staff.

Commissioner Swan suggested grammatical edits to the language of the agreement to provide better clarity. Mr. Brimley made notes of the suggested edits and said that they would be applied.

Commissioner Mortensen moved to recommend approval to the City Council of DA 2024-0601, an amendment to the Lakeside Apartments Development Agreement for the proposed mixed-use project to clarify the development agreement's permitted successors and assigns. The motion was made based on the findings of the staff report and with the edits to form and text that were discussed amongst the Planning Commission. Seconded by Commissioner Sikes. The motion carried on the following vote. Voting AYE: Commissioners Fullmer, Murray, Bloomfield, Mortensen, Wheeler, Swan, Sikes, and Youth Ambassador Bouwhuis. Voting NO: None.

APPROVAL OF CUP 2022-060127, A CONDITIONAL USE PERMIT EXTENSION REQUEST BY GARRETT GOFF WITH GARN DEVELOPMENT FOR A MARRIOTT TOWNEPLACE SUITES HOTEL AT THE SUBJECT LOCATION. LOCATION: 2000 EAST LEGEND HILLS DRIVE (TIN: 09-470-0004). PROJECT AREA: 2.06 ACRES. STAFF: BRAD MCILRATH, SENIOR PLANNER. (ADMINISTRATIVE ACTION)

Brad McIlrath, Senior Planner, presented the following:

- Gave a summary of the previously approved hotel
- Showed the site plan and building plans
- Presented the findings of the staff report

Chair Fullmer declared the public hearing open. Seeing no comments from the public he asked for a motion to close the public hearing. Commissioner Mortensen made a motion to close the public hearing which was seconded by Youth Commission Ambassador Bouwhuis. The motion passed by a unanimous vote.

Commissioner Sikes moved to approve CUP 2022-060127, a conditional use permit extension request by Garrett Goff with Garn Development for a Marriott TownePlace Suites hotel at the subject location. The motion was made based on the findings and discussion of the staff report. Seconded by Commissioner Mortensen. The motion carried on the following vote. Voting AYE: Commissioners Fullmer, Murray, Bloomfield, Mortensen, Wheeler, Swan, Sikes, and Youth Ambassador Bouwhuis. Voting NO: None.

APPROVAL OF CUP 2024-0503, A CONDITIONAL USE PERMIT REQUEST BY RYUN NACARIO TO OPERATE A CHEERLEADING GYM AND TRAINING FACILITY AT THE SUBJECT LOCATION. LOCATION: 340 WEST 1700 SOUTH SUITE A103-104 (TIN: 12-940-0001). PARCEL AREA: 3.95 ACRES. ZONE: C-2 (COMMERCIAL). STAFF: TYSON

1 STODDARD, PLANNER. (ADMINISTRATIVE ACTION)

2
3 Tyson Stoddard, Planner, presented the following:

- 4 • Applicant requesting to operate a cheerleading gym and training facility
5 • Offers tumbling classes and cheerleading training
6 • Property is zoned C-2 (Commercial)
7 - A “recreation facility” is a conditional use in the C-2 Zone
8 • Will be located in existing Clearfield Flex Building A
9 - Units A103 & A104
10 • Showed a zoning map and aerial image of the property
11 • Showed the proposed floor plan
12

13 Commissioner Fullmer asked for any discussion or motions from the Planning Commission.
14

15 **Commissioner Wheeler moved to approve CUP 2024-0503, a conditional use permit request**
16 **by Ryun Nacario to operate a cheerleading gym and training facility at 340 W 1700 S Units**
17 **A103-104. The motion was based on the staff report with the following conditions:**

- 18 1) **The applicant shall obtain a building permit for tenant improvements and the**
19 **project shall comply with all applicable building code standards.**
20 2) **The applicant shall obtain approval from the North Davis Fire District.**
21 3) **The applicant shall obtain a Clearfield City business license prior to the**
22 **commencement of business operations.**
23 4) **Any signs must meet Chapter 11-15 “Sign Regulations” standards. Signs are not**
24 **included as part of this Site Plan approval. Separate review and approval will be**
25 **required.**

26 **Seconded by Youth Ambassador Bouwhuis. The motion carried on the following vote.**

27 **Voting AYE: Commissioners Fullmer, Murray, Bloomfield, Mortensen, Wheeler, Swan,**
28 **Sikes, and Youth Ambassador Bouwhuis. Voting NO: None.**
29

30 APPROVAL OF CUP 2024-0504, A CONDITIONAL USE PERMIT REQUEST BY MICHAEL
31 LYFORD TO OPERATE A PLUMBING AND HVAC BUSINESS AT THE SUBJECT
32 LOCATION. LOCATION: 340 WEST 1700 SOUTH SUITE B101 (TIN: 12-940-0001).
33 PARCEL AREA: 3.95 ACRES. ZONE: C-2 (COMMERCIAL). STAFF: TYSON STODDARD,
34 PLANNER. (ADMINISTRATIVE ACTION)
35

36 Tyson Stoddard, Planner, presented the following:

- 37 • Applicant requesting to operate a plumbing and HVAC business at the subject property
38 • Offers plumbing and HVAC services for residential and commercial projects
39 • Business classified as light manufacturing and limited distribution
40 - Assembling, altering, converting, fabricating, processing, and treating a product
41 within an enclosed building no greater than 30,000 square feet in size.
42 • Property is zoned C-2 (Commercial)
43 - “Light manufacturing and limited distribution” are a conditional use in the C-2 Zone
44 - Chapter 13 provides supplementary regulations for limited distribution uses, stating
45 they “may be considered along 1700 South when directly adjacent to other M-1 Zoned
46 properties on the same side of the street.”

- 1 • Will be located in existing Clearfield Flex Building B
- 2 - Unit B101
- 3 • Showed a zoning map and aerial image of the property
- 4 • Showed the proposed floor plan

5
6 Chair Fullmer thanked Mr. Stoddard for the presentation and asked for any discussion or motions
7 from the Commission.

8
9 **Commissioner Swan moved to approve CUP 2024-0504, a conditional use permit request by**
10 **Michael Lyford to operate a Plumbing and HVAC business at the 340 W 1700 S Suite B101.**
11 **The motion was based on the staff report with the following conditions:**

- 12 1) **The applicant shall obtain a building permit for tenant improvements and the**
13 **project shall comply with all applicable building code standards.**
- 14 2) **The applicant shall obtain approval from the North Davis Fire District.**
- 15 3) **The applicant shall obtain a Clearfield City business license prior to the**
16 **commencement of business operations.**
- 17 4) **Any signs must meet Chapter 11-15 “Sign Regulations” standards. Signs are not**
18 **included as part of this Site Plan approval. Separate review and approval will be**
19 **required.**

20 **Seconded by Commissioner Wheeler. The motion carried on the following vote. Voting**
21 **AYE: Commissioners Fullmer, Murray, Bloomfield, Mortensen, Wheeler, Swan, Sikes, and**
22 **Youth Ambassador Bouwhuis. Voting NO: None.**

23
24 **STAFF COMMUNICATIONS**

25
26 Mr. McIlrath shared the upcoming items that would be on the agenda for the August 7th Planning
27 Commission meeting.

28
29 There being no further business to come before the Planning Commission, **Chair Fullmer**
30 **moved to adjourn. Seconded by Youth Ambassador Bouwhuis.**

1 **CLEARFIELD PLANNING COMMISSION MEETING**

2 August 7, 2024

3 6:00 P.M. – Work Session

4

5 PRESIDING: Brogan Fullmer Chair

6

7 PRESENT: Robert Browning Vice Chair

8 Kathryn Murray Commissioner

9 David Bloomfield Commissioner

10 Riley Wheeler Commissioner

11 Brian Swan Commissioner

12 Danielle Sikes Commissioner (Alternate)

13 Jaylee Bouwhuis Youth Commission Ambassador

14

15 ABSENT: Chad Mortensen Commissioner

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17 STAFF PRESENT: Stuart Williams City Attorney

18 Brad McIlrath Senior Planner

19 Tyson Stoddard Planner

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21 VISITORS:

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23 Chair Fullmer called the meeting to order at 6:00 p.m.

24

25 DISCUSSION ON THE MINUTES FROM THE APRIL 3, 2024 PLANNING COMMISSION

26 MEETING.

27

28 Commissioner Murray reported a grammatical error.

29

30 Chair Fullmer stated that in the discussion on tree quantity standards, he had also talked to an

31 arborist. He requested that the minutes be adjusted to include that detail. Mr. Stoddard noted the

32 changes.

33

34 DISCUSSION ON SP 2024-0701, A SITE PLAN REQUEST BY BROCK JOHNSTON TO

35 CONSTRUCT AN OFFICE BUILDING AT THE SUBJECT LOCATION. LOCATION: 980

36 SOUTH UNIVERSITY PARK BOULEVARD (TIN: 09-479-0123). PARCEL AREA: 0.76

37 ACRES ZONE: C-2 (COMMERCIAL).

38

39 Chair Fullmer asked what the new standards were for tree quantity for commercial properties.

40 Commissioner Murray reported that the City Council adopted the standard of one (1) tree per six

41 hundred (600) square feet of landscaping.

42

43 Mr. Stoddard talked about the code requirement for building materials on the front façade of

44 commercial buildings. He stated that our current code didn't allow for a lot of flexibility for

45 developers to use a variety of high-quality building materials, so staff was working on building

46 materials amendments that would come to the Planning Commission for a recommendation in

47 October.

1
2 Chair Fullmer asked if there was a concern that the State would start limiting a city's ability to
3 regulate building materials, similar to how they had done with single-family residential. Mr.
4 McIlrath responded that he thought primarily the State's focus had been housing affordability. If
5 anything, he said the next limitation on building material regulation would likely be multifamily
6 housing rather than commercial development.
7

8 DISCUSSION ON SP 2024-0702, A SITE PLAN REQUEST BY MIKE DAWSON TO
9 CONSTRUCT A WAREHOUSE BUILDING AT THE SUBJECT LOCATION. LOCATION:
10 APPROXIMATELY 225 WEST 200 SOUTH (TIN: 12-022-0046 & 12-022-0104). PARCEL
11 AREA: 1.048 ACRES ZONE: M-1 (MANUFACTURING).
12

13 Mr. Stoddard explained that Dawson was an existing business in Clearfield that had been growing
14 over the years and they were ready for an expansion. He said that, for a warehouse, they were
15 proposing a nice building that would complement their existing facility.
16

17 Commissioner Murray said that Dawson has improved over the years as they have become aware
18 of the city regulations, and they have been running an organized business. Commissioner Browning
19 agreed.
20

21 Chair Fullmer clarified that they were planning on combining the subject properties with the
22 existing Dawson property. Mr. Stoddard responded that was the case.
23

24 Commissioner Wheeler asked about the nature of the engineering comments. Mr. Stoddard
25 responded that the most significant engineering comment was related to the stormwater and the
26 detention basin needing to be upsized to handle the additional runoff.
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28 **Chair Fullmer moved to adjourn the work session. Seconded by Commissioner Murray.**
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CLEARFIELD PLANNING COMMISSION MEETING

August 7, 2024

6:30 P.M. – Regular Session

PRESIDING: Brogan Fullmer Chair

PRESENT: Robert Browning Vice Chair
Kathryn Murray Commissioner
David Bloomfield Commissioner
Riley Wheeler Commissioner
Brian Swan Commissioner
Danielle Sikes Commissioner (Alternate)
Jaylee Bouwhuis Youth Commission Ambassador

ABSENT: Chad Mortensen Commissioner

STAFF PRESENT: Stuart Williams City Attorney
Brad McIlrath Senior Planner
Tyson Stoddard Planner

VISITORS: Rio J. Rice, Brock Johnston, Chris Castelli

Chair Fullmer called the meeting to order and led the Pledge of Allegiance.

Chair Fullmer read the Planning Commission Chair Statement.

APPROVAL OF THE MINUTES FROM THE APRIL 3, 2024 PLANNING COMMISSION MEETING.

Chair Fullmer asked for any discussion on the minutes.

Commissioner Murray moved to approve the minutes from the April 3, 2024 Planning Commission meeting with the changes discussed in the work session. Seconded by Commissioner Swan. The motion carried on the following vote. Voting AYE: Commissioners Fullmer, Browning, Murray, Bloomfield, Wheeler, Swan, Sikes, and Youth Ambassador Bouwhuis. Voting NO: None.

APPROVAL OF SP 2024-0701, A SITE PLAN REQUEST BY BROCK JOHNSTON TO CONSTRUCT AN OFFICE BUILDING AT THE SUBJECT LOCATION. LOCATION: 980 SOUTH UNIVERSITY PARK BOULEVARD (TIN: 09-479-0123). PARCEL AREA: 0.76 ACRES ZONE: C-2 (COMMERCIAL). STAFF: TYSON STODDARD, PLANNER (ADMINISTRATIVE ACTION).

Tyson Stoddard, Planner, presented the following:

- Property is zoned C-2 (Commercial)
- Parcel A of the Towns at University Park Phase 1 Subdivision

- 1 • Development Agreement
- 2 - Requires a commercial building of at least 8,000 sf
- 3 - Commercial building required to be in state of vertical construction prior to granting
- 4 occupancy of last 10 townhomes
- 5 • Office Building
- 6 - Approximately 8,000 square feet, 1 level
- 7 - A portion of the floor area will be for a mental health provider
- 8 - Additional tenant yet to be determined
- 9 • Showed a 3-D rendering of the proposed building
- 10 • Showed the site plan and landscaping plan
- 11 • Showed the floor plan
- 12 • Showed the building elevations

13
14 Chair Fullmer mentioned that they wouldn't have any grass and asked what type of mulch would
15 be in the planter beds. Mr. Stoddard replied that they could do either landscape rock or bark
16 mulch. The landscape plan was showing both types would be utilized.

17
18 Commissioner Bloomfield asked about the retaining wall between the subject property and the
19 Dentist office to the south. Mr. Stoddard explained that a couple years prior with the significant
20 snow and rainfall, there were some rocks that began to slip. He said the retaining wall was on the
21 property of the Dentist office property, so they had someone come out to remove some of the
22 rocks to make sure that no damage was caused to the building. Mr. Stoddard reported that the
23 applicant had been in communication with the Dentist office and that they were aware that some
24 restoration of the retaining wall would need to occur.

25
26 Brock Johnston, the applicant, explained that their portion of the project would include a rock
27 retaining wall and reached out to the Dentist office owners to see if they could coordinate to have
28 their retaining wall designed and work done at the same time. He reported that as of today, the
29 Dentist office agreed to at least have the engineer design their portion and the required
30 restoration. He said that regardless of the adjacent property, they would have their soils engineer
31 advising on the suitability of the ground for their development and construction and any
32 compaction and remedies necessary for their project.

33
34 Chair Fullmer asked if there should be any conditions specific to the retaining wall restoration as
35 part of the site plan approval. Mr. Stoddard said his only concern was that if a condition was
36 made that was dependent upon a different property owner, that could impede the applicant and
37 his right to develop his own property.

38
39 Chair Fullmer asked what recourse the city would have if the property owner was not sufficiently
40 addressing the restoration of the retaining wall and if that had potential to impact the subject
41 property. Mr. McIlrath replied that it falls back on the geotechnical studies and the private owners
42 and developers. Mr. Stoddard said he was very encouraged by the applicant having been very
43 aware of the situation and having communicated and given every opportunity to the other
44 property to coordinate and fix the issue in the most economical way possible in conjunction with
45 their planned retaining wall construction.

46

Chair Fullmer asked if a therapist office would require a conditional use permit. Mr. Stoddard replied that it was a permitted use and wouldn't require a conditional use permit.

Youth Ambassador Bouwhuis moved to approve the site plan request by Brock Johnston to construct an office building at 980 South University Park Boulevard. The motion was made based on the findings of the staff report and with the following conditions.

- 1) The plans shall be revised to increase the length of the parking spaces that are adjacent to the building and pedestrian pathway to a length of twenty feet (20').
- 2) The landscape plan shall be revised to include a tree for each landscaped parking island and additional landscaping.
- 3) The irrigation plans will need to indicate that the system is provided with smart controller(s) and with a WaterSense label.
- 4) A landscaped parking island shall be added to the north side of the dumpster enclosure to surround the enclosure with landscaping and soften the visual impact of the refuse area.
- 5) The site plan shall be revised to designate a snow stacking area that complies with ordinance standards as outlined in Chapter 14 of the Land Use Ordinance.
- 6) The site plan will need to be revised to indicate the location of required ADA signage for the ADA parking spaces.
- 7) A bike rack will need to be provided for the development and shown on the site and landscaping plans.
- 8) Pedestrian pathways around the building will need to be a minimum of five feet (5') wide.
- 9) The front building façade materials shall be revised to comply with the approved materials outlined in the C-2 zone.
- 10) The plans will need to be revised to include a screen wall for the auxiliary equipment in front of the building and a detail showing the materials and dimensions of the wall.
- 11) The project shall comply with all requirements of the North Davis Fire District.
- 12) The project shall comply with all Clearfield City Engineering requirements.

Seconded by Commissioner Sikes. The motion carried on the following vote. Voting AYE: Commissioners Fullmer, Browning, Murray, Wheeler, Swan, Sikes, and Youth Ambassador Bouwhuis. Voting NO: None. ABSTAINED: Commissioner Bloomfield.

APPROVAL OF SP 2024-0702, A SITE PLAN REQUEST BY MIKE DAWSON TO CONSTRUCT A WAREHOUSE BUILDING AT THE SUBJECT LOCATION. LOCATION: APPROXIMATELY 225 WEST 200 SOUTH (TIN: 12-022-0046 & 12-022-0104). PARCEL AREA: 1.048 ACRES ZONE: M-1 (MANUFACTURING). STAFF: TYSON STODDARD, PLANNER (ADMINISTRATIVE ACTION).

Tyson Stoddard, Planner, presented the following:

- Zoning is M-1 Manufacturing
- Dawson Building Systems – existing business in Clearfield for several years

- 1 • Dawson had previous expansions approved by the Planning Commission in 2016 and
- 2 2011
- 3 • Warehouse building
- 4 - 15,340 square feet on main floor (warehouse)
- 5 - 1,695 square feet on upper level (storage)
- 6 • Existing building to be demolished
- 7 • Dawson recently purchased a portion of the neighboring property to the west as part of the
- 8 expansion
- 9 • Showed the project plans

10
11 Chair Fullmer asked about the proposed chain link fence. Mr. Stoddard said that it was a small
12 portion which wouldn't be visible from the public right of way and was permissible by code.

13
14 A discussion was had about snow removal. The Planning Commission determined it was not
15 necessary to add snow removal storage to the plans because that is typically only provided when
16 a project will include public parking.

17
18 A discussion was had about the language of condition number one related to the combination of
19 the subject parcels with the existing Dawson property. The Commission determined that the
20 language was okay as written in the staff report.

21
22 Chris Castelli, a representative from Dawson, said that they would be interested in acquiring the
23 awkward piece of property in that is in front of the subject property and part of the right of way.
24 Mr. McIlrath said that he thought the City would be interested in working together on that.

25
26 **Commissioner Bouwhuis moved to approve SP 2024-0702, a site plan request by Mike**
27 **Dawson to construct a warehouse building at the subject location. The motion was made**
28 **based on the findings and discussion of the staff report and with the following conditions.**

- 29
30 1) **The subject parcels shall be combined with the parcel of the existing Dawson facility**
31 **into to one property.**
- 32 2) **The landscape plan shall be revised to include the tree and shrub species of the**
33 **proposed plantings.**
- 34 3) **An irrigation plan shall be submitted for review and approval.**
- 35 4) **The location of any dumpsters and or dumpster enclosures shall be added to the site**
36 **plan. Any dumpster locations or dumpster enclosures shall meet the requirements of**
37 **Clearfield City Code.**
- 38 5) **The demolition and site plan shall be revised to accurately reflect the removal of**
39 **existing curb and gutter and water way replacement.**
- 40 6) **The proposed fencing for the site shall be added to the site plan.**
- 41 7) **The building elevations shall be revised to include a materials legend that specifies**
42 **the proposed materials and the colors of the building materials.**
- 43 8) **The plans shall be revised to address Engineering comments and receive**
44 **Engineering approval.**
- 45 9) **The plans shall be revised to address North Davis Fire District comments and**
46 **receive Fire District approval.**

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2 **Seconded by Commissioner Sikes. The motion carried on the following vote. Voting AYE:**
3 **Commissioners Fullmer, Browning, Murray, Bloomfield, Wheeler, Swan, Sikes, and Youth**
4 **Ambassador Bouwhuis. Voting NO: None.**

5
6 STAFF DISCUSSION

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8 Mr. McIlrath provided a training on the updated Land Use Academy of Utah (LUAU) website.

9
10 There being no further business to come before the Planning Commission, **Chair Fullmer**
11 **moved to adjourn. Seconded by Commissioner Murray.**

1 **CLEARFIELD PLANNING COMMISSION MEETING**

2 September 4, 2024

3 6:00 P.M. – Work Session

4
5 PRESIDING: Brogan Fullmer Chair

6
7 PRESENT: Robert Browning Vice Chair
8 Kathryn Murray Commissioner
9 David Bloomfield Commissioner
10 Chad Mortensen Commissioner
11 Riley Wheeler Commissioner
12 Danielle Sikes Commissioner (Alternate)
13 Jaylee Bouwhuis Youth Commission Ambassador
14

15 ABSENT: Brian Swan Commissioner

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17 STAFF PRESENT: Stuart Williams City Attorney
18 Brad McIlrath Senior Planner
19 Tyson Stoddard Planner
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21 VISITORS:

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23 Chair Fullmer called the meeting to order at 6:00 p.m.
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25 DISCUSSION ON DA 2024-0506 FOR A DEVELOPMENT AGREEMENT FOR THE
26 SUBJECT LOCATION. LOCATION: 20 WEST 300 NORTH (TIN: 14--071--0085). PARCEL
27 AREA: 0.769 ACRES. ZONE: C-C (GATEWAY CORRIDOR COMMERCE).
28

29 Mr. McIlrath said that the applicant requested that the item be continued and rescheduled to the
30 October 2, 2024 Planning Commission meeting. The Commission and staff discussed the procedure
31 for tabling an item and continuing the public hearing.
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33 DISCUSSION ON RZN 2024-0604, A ZONING MAP AMENDMENT REQUEST BY MARK
34 WAGER TO REZONE THE SUBJECT PROPERTY FROM R-1-8 (RESIDENTIAL) TO R-2
35 (RESIDENTIAL). LOCATION: 328 EAST 100 NORTH (TIN:12-006-0054). PROJECT AREA:
36 0.88 ACRES.
37

38 Mr. McIlrath explained the request. The Commission discussed the compatibility of the R-2 Zone
39 with the surrounding neighborhood, noting that the concept provided which showed a multifamily
40 building with four (4) attached units was very different from the surrounding single-family homes.
41

42 DISCUSSION ON ZTA 2024-0706, A ZONING TEXT AMENDMENT REQUEST BY
43 CARMEL CLERMONT TO AMEND SECTION 11-13-21 OF THE CLEARFIELD CITY
44 CODE TO ALLOW A NEW GROUP HOME TO BE LOCATED WITHIN ONE FOURTH (1/4)
45 MILE OF ANOTHER EXISTING GROUP HOME FACILITY.
46

47 Mr. Stoddard shared some background on the request. He explained that part of the review of the

1 request included a review of the Fair Housing Act, and a statement by the Department of Justice
2 and the Department of Housing and Urban Development. He reported that regulations that require
3 minimum distances between group homes are considered against Fair Housing and that disabled
4 persons had specific protections to guarantee fair access to housing. He also clarified that group
5 homes in Clearfield City could be either for the elderly or people with disabilities, and a
6 rehabilitation or detention facility was something completely different.

7
8 Mr. Mortensen asked what the intent was for having minimum distances between group homes.
9 Mr. Stoddard replied that generally the intent was to prevent an over concentration of group
10 homes in a single neighborhood. The Commission and staff discussed that regardless of the
11 intent, it was still considered unlawful by Fair Housing.

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13 DISCUSSION ON SP 2024-0707, A SITE PLAN REQUEST BY NATHAN ALVEY FOR AN
14 8-UNIT TOWNHOME DEVELOPMENT AT THE SUBJECT PROPERTY. LOCATION: 1057
15 SOUTH STATE STREET (TIN: 12-067- 0078). PARCEL SIZE: 0.67 ACRES. ZONING: R-3
16 (RESIDENTIAL).

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18 Mr. Stoddard explained that the applicant had already come before the Planning Commission for
19 their preliminary subdivision and now were returning for site plan approval.

20
21 DISCUSSION ON ASP 2024-0801, AN AMENDED SUBDIVISION PLAT REQUEST BY
22 MICHAEL STATEN WITH US DEVELOPMENT TO SUBDIVIDE LOT 301 OF THE SMITH
23 ESTATES SUBDIVISION AMENDMENT 3 INTO TWO NEW LOTS LABELED LOT 301A
24 AND 301B AT THE SUBJECT LOCATION. LOCATION: 880 SOUTH STATE STREET (TIN:
25 12-823-0302). PARCEL AREA: 2.936 ACRES. ZONE: T-R (TOWN NEIGHBORHOOD
26 RESIDENTIAL).

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28 Because of time considerations, there was no discussion regarding ASP 2024-0801.

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30 **Chair Fullmer moved to adjourn the work session. Seconded by Commissioner Browning.**
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CLEARFIELD PLANNING COMMISSION MEETING

September 4, 2024

6:30 P.M. – Regular Session

PRESIDING: Brogan Fullmer Chair

PRESENT: Robert Browning Vice Chair
Kathryn Murray Commissioner
David Bloomfield Commissioner
Chad Mortensen Commissioner
Riley Wheeler Commissioner
Danielle Sikes Commissioner (Alternate)
Jaylee Bouwhuis Youth Commission Ambassador

ABSENT: Brian Swan Commissioner

STAFF PRESENT: Stuart Williams City Attorney
Brad McIlrath Senior Planner
Tyson Stoddard Planner

VISITORS: Carmel Clermont, Trent Williams, Quinton Wall, Nathan Alvey

Chair Fullmer called the meeting to order and led the Pledge of Allegiance.

Chair Fullmer read the Planning Commission Chair Statement.

PUBLIC HEARING AND TABLING OF DA 2024-0506 FOR A DEVELOPMENT AGREEMENT FOR THE SUBJECT LOCATION. LOCATION: 20 WEST 300 NORTH (TIN: 14-071-0085). PARCEL AREA: 0.769 ACRES. ZONE: C-C (GATEWAY CORRIDOR COMMERCE). STAFF: BRAD MCILRATH, SENIOR PLANNER (LEGISLATIVE ACTION).

Chair Fullmer declared the public hearing open.

Brad McIlrath, Senior Planner, introduced the application and said that the applicant requested that the item be continued to the October 2, 2024 Planning Commission Meeting. He stated their reason would be to continue working on the proposed agreement and plans for the site to achieve greater conformity with the Downtown Form Based Code.

Chair Fullmer asked if there was any comment from the public. Seeing none, he asked for discussion or a motion. If tabled, he clarified, the public hearing would continue until the meeting in which the item was tabled to.

Commissioner Murray moved to table DA 2024-0506 for a Development Agreement for 20 W 300 N.

Seconded by Commissioner Mortensen. The motion carried on the following vote. Voting AYE: Commissioners Fullmer, Browning, Murray, Bloomfield, Mortensen, Wheeler, Sikes, and Youth Ambassador Bouwhuis. Voting NO: None.

PUBLIC HEARING AND RECOMMENDATION TO THE CITY COUNCIL FOR DENIAL OF RZN 2024-0604, A ZONING MAP AMENDMENT REQUEST BY MARK WAGER TO REZONE THE SUBJECT PROPERTY FROM R-1-8 (RESIDENTIAL) TO R-2 (RESIDENTIAL). LOCATION: 328 EAST 100 NORTH (TIN:12-006-0054). PROJECT AREA: 0.88 ACRES. STAFF: BRAD MCILRATH, SENIOR PLANNER (LEGISLATIVE ACTION).

Brad McIlrath, Senior Planner, presented the following:

- Property is 0.88 Acres
- Zoned: R-1-8 (Residential)
- General Plan: Residential
- Rezone request to R-2 Zone that allows 8 units to the acre.
- Applicant would like to develop property with four (4) townhomes.
- Historically the neighborhood was developed under R-2 Zone with lot sizes 6,000 and 8,000 square feet.
- The requested amendment is consistent with the goals of the General Plan and Map as an applicable zone for the residential future land use designation.
- The current nationwide housing shortage and associated decrease in housing affordability creates an increased housing cost burden for Utahns. Each issue creates an increased demand for housing and the need for all Utah communities to consider the full range of housing opportunities to current future residents. While this is something the community should consider, a smaller lot single-family option similar to neighboring lot sizes would be more compatible with this neighborhood.
- Recommended denial based on the following findings
 - Although, the proposed zoning map amendment is consistent with the land use guidelines, goals, and objectives of the Clearfield City General Plan, the development is not consistent with the neighborhood development pattern.
 - The R-1-6 Zone has been modified in recent years to provide smaller lot sizes that are most similar to this historic neighborhood. The R-2 Zone would not provide a lot size as small as the R-1-6 Zone if the property was to be developed with single-family lots.
 - An increase in density in the middle of this historic neighborhood is not supported by the General Plan and is inconsistent with the policy direction from City Council to provide medium and higher density housing along corridors to preserve existing single-family neighborhoods.

Chair Fullmer declared the public hearing open.

Trent Williams, the site surveyor working with the applicant, spoke in favor of the project. He explained that the property was a left-over remnant piece that was tucked back behind the surrounding single-family homes. He explained the unique challenges of the site that made development of a single-family lot less economically feasible. For those reasons he said he thought it was a good property to allow more density.

The Commission and staff had a discussion about flag lots, the challenges with the site, differences between duplexes and townhomes, and how increased density and design could be compatible with the surrounding homes. Mr. McIlrath said that like he mentioned in the staff

1 report, a development agreement could be tied to a rezone to help ensure compatibility with the
2 surrounding neighborhood. He said he didn't think that was the best practice, but it is something
3 that has been done in the past.

4
5 The Commission recognized the challenges with the site, and the challenge of a rezone that may
6 allow for a type of development that would not be compatible with the neighborhood. Mr.
7 McIlrath said he hoped that through the General Plan update, guidance could be provided to help
8 the city adopt a zone that better addressed properties such as the subject property.

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10 Chair Fullmer asked for any comment from the public.

11
12 PUBLIC COMMENT

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14 Quinton Wall, a neighbor near the subject property, opposed the rezone. He said he valued the
15 single-family character of the neighborhood and said there were other areas in the city with
16 higher density townhomes.

17
18 Mark Wager, the owner of the subject property and applicant, said the property was a challenge
19 to maintain and there weren't many good options for him to use the property. He said he'd
20 appreciate it if the Commission would entertain the rezone.

21
22 Seeing no further comment from the public, Commissioner Murray moved to close the public
23 hearing. The motion passed unanimously.

24
25 **Commissioner Mortensen moved to recommend denial to the City Council, for RZN 2024-**
26 **0604, a zoning map amendment request by Mark Wager to rezone the subject property**
27 **from R-1-8 (Residential) to R-2 (Residential).**

28 **Seconded by Commissioner Murray. The motion carried on the following vote. Voting**
29 **AYE: Commissioners Fullmer, Browning, Murray, Bloomfield, Mortensen, Wheeler, Sikes,**
30 **and Youth Ambassador Bouwhuis. Voting NO: None.**

31
32 PUBLIC HEARING AND A MODIFIED RECOMMENDATION OF APPROVAL TO THE
33 CITY COUNCIL FOR ZTA 2024-0706, A ZONING TEXT AMENDMENT REQUEST BY
34 CARMEL CLERMONT TO AMEND SECTION 11-13-21 OF THE CLEARFIELD CITY
35 CODE TO ALLOW A NEW GROUP HOME TO BE LOCATED WITHIN ONE FOURTH (1/4)
36 MILE OF ANOTHER EXISTING GROUP HOME FACILITY. STAFF: TYSON STODDARD,
37 PLANNER (LEGISLATIVE ACTION).

38
39 Tyson Stoddard, Planner, presented the following:

- 40 • Applicant contacted the city about obtaining a business license for a group home for
41 people with disabilities at 355 Marilyn Drive.
- 42 • Code Section 11-13-21: Group Home Facilities states that a group home cannot be located
43 within $\frac{3}{4}$ mile of another existing group home facility.
- 44 • Because of an existing group home for people with disabilities within $\frac{3}{4}$ mile of the
45 proposed location, the location could not be approved.

- 1 • Applicant decided to apply for a zoning text amendment to reduce the required distance
- 2 between group homes to ¼ mile, a distance that would allow a group home at the
- 3 proposed location.
- 4 • Showed a map representing a ¾ mile radius.
- 5 • Code Section 11-13-21: Group Homes
- 6 - Group Homes for the elderly
- 7 - Group Homes for persons with a disability
- 8 - Not a detention or rehabilitation facility. These facilities were a conditional use in
- 9 multi-family zones prior to 2009. Ordinance updates removed these uses from the
- 10 conditional use list, and code section “11-13-15: Rehabilitation and/or Detention
- 11 Facilities” was repealed.
- 12 • Many cities have land use regulations for group homes, which may include parking
- 13 standards and residential design standards.
- 14 • Some cities had, or still have, regulations that require a certain distance between group
- 15 homes, including group homes for persons with disabilities. (Overconcentration)
- 16 • Since the Fair Housing Act was amended by US Congress in 1988 to add protections for
- 17 persons with disabilities, municipal regulations requiring distances between group homes
- 18 for people with disabilities have become less common.
- 19 • In the analysis of the request, staff reviewed the Fair Housing Act.
- 20 • “Group Homes, Local Land Use, and the Fair Housing Act”- A joint statement from The
- 21 Department of Justice (DOJ) and the Department of Housing and Urban Development
- 22 (HUD).
- 23 - The Fair Housing Act prohibits discrimination against individuals on the basis of
- 24 disability.
- 25 - Land use policies or regulations that treat groups of persons with disabilities less
- 26 favorably than groups of non-disabled persons are considered unlawful.
- 27 - Reasonable accommodations must be afforded where necessary to provide equal
- 28 opportunity for housing.
- 29 - DOJ, HUD, and most courts that have addressed the issue, take the position that
- 30 density restrictions are generally inconsistent with the Fair Housing Act.
- 31 • Showed the proposed amendments with staff’s recommendations.
- 32 • The proposed amendment gives Clearfield City the opportunity to research, evaluate, and
- 33 update current ordinances in accordance with guidance from The Department of Justice
- 34 and The Department of Housing and Urban Development.
- 35

36 Chair Fullmer declared the public hearing open.

37
38 Seeing no comment from the public, Commissioner Mortensen moved to close the public

39 hearing. The motion passed unanimously.

40
41 Commissioner Murray asked if staff’s recommendations were passed, two group homes could be

42 next door to each other. Mr. Stoddard replied yes, there would not be any proximity restrictions.

43
44 **Youth Ambassador Bouwhuis moved to recommend a modified approval of ZTA 2024-0706**

45 **to the City Council, a zoning text amendment by Carmel Clermont to amend Section 11-13-**

46 **21 of the Clearfield City Code, in accordance with staff’s recommendation to remove**

1 **location requirements for groups homes.**

2 **Seconded by Commissioner Sikes. The motion carried on the following vote. Voting AYE:**
3 **Commissioners Fullmer, Browning, Bloomfield, Mortensen, Wheeler, Sikes, and Youth**
4 **Ambassador Bouwhuis. Voting NO: None. ABSTAINED: Commissioner Murray.**

5
6 APPROVAL OF SP 2024-0707, A SITE PLAN REQUEST BY NATHAN ALVEY FOR AN 8-
7 UNIT TOWNHOME DEVELOPMENT AT THE SUBJECT PROPERTY. LOCATION: 1057
8 SOUTH STATE STREET (TIN: 12-067- 0078). PARCEL SIZE: 0.67 ACRES. ZONING: R-3
9 (RESIDENTIAL). STAFF: TYSON STODDARD, PLANNER (ADMINISTRATIVE ACTION).

10
11 Tyson Stoddard, Planner, presented the following:

- 12 • Parcel address is 1057 South State Street
- 13 • Zone: R-3 (Residential)
 - 14 - Approximately 0.67 Acres
- 15 • Proposing a development for 8 townhomes
 - 16 - Removal of 2 existing houses
 - 17 - Removal of an accessory structure
- 18 • Received Preliminary Subdivision Plat Approval from Planning Commission on August
19 16, 2024
 - 20 - Since has applied for final subdivision plat approval
 - 21 - Now applying for site plan approval
- 22 • Showed the project plans
- 23 • Talked about the proposed fencing
- 24 • Reviewed the recommended conditions of approval

25
26 Chair Fullmer asked the applicant for more information on their plans related to the fencing. The
27 applicant, Nathan Alvey, replied that they were planning on high quality fencing, and they were
28 okay with staff's recommendations. He said that it would be an huge improvement to the existing
29 fencing and conditions of the site.

30
31 **Commissioner Murray moved to approve SP 2024-0707, a site plan request by Nathan**
32 **Alvey for an 8-unit townhome development at the subject property. The motion was made**
33 **based on the findings of the staff report and with the following conditions.**

- 34 1) **The project shall receive access approval from the Utah Department of**
35 **Transportation (UDOT).**
- 36 2) **The plans shall be revised to meet the front setback requirement of twenty feet (20').**
- 37 3) **The landscape plans shall be revised to include the following:**
 - 38 a. **A minimum of 13 trees**
 - 39 b. **Plant coverage for 50% of the ground plane of planter beds at plant maturity**
 - 40 c. **Specifications on the type of proposed mulch in planter beds**
 - 41 d. **An irrigation plan**
- 42 4) **The plans shall be revised to show the required fencing surrounding the**
43 **development as approved by the Planning Commission.**
- 44 5) **The visitor parking spaces shall be increased to a length of twenty feet (20').**
- 45 6) **The visitor parking spaces shall include one van accessible ADA parking space.**

- 7) The plans shall be revised to include side and rear building elevations and include details on proposed materials and colors.
- 8) The pedestrian crossing where the proposed streets meet shall be constructed of a different material than that of the roadways.
- 9) The plans shall be updated and rename 50 East Street to 820 East Street.
- 10) The project shall comply with all Engineering and Fire District requirements.
- 11) The plans shall be revised to indicate the location of snow stacking areas to accommodate the stacking volume of a four-inch (4") storm.

Seconded by Commissioner Mortensen. The motion carried on the following vote. Voting AYE: Commissioners Fullmer, Browning, Murray, Bloomfield, Mortensen, Wheeler, Sikes, and Youth Ambassador Bouwhuis. Voting NO: None.

APPROVAL OF ASP 2024-0801, AN AMENDED SUBDIVISION PLAT REQUEST BY MICHAEL STATEN WITH US DEVELOPMENT TO SUBDIVIDE LOT 301 OF THE SMITH ESTATES SUBDIVISION AMENDMENT 3 INTO TWO NEW LOTS LABELED LOT 301A AND 301B AT THE SUBJECT LOCATION. LOCATION: 880 SOUTH STATE STREET (TIN: 12-823-0302). PARCEL AREA: 2.936 ACRES. ZONE: T-R (TOWN NEIGHBORHOOD RESIDENTIAL). STAFF: BRAD MCILRATH, SENIOR PLANNER (ADMINISTRATIVE ACTION).

Brad McIlrath, Senior Planner, presented the following:

- Indigo Eight80 Townhomes
 - Approved in September 2021
 - 63-Unit Townhome Development
 - Complete with Phase 1
 - Preparing for Phase 2
- Amending Lot 301 of the Smith Estates Subdivision Amendment 3 recorded in 2015.
- Creating Lots 301A and 301B for the phasing of Indigo Eight80.
- Staff condition to have restrictive deed recorded against each property to avoid a split of the residential development in the future.
- Showed the subdivision plans

Chair Fullmer asked for clarification about the reason for the subdivision. Mr. McIlrath responded that it was primarily for financing purposes to help them finance the second phase. He said that the ownership would remain the same.

Commissioner Wheeler moved to approve ASP 2024-0801, an amended subdivision plat request by Michael Staten with US Development subdivide Lot 301 of the Smith Estates Subdivision Amendment 3 into two new lots labeled Lot 301A and 301B at 880 South State Street. The motion was based on the findings and discussion in the Staff Report and with the following conditions.

- 1) The amended plat shall be revised to address Engineering requirements as outlined in the review letter dated August 28, 2024.
- 2) The restrictive deeds shall be prepared for review and approval by Clearfield City. Following the recording of the amended plat, restrictive deeds shall be recorded

1 **against each property (Lots 301A and 301B) restricting the separate sale of each**
2 **property from the other.**

3 **3) The continued development of Indigo Eight80 shall comply with the site plan**
4 **approval granted by Clearfield City in September 2021.**

5 **Seconded by Commissioner Bloomfield. The motion carried on the following vote. Voting**
6 **AYE: Commissioners Fullmer, Browning, Murray, Bloomfield, Mortensen, Wheeler, Sikes,**
7 **and Youth Ambassador Bouwhuis. Voting NO: None.**

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9 **STAFF DISCUSSION**

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11 Mr. McIlrath provided an update on the General Plan related to DRAFT Key Themes, Focus
12 Initiatives, and Policies.

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14 Mr. Stoddard reviewed a potential zoning text amendment related to building material standards
15 found in Title 11 of the Clearfield City Code. The purpose would be to allow for a wider variety
16 of materials.

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18 There being no further business to come before the Planning Commission, **Chair Fullmer**
19 **moved to adjourn. Seconded by Youth Ambassador Bouwhuis.**

1 **CLEARFIELD PLANNING COMMISSION MEETING**

2 October 2, 2024

3 6:00 P.M. – Work Session

4
5 PRESIDING: Brogan Fullmer Chair
6
7 PRESENT: Kathryn Murray Commissioner
8 David Bloomfield Commissioner
9 Chad Mortensen Commissioner
10 Riley Wheeler Commissioner
11 Brian Swan Commissioner
12 Jaylee Bouwhuis Youth Commission Ambassador
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14 ABSENT: Robert Browning Commissioner
15 Danielle Sikes Commissioner (Alternate)
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17 STAFF PRESENT: Amy Jones Deputy City Attorney
18 Brad McIlrath Senior Planner
19 Tyson Stoddard Planner
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21 VISITORS:

22
23 Chair Fullmer called the meeting to order at 6:00 p.m.

24
25 DISCUSSION ON THE MINUTES FROM THE JUNE 5, 2024 PLANNING COMMISSION
26 MEETING.

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28 Commissioner Murray pointed out a grammatical correction. Mr. Stoddard made note of the
29 correction.

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31 DISCUSSION ON DA 2024-0506 FOR A DEVELOPMENT AGREEMENT FOR THE
32 SUBJECT LOCATION. LOCATION: 20 WEST 300 NORTH (TIN: 14--071--0085). PARCEL
33 AREA: 0.769 ACRES. ZONE: C-C (GATEWAY CORRIDOR COMMERCE).
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35 Mr. McIlrath gave some background information to help provide context for why the applicant was
36 requesting a development agreement. He said there was a deed restriction on the property related
37 to environmental remediation that would need to occur with redevelopment. He said the deed
38 restriction would also require that any development on the site be approved by the oil and gas
39 company BP.

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41 Ms. Jones asked why the applicant was requesting a development agreement with the City prior to
42 having the approval from BP. She also raised the potential concern of liability if the City becomes
43 party to development on the site by way of a development agreement.

44
45 A discussion followed centered around the environmental remediation with the consensus that all
46 of those details would ultimately be between the developer and BP. Mr. McIlrath explained that
47 the main purpose for the development agreement application was for them to request modifications

1 from Downtown Form Based Code developments standards in light of the site being abandoned
2 and nonconforming.

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4 DISCUSSION ON ZTA 2024-0901, A ZONING TEXT AMENDMENT REQUEST BY
5 CLEARFIELD CITY TO AMEND BUILDING MATERIALS STANDARDS FROM TITLE 11
6 OF THE CLEARFIELD CITY CODE. (LEGISLATIVE MATTER).
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8 Mr. Stoddard said that this amendment was similar to the recent building material amendments to
9 the Downtown Form Based Code. He explained that the purpose of the amendment was to allow
10 for a greater variety of materials consistent with technology advancements. He said that there would
11 be a list of non-permitted materials that were considered undesirable for development in the city,
12 but the permitted materials would be left open to allow for greater flexibility with new
13 development.
14

15 Chair Fullmer said he liked the way the amendments were being proposed and asked about the
16 different zones that would be affected. Mr. Stoddard said it the changes would be to the C-1 and
17 C-2 commercial zones, the R-2 and R-3 residential zones, the B-1 buffer zone, and the P-F public
18 facilities zone.
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20 Youth Ambassador Bouwhuis asked if there would be changes to the R-1-8 single family zone. Mr.
21 Stoddard replied no because cities are not allowed to regulate building materials for single-family
22 homes.
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24 **Chair Fullmer moved to adjourn the work session. Seconded by Commissioner Browning.**
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CLEARFIELD PLANNING COMMISSION MEETING

October 2, 2024

6:30 P.M. – Regular Session

PRESIDING: Brogan Fullmer Chair

PRESENT: Kathryn Murray Commissioner
David Bloomfield Commissioner
Chad Mortensen Commissioner
Riley Wheeler Commissioner
Brian Swan Commissioner
Jaylee Bouwhuis Youth Commission Ambassador

ABSENT: Robert Browning Commissioner
Danielle Sikes Commissioner (Alternate)

STAFF PRESENT: Amy Jones Deputy City Attorney
Brad McIlrath Senior Planner
Tyson Stoddard Planner

VISITORS: Jason Boal

Chair Fullmer called the meeting to order and led the Pledge of Allegiance.

Chair Fullmer read the Planning Commission Chair Statement.

APPROVAL OF MINUTES FOR THE JUNE 5, 2024 PLANNING COMMISSION MEETING.

**Commissioner Murray moved to approve the minutes of the June 5, 2024 Planning Commission meeting, subject to the edits discussed in the Work Session.
Seconded by Youth Ambassador Bouwhuis. The motion carried on the following vote.
Voting AYE: Commissioners Fullmer, Murray, Bloomfield, Mortensen, Wheeler, Swan, and Youth Ambassador Bouwhuis. Voting NO: None.**

**PUBLIC HEARING AND RECOMMENDATION TO THE CITY COUNCIL TO DENY DA 2024-0506, A DEVELOPMENT AGREEMENT FOR THE SUBJECT LOCATION.
LOCATION: 20 WEST 300 NORTH (TIN: 14--071--0085). PARCEL AREA: 0.769 ACRES.
ZONE: C-C (GATEWAY CORRIDOR COMMERCE). STAFF: BRAD MCILRATH, SENIOR PLANNER (LEGISLATIVE ACTION).**

Chair Fullmer declared the public hearing open.

Brad McIlrath, Senior Planner, presented the following:

- Showed an aerial and zoning map of the property
- Restrictive Deed recorded against property in May 2011.
 - Petroleum-related Restrictions & Environmental Matters.
 - 20 Year term on deed.

- Limitation on work that can be done without full approval from BP Products.
- Full cost and burden then on current property owner.
- Usage of existing site requires a development agreement to modify code standards from the FBC.
- All new activity at the site will need to comply with FBC because the legal nonconforming use has been discontinued.
- Showed the site plan and landscape plan
- Recommended denial of the development agreement request based on the following findings.
 - The proposed development agreement is inconsistent with the development standards and process of the Downtown Clearfield Form-Based Code.
 - The proposed development agreement does not include all of the needed modifications from the Downtown Clearfield Form-Based Code to facilitate the intended use.

Jason Boal, a representative for the applicant, addressed the Planning Commission. He stated that the applicant wanted to develop the property so that it could be used, rather than continue to sit vacant. He distributed copies of the deed restriction to explain the unique circumstances related to the environmental issues of the site. He explained that the main purpose for their request was to seek relief from Downtown Form Based Code standards related to the building, and that the main factor causing them to seek relief from those standards was because of the challenges coming directly from the deed restriction and environmental remediation. He said they were presenting a compromise that would improve the site and add a business to the community.

Youth Ambassador Bouwhuis asked why they were looking for approval from the City prior to getting approval from BP. Mr. Boal said that it was a timing issue and he said it helps them negotiate with BP.

Chair Fullmer asked if they were already in discussions with BP about the project. Mr. Boal said they hadn't submitted a development plan to BP because they wanted to get with the City to have an idea of what the development would require based on City approval.

Chair Fullmer asked what elements of the Form Based Code were most challenging to meet based on the situation. Mr. Boal replied it was mostly related to the demolition, excavation, and construction of a new building.

A discussion followed amongst the Commission, primarily discussing the environmental concerns of the site, potential challenges with construction, and things that could be added to the development agreement if it were to be approved.

Seeing no public for public comment, Commissioner Murray moved to close the public hearing. The motion was seconded by Youth Ambassador Bouwhuis and passed unanimously.

There was additional deliberation amongst the Commission. Commissioner Swan stated that he thought the Commission should consider that the development agreement could be flexible and negotiated with certain terms.

Commissioner Wheeler expressed his view that the role of the Planning Commission was to support what was currently in the Downtown Form Based Code, and that the requests for deviation in the development agreement were significant enough that he didn't feel comfortable recommending approval.

Following additional discussion, two motions to deny were made and both failed. The Commission continued to discuss with the intent of getting a motion that could pass.

Commissioner Mortensen moved to recommend denial to the City Council for DA 2024-0506, a development agreement request for 20 West 300 North. The motion was made based on the following findings from the staff report and the discussion amongst the Commission.

- 1) The proposed development agreement is inconsistent with the development standards and process of the Downtown Clearfield Form-Based Code.**
- 2) The proposed development agreement does not include all of the needed modifications from the Downtown Clearfield Form-Based Code to facilitate the intended use.**
- 3) Potential for liability to the City related to the deed restriction and the environmental issues of the site.**
- 4) Concerns related to the ability of the City to have a guarantee of the proposed private improvements.**

Seconded by Commissioner Wheeler. The motion carried on the following vote. Voting AYE: Commissioners Fullmer, Murray, Mortensen, and Wheeler. Voting NO: Commissioners Bloomfield, Swan, and Youth Commission Ambassador Bouwhuis.

Commissioner Swan articulated his vote of no. His main reason was that not entering a development agreement would cause the property to continue vacant and dilapidated for years. He said he thought concerns could have been sufficiently negotiated and addressed in the development agreement. Commissioner Bloomfield agreed with Commissioner Swan, but also expressed his opinion that the City was being used as a bargaining chip to work with BP.

Youth Ambassador Bouwhuis articulated her vote of no, saying that she thought the needs of the City and the needs of the developer could have been sufficiently balanced in the development agreement.

PUBLIC HEARING AND RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OF ZTA 2024-0901, A ZONING TEXT AMENDMENT REQUEST BY CLEARFIELD CITY TO AMEND BUILDING MATERIALS STANDARDS FROM TITLE 11 OF THE CLEARFIELD CITY CODE. (LEGISLATIVE MATTER).

Chair Fullmer declared the public hearing open.

Tyson Stoddard, Planner, presented the following:

- Title 11 is the Land Use Ordinance for Clearfield City and includes regulations for all areas outside of the Downtown Form Based Code Area
- Regulations include design standards that address building materials, specific to each zone
- The zones generally include a list of permitted materials

- The list is relatively small
- Depending on the zone, sometimes materials like brick or stone are required on the street facing façade of the building
- There has been a lot of innovation in design and quality of building materials with new technologies
- Intent for amendment is to be responsive to material advancements and provide flexibility to builders while enhancing the look and character of the community
- Structure of amendment is to list non-permitted materials and leave permitted materials open
- Showed the text of the proposed amendments and stated the following findings:
 - The Clearfield City Land Use Ordinance should be continually evaluated to address local and market needs identified through code implementation and plan reviews.
 - The proposed amendment recognizes ongoing advancements in building construction materials and the ways they can be used to provide a high quality and long-lasting product.

Commissioner Wheeler asked what the reasoning was for still requiring brick or stone on front elevations. Mr. Stoddard explained that the reason the City had those standards was to make sure that buildings were addressing the street in a positive way and using higher quality materials that were deemed to be desirable. He said that he thought that brick and stone were still seen as high quality and desirable materials and that their continued use would add to the consistency and character of the community.

Commissioner Bloomfield asked what would happen if someone proposed a material that was used nationwide but was on our list of non-permitted materials. Mr. Stoddard replied that could possibly happen, but ultimately the City had the regulatory authority to decide what materials are deemed appropriate and desirable for development in the City.

Seeing no comment from the public, Commissioner Murray moved to close the public hearing. The motion was seconded by Commissioner Wheeler and passed unanimously.

Commissioner Wheeler moved to recommend approval to the City Council of ZTA 2024-0901, a zoning text amendment request by Clearfield City to amend building materials standards from Title 11 of the Clearfield City Code.

Seconded by Youth Ambassador Bouwhuis. The motion carried on the following vote.

Voting AYE: Commissioners Fullmer, Murray, Bloomfield, Mortensen, Wheeler, Swan, and Youth Ambassador Bouwhuis. Voting NO: None.

STAFF COMMUNICATIONS

Mr. McIlrath gave information related to the small group meetings were scheduled for October 16th to provide feedback on the General Plan.

There being no further business to come before the Planning Commission, **Chair Fullmer moved to adjourn. Seconded by Commissioner Murray.**



Planning Commission

STAFF REPORT

AGENDA ITEM
#1

TO: Clearfield City Planning Commission

FROM: Tyson Stoddard, Planner I
tyson.stoddard@clearfieldcity.org
(801) 525-2718

MEETING DATE: Wednesday, November 6th, 2024

SUBJECT: Discussion and Possible Action on **CUP 2024-1003**, a conditional use permit request by Carmel Clermont to operate a Group Home for Persons with a Disability at the subject location. **Location:** 355 E Marilyn Drive (TIN: 12-010-0020). **Parcel Area:** 0.15 Acres **Zone:** T-R (Town Neighborhood Residential). **(Administrative Action).**

RECOMMENDATION

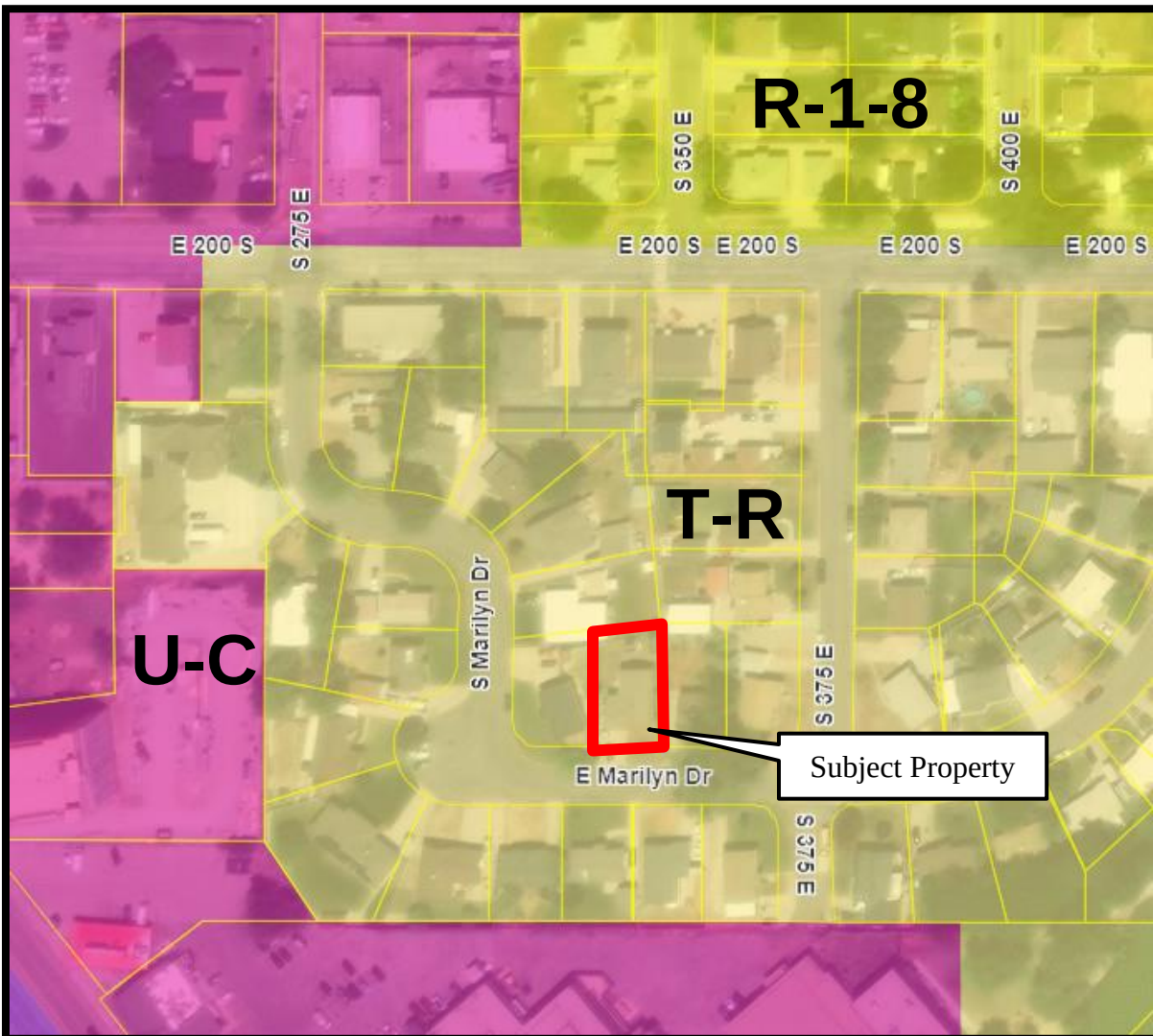
Staff recommends that the Planning Commission **approve as conditioned, CUP 2024-1003**, a conditional use permit request by Carmel Clermont to operate a Group Home for Persons with a Disability at the property addressed 355 East Marilyn Drive (TIN: 12-010-0020). This recommendation is based on the findings and discussion in the Staff Report.

PROJECT SUMMARY

Project Information	
Project Name	Doris Oasis Group Home
Site Location	355 E. Marilyn Drive
Parcel ID	12-010-0020
Applicant	Carmel Clermont
Property Owner	Carmel Clermont
Proposed Actions	Conditional Use Permit
Current Zoning	T-R (Town Neighborhood Residential)
Parcel Area	0.15 Acres

Surrounding Properties and Uses:		Zoning District	General Plan Land Use Classification
North	Single-Family Residence	T-R (Town Neighborhood Residential)	Residential
East	Single-Family Residence	T-R (Town Neighborhood Residential)	Residential
South	Single-Family Residence	T-R (Town Neighborhood Residential)	Residential
West	Single-Family Residence	T-R (Town Neighborhood Residential)	Residential

Aerial Image and Zoning



BACKGROUND AND ANALYSIS

Carmel Clermont is seeking conditional use permit approval to operate a Group Home for Persons with a Disability at this location in compliance with Clearfield City Code Standards. The proposed home would allow individuals with a physical or developmental disability to live in the home under 24/7 supervision. The staff would include a supervisor as well as an additional support employee on site at any given time. The applicant reports that they intend to have four (4) residents at the location, which complies with Clearfield's Code standard that allows up to eight (8) individuals to be cared for in a group home.

CONDITIONAL USE PERMIT REVIEW

The zoning of the property is T-R (Town Neighborhood Residential), which is a zone that requires a conditional use permit for group homes that will house more than three (3) unrelated persons. Conditional uses are allowed upon compliance with the Clearfield City Code and by obtaining conditional use permit approval from the Planning Commission.

Group Home Facilities

Section 11-13-21 of Clearfield City Code gives standards for group home facilities in the city. Among the standards are requirements that adequate off-street parking is provided, and that the home's structure and landscaping are consistent with the residential character of the neighborhood.

Site Parking

The home does not have a garage but has a driveway that could accommodate four (4) to five (5) vehicles. The applicant states that they anticipate two (2) to three (3) cars will typically be parked on site. With disabled individuals that don't typically have automobiles, the parking would primarily be for the owners and staff. Clearfield staff determine that there is sufficient parking for the group home and that no additional off-street parking is required.

REVIEW CONSIDERATIONS

Conditional Use Permit Review

Clearfield Land Use Ordinance Section 11-4-4 establishes the following review considerations that the Planning Commission shall review while determining to approve Conditional Use Permits.

REVIEW CONSIDERATION		Staff Analysis
CONSIDERATIONS: The Land Use Authority may allow a conditional use to be located in any zoning district in which the particular use is allowed as a conditional use by this title. In authorizing any conditional use, the Land Use Authority shall impose such requirements and conditions to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards provided in this chapter or elsewhere in this title necessary for the protection of adjacent properties and the public welfare. The Land Use Authority shall determine the following:		
1)	<i>At the specified location, [the proposed use] is in harmony with the general intent and purpose of the Clearfield City General Plan and the applicable zoning district regulations;</i>	The proposed use is in harmony and compliance with the General Plan and zoning ordinance regulations.
2)	<i>[The proposed use] is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and neighborhood;</i>	The proposed use delivers a necessary service to provide housing and care for persons with disabilities and will contribute to the general well-being of the community.
3)	<i>Such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and</i>	The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.
4)	<i>Conditions imposed by the Land Use Authority are based upon ordinance standards outlined in this title [Title 11, Land Use] or as otherwise determined to be necessary by the City Engineer,</i>	The proposed conditions are based upon ordinance standards.

	<i>Building Official, or any applicable State or Federal Agency according to adopted standards of those fields of expertise.</i>	
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CITY DEPARTMENT / AGENCY REVIEW

The plans were shared for review amongst planning, engineering, and building staff. They were also shared with the North Davis Fire District. There were no comments or concerns with the proposed use.

PUBLIC COMMENT

Public notice was placed on the property on October 25th, 2024. Staff received a phone call with a neighbor inquiring about the public notice sign. Staff explain the reason for the sign and the conditional use permit request for a group home, and answered questions related to the application.

CONDITIONS OF APPROVAL

The following conditions of approval are part of the conditional use permit approval of this group home. None of the conditions shall be interpreted to limit any reasonable accommodation necessary to allow occupancy of a residential facility for persons with a disability.

- 1) The applicant shall obtain a Clearfield City business license for the group home.
- 2) The facility shall not undergo structural or landscaping alterations that would change the structure's residential character.

ATTACHMENTS

1. Site Image



E Marilyn Dr