

**CLINTON CITY PLANNING COMMISSION MINUTES**

**Commissioner Dave Coombs (Chair)**  
**Commissioner Bob Buckles (Vice Chair)**  
**Commissioner Tony Thompson**  
**Commissioner Allen Labrecque**  
**Commissioner Jolene Cressall**  
**Commissioner Jeff Ritchie**  
**Commissioner Jacob Briggs**

<b>Planning Commission Meeting</b>	<b>November 3, 2015</b>	<b>Call to Order: 7:04 PM</b>	<b>2267 N 1500 W Clinton UT 84015</b>
<b>Staff Present</b>	Community Development Director Will Wright and Lisa Titensor recorded the minutes.		
<b>Public Present</b>	Jeff and Alison Chambers, A. Jack Patterson, Jon Kent Draayer, Craig North, Colby Bond, Steve Hubbard, Art Ballif, Linda Hogge, Jerry Hogge, Bruce Nilson		
<b>Pledge of Allegiance</b>	Commissioner Buckles		
<b>Invocation or Thought</b>	Commissioner Thompson		
<b>Roll Call &amp; Attendance</b>	Present were: Commissioner Coombs , Commissioner Buckles, Commissioner Cressall, Commissioner Thompson, Commissioner Briggs, Commissioner Labrecque  Excused were: Commissioner Ritchie		
<b>City Council Report</b>	Mr. Wright reported that the October 27, 2015 City Council Meeting was cancelled.		
<b>Approval of Minutes</b>	<b>Commissioner Buckles moved to approve the minutes of the October 20, 2015 Planning Commission meeting as amended. Commissioner Thompson seconded the motion. All those present voted in favor of the motion.</b>		
<b>Declarations of Conflict</b>	There were none.		
<b>7:10 P.M. PUBLIC HEARING – RESOLUTION NO. 22-15 – REVIEW AND RECOMMEND FOR COUNCIL ACTION A REQUEST OF KW ADVISORY GROUP, REPRESENTED BY COLBY BOND FOR THE FINAL PLAT OF PATTERSON HOMESTEAD SUBDIVISION, PHASE 1, LOCATED AT 2580 NORTH ON THE EAST SIDE OF 3000 WEST.</b>			
<b>Petitioner</b>	KW Advisory Group represented by Colby Bond		
<b>Discussion</b>	Colby Bond addressed the Planning Commission and explained that the delays on this project have been a result of issues on the Hooper side dealing with sewer and land drain.  Mr. Wright reported that the revised drawings for this Final Plat were submitted to the City on October 28. Staff is reviewing these plat drawings and should be ready to proceed by the November 17, 2015 meeting. The Planning Commission approved the Preliminary Plat for the Patterson Homestead Subdivision on May 5, 2015. This Final Plat for Phase 1 consists of 27.4 acres for 58 lots that are zoned R-1-15.  At 7:19 p.m. Commissioner Coombs identified this public hearing has remained open from a previous meeting and asked for public comment; there was none. He stated the public hearing will remain open to the November 17, 2015 Planning Commission Meeting.		
<b>CONCLUSION</b>	<b>Commissioner Thompson moved to table Resolution 22-15, a review and action upon a request for approval of the Final Plat for Phase 1 of the Patterson Homestead subdivision located at 2580 North on the east side of 3000 West to the November 17, 2015 Planning Commission meeting with the public hearing to remain open. Commissioner Cressall seconded the motion. All those present voted in favor of the motion.</b>		
<b>7:15 P.M. PUBLIC HEARING – ORDINANCE NO. 15-09Z – REVIEW AND RECOMMEND FOR COUNCIL ACTION A REQUEST OF JEFF CHAMBERS TO REZONE AN .84 ACRE PARCEL FROM RESIDENTIAL (R-1-8) TO AGRICULTURAL ESTATE (A-E) AT 1104 NORTH 1000 WEST.</b>			
<b>Petitioner</b>	Jeff Chambers, property owner		
<b>Discussion</b>	Jeff Chambers said he would like this rezone to build a large garage in the back of the property. Eventually the property is intended to be split into two lots and a house built on the vacant lot.  Mr. Wright identified the area is designated in the Master Land Use Map as R-1-8. The property to the North, East and South are zoned R-1-8 and the property to the West is zoned R-1-10.  Commissioner Buckles expressed concern about the AE zone. He stated that Chapter 13 identifies		

	<p>specifications and allowances for the AE zone including allowing large animals which are not allowed in residential zones. He is not in favor of allowing the AE zone.</p> <p>Mr. Wright responded some lots in the area are smaller and have non-conforming animal rights.</p> <p>Commissioner Cressall asked if once the lot is divided if the garage will be in compliance.</p> <p>Mr. Wright confirmed it would.</p> <p>Commissioner Thompson asked what the lot sizes will be when it is divided.</p> <p>Mr. Wright replied this lot would be a half acre and the vacant lot will be a third of an acre.</p> <p>Commissioner Coombs opened the public hearing at 7:31 p.m. and asked for public comment; there was none, therefore he closed the public hearing at 7:33 p.m.</p> <p>The Planning Commission questioned if this request should be addressed by the BZA or if the R-1-10 zone may be a better option for the rezone.</p> <p>Mr. Wright responded that there is no prevailing reason to request a variance to the ordinance; therefore it is not an issue to be addressed by the BZA.</p> <p>Commissioner Briggs expressed concern the rezone would deviate from the Master Plan.</p> <p>Commissioner Thompson responded that the Master Plan provides the highest density; this would actually decrease the density factor.</p> <p>The Planning Commission discussed the requirements and potential of an R-1-10 zone.</p> <p>Commissioner Thompson asked what the plan is for the vacant lot, he identified that 1000 West was recently improved and the road could be an issue.</p> <p>Mr. Chambers responded that he was notified of the road improvements beforehand and was able to get the utilities stubbed into the property so the new road will not be impacted.</p> <p>The Planning Commission discussed the potential of an R-1-10 zone to provide Mr. Chambers the opportunity to build at least a 2,000 square foot garage. They determined it may be necessary to table the issue to determine the correct provisions to meet an R-1-10 or R-1-15 zone and to allow time to review the legal description of the property.</p>
<p><b>CONCLUSION</b></p>	<p><b>Commissioner Thompson moved to table Ordinance No. 15-09Z a review and recommendation to the City Council regarding a request to rezone property located at 1104 North 1000 West from Residential (R-1-8) to a portion of the parcel to Agricultural Estate (A-E) in order to get a legal description and consider an alternative zone with the public hearing to remain open until the November 17, 2015 Planning Commission Meeting. Commissioner Briggs seconded the motion. Voting by roll call is as follows: Commissioner Cressall, aye; Commissioner Briggs, aye; Commissioner Thompson, aye; Commissioner Labrecque, aye; Commissioner Buckles, aye; Commissioner Coombs, aye.</b></p>
<p><b>7:25 P.M. PUBLIC HEARING – RESOLUTION NO. 24-15 – REVIEW AND RECOMMEND FOR COUNCIL ACTION A REQUEST OF JEFF CHAMBERS TO CREATE A MINOR (TWO LOT) SUBDIVISION AT 1104 NORTH 1000 WEST.</b></p>	
<p><b>Petitioner</b></p>	<p>Jeff Chambers, property owner</p>
<p><b>Discussion</b></p>	<p>The staff report identified that the area is designated on the Master Land Use Plan as R-1-8; the property to the north, east and south of this parcel is zoned R-1-8, while the property to the west is zoned R-1-10.</p> <p>Commissioner Coombs opened the public hearing at 8:13 p.m. He stated the public hearing will remain open to the November 17, 2015 Planning Commission meeting.</p>
<p><b>CONCLUSION</b></p>	<p><b>Commissioner Buckles moved to table Resolution 24-15 a review and recommendation to the City Council concerning a request for a Minor Subdivision (two lots) at 1104 North 1000 West pending a decision on the rezone and that the public hearing remain open until further discussion on November 17, 2015. Commissioner Cressall seconded the motion. Voting by roll</b></p>

call is as follows: Commissioner Cressall, aye; Commissioner Briggs, aye; Commissioner Thompson, aye; Commissioner Labrecque, aye; Commissioner Buckles, aye; Commissioner Coombs, aye.

**7:35 P.M. PUBLIC HEARING – ORDINANCE NO. 15-10Z – REVIEW AND RECOMMEND FOR COUNCIL ACTION A REQUEST OF BRUCE NILSON, NILSON HOMES, REPRESENTING HE FLY’S LLP, FOR A REZONE OF THE PROPERTY LOCATED AT APPROXIMATELY 2382 WEST 1800 NORTH, CLINTON, UT FROM RESIDENTIAL (R-1-9) TO PATIO HOME (PH), MORE ACCURATELY DESCRIBED IN ORDINANCE 15-10Z.**

**Petitioner** Bruce Nilson, representing Nilson Homes and He Flys, LLP

**ORDINANCE REFERENCES:** General Plan, Land Use section  
Zoning Ordinance 28-1-4(2)

**Discussion**

Bruce Nilson stated he is passionate that this property should be developed as patio homes. The success of the recent Country Cove development on 1800 N of 13 lots which is sold out but for one lot identifies the need for patio homes.

The parcel in question is approximately 17 acres and although larger than the 5 acres stipulated by the ordinance for a PH zone does meet the infill criteria. It is surrounded on all three sides by development. The east side of the property currently has 3000 sq. ft. lots and the west side 7100 to 9500 sq. ft. lots. The PH zone would allow for a community of approximately 4.6 units to the acre.

Currently the General Plan calls for the first half of the parcel to be the PZ Zone, which according to the code would allow 4.7 lots to the acre and the other half the R-1-9 zone which would allow 3.8 units to the acre. The estimated difference in putting a PH zone on the parcel and using the zoning design for the General Plan would be approximately a difference of 8 lots.

This parcel empowers the City. It would provide a natural transition from higher density housing to lower density housing and allows the City absolute control of the development. There would be less traffic, fewer people and a higher scale value. The homes will be built with brick, stone or hardi-board. It will be totally landscaped which will be maintained by an HOA.

He stated the Draayers and Hogges have talked with neighbors; no one in the area is against this type of development.

Commissioner Briggs asked for clarification on the actual numbers for the difference in lots between the zones.

Mr. Nilson responded that the current zoning would allow 57 lots; the current General Plan zoning would allow 65 lots; and the requested PH zone would allow 71 lots.

Mr. Wright referred to the following information from the General Plan which was included in the staff report:

The Master Land Use Plan does not provide any Patio Home zoning in the future of the City, however the land use section of the General Plan references the need for high-quality retirement communities. The following chart found on page 10 of the General Plan outlines characteristics of a desired single family retirement community.

Characteristics of a desired single family retirement community	
	Should not be allowed in all zones
	Allow in areas where the higher density would not detract from large lot developments
	Frontage of lots should not be adjacent to frontage of larger lots
	Density increases over established zone should be based on development criteria over standard development <i>criteria</i> and outlined in an infill ordinance
	Allow only in small areas that are considered infill
	Developments should improve the overall characteristics of surrounding properties
	Require proof (through assessed values) of higher quality products
	Access should not be restricted
	Qualifications for higher density should be established
	Quantifiable criteria for percentages of increase over established zone
	Landscape requirements and enhancements
	Recorded Development Agreement with all approved development criteria
	Superior building materials
	Quantity and quality of community amenities
	Established and professionally managed HOA
	Trail / park / shopping / transportation access for residents
	Require proof that the City has adequate infrastructure to support the development

		Public streets and infrastructure meet established guidelines	
		Meets unmet housing demand	
		Developer is builder	
		Architectural theme with diversity of appearance	

However, Chapter 28-14 indicates the Patio Home zoning is permitted in single family residential zones R-1-6, R-1-8 and R-1-9 as an infill zone for parcels five (5) acres or less with other conditions noted in this chapter. The 17.58 parcel is currently zoned R-1-9 with the Master Land Use Map being the same zone, however the frontage along 1800 North is reserved for Performance Zone.

He identified this same rezone request was rejected last May by the Commission.

Mr. Wright clarified that although table 28-22-5.1 in the Zoning Ordinance does provide parameters for maximum density and acreage in larger infill lots, he does not think it was the full intent. He explained that he discussed the issue with Mr. Vinzant who provided the explanation that it was left in the table so that existing patio home zone developments would not become non-conforming.

Commissioner Briggs stated he feels the intent of 28-22-3 was that the PH zone would only be permitted on parcels 5 acres or less. He feels the purpose paragraph identified in Chapter 22 lends to this interpretation as well. He read from 28-22-1: **Purpose.** *The purpose of the Patio Home Zone is to provide an acceptable housing style for single family “empty nest” type housing that is a sustainable quality product within Clinton City. Additionally the Zone is intended for infill use within the guidelines established within this Title. Development within any subdivision within the Zone is to be based upon an overall site design created by and developed completely by one developer and home builder.* He said the paragraph identifies infill usage is separate from conventional.

Commissioner Buckles said he was involved in the process and the intent was to make it clear that 5 acre or smaller lots which are too small for conventional development could potentially be developed as patio homes without changing the Master Plan. Larger lots should be addressed as basic zoning issues. At this point it should be up to the City Council to determine if they would like to change the Master Plan to allow for larger patio home parcels.

Commissioner Briggs agreed the proper procedure to carry out this request would be to modify the Master Land Use Map.

Commissioner Coombs opened the public hearing at 8:44 p.m.

Art Ballif said he is fortunate to have purchased one of the quality patio homes in Country Cove. It is a quality home with an HOA that maintains the property. He wants a one level home and thinks there are many others who desire this type of first class development.

Steve Hubbard stated he lives in the Clinton Town Center homes which borders the east side of this property. Although he has enjoyed the open space, he realizes this type of development is much more appealing than single family homes. The one level homes will be less obstructive and an HOA will maintain the appearance of the homes. He has known the Draayers, Hogges and Mr. Nilson for quite sometime and knows them to have integrity, he is confident they will build a quality development.

Glen Phillips stated his home also borders this property. He is not in favor of commercial development in this area. He has had the opportunity to work for Mr. Nilson and knows him to build quality homes. This type of development will also help alleviate traffic concerns because the home owners will generally be empty nesters with one or two vehicles.

Commissioner Coombs closed the public hearing at 8:55 p.m.

Commissioner Labrecque said he is in favor of more patio homes, he feels this would be a good development.

Commissioner Coombs said he is not opposed to patio homes but he feels the ordinances need to be followed.

Mr. Wright identified for the Planning Commission that a 10 day public notice is required to change the Master Land Use Map.

<b>CONCLUSION</b>	<b>Commissioner Thompson moved to table ordinance 15-10Z to allow for the City Council to consider an amendment to the Master Land Use Map with the proper public notice. Commissioner Buckles seconded the motion. Voting by roll call is as follows: Voting by roll call is as follows: Commissioner Cressall, aye; Commissioner Briggs, aye; Commissioner Thompson, aye; Commissioner Labrecque, aye; Commissioner Buckles, aye; Commissioner Coombs, aye.</b>
<b>ISSUES &amp; CONCERNS</b>	The Planning Commission took a five minute break at 9:15 p.m. They reconvened at 9:24 p.m. The agreed there was nothing further to discuss.
<b>ADJOURNMENT</b>	<b>Commissioner Cressall moved to adjourn the meeting. Commissioner Buckles seconded the motion. All those present voted in favor of the motion. The meeting adjourned at 9:24 p.m.</b>