

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
November 3, 2020

City Building
55 South State Street
Clearfield City, Utah

No physical meeting location was available for the public due to the statewide public health emergency which might present a substantial risk to the health and safety of others. The meeting was held for the public electronically via Zoom Meeting address:

Zoom Meeting
<https://us02web.zoom.us/j/86182104860>
Meeting ID: 861 8210 4860

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Tim Roper	Councilmember
	Karece Thompson	Councilmember
PRESENT VIA ZOOM:	Nike Peterson	Councilmember
EXCUSED:	Vern Phipps	Councilmember
STAFF PRESENT:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Teresa Allen	Victim Services Coordinator
	Melissa Kometscher	Victim Housing Advocate
	Kelly Bennett	Police Chief
	Devin Rogers	Police Assistant Chief
	Scott Manookin	Police Lieutenant
	Heather Arnell	Police Officer/VAWA Investigator
	Adam Favero	Public Works Director
	Braden Felix	City Engineer/Deputy PW Director
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Trevor Cahoon	Communications Coordinator
	Rich Knapp	Finance Manager
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS PRESENT VIA ZOOM: Paul Drake – Utah Transit Authority (UTA), Jordan Swain – UTA, Nathan Ricks – Stack Real Estate, Tim Merrill – UTA, Doug Thimm – Arch Nexus, Ken Shields – Hamilton Partners, Bruce Bingham – Hamilton Partners, Trevor Evans, Stack Real Estate

Mayor Shepherd called the meeting to order at 6:03 p.m.

UPDATE ON THE CITY'S VIOLENCE AGAINST WOMEN ACT (VAWA) PROGRAM

Heather Arnell, Community Service Officer/VAWA Investigator, stated the City had applied for and been awarded grant money from the Violence Against Women Act (VAWA) to match funding for a program providing officer involvement in assisting victims of domestic violence. She indicated her salary was 50 percent funded by the VAWA grant and at least half of her time was spent on domestic violence investigations.

Officer Arnell reviewed the City's VAWA program goals which included:

- Collaboration with allied agencies to improve services to victims of the community.
- The VAWA Investigator working to improve victim's confidence and trust in law enforcement.
- The VAWA Investigator working collaboratively with allied agencies to provide training to agencies serving VAWA eligible victims.

Officer Arnell reviewed the VAWA statistics from January 1, 2020 to October 15, 2020. She reported there were 502 total cases reviewed, 422 victims referred to other services/programs, 69 cases screened with prosecutors; 201 protective order assistance; and 51 victims referred to Davis Behavioral Health, Division of Child and Family Services, or others.

Officer Arnell highlighted the collaboration and training efforts to date which included:

- Assisting in policy change with the jail.
- Implemented jail release agreement (JRA) procedures.
- Provided all Clearfield Police Department officers with four-hour mandatory training.
- Provided domestic violence training for other agencies.

Officer Arnell shared a success story about the services provided and help that was available to assist a victim of domestic violence. She thanked the Mayor and Council for their continued support of her position.

UPDATE ON THE CITY'S VICTIM SERVICES AND DAVIS AREA VICTIM HOUSING ASSISTANCE PROGRAMS

Teresa Allen, Victim Services Coordinator, introduced Melissa Kometscher the new housing advocate. She reminded the Council of the goals of the Victims Of Crime Act (VOCA) Grant which included:

- Reduce trauma to victims of domestic violence and other violent crimes in Clearfield City.

- Enhance victim services by assisting victims in locating resources and by providing services through the use of volunteers.
- Provide support and advocate for victims of crime prosecuted in the Clearfield City Justice Court.

Ms. Allen reviewed service statistics for the 2019/2020 fiscal year. She reported there were 658 individual victims served; 1,568 direct victim contacts; 677 provided case notification or criminal justice updates; 43 crisis assistance, 25 protection order assistance; and 52 provided crime victims' reparation assistance. She explained most victims served were victims of domestic violence.

Councilmember Thompson arrived at 6:20 p.m.

Ms. Allen stated the Davis Area Victim Housing Assistance (DAVHA) program for the City had been coordinated by Melissa Kometscher. Ms. Kometscher reviewed the service statistics for the 2019/2020 fiscal year. She reported there were 129 individual victims served; 277 direct victim contacts; 57 flexible funding assistance totaling \$44,191.70, 27 mobile services provided; 27 mobile services provided; and 95 referrals received. She noted 81 percent of the victims served were victims of domestic violence.

DISCUSSION ON A CHANGE ORDER FOR THE LEGEND HILLS UTILITY INFRASTRUCTURE PROJECT

Adam Favero, Public Works Director, stated Public Works was ready to start construction on Phase B of the Towers at Legend Hills Culinary Water and Storm Water Piping Project. He reported since the last meeting where the original contract was discussed in March, Public Works staff had been working with the Bravada 193 Development Group to design a Storm Water detention pond adequate in size to hold the appropriate amount of storm water during wet weather events. He mentioned the change order consisted of earth work around the current detention pond to increase its capacity; installation of new 18" reinforced concrete piping; installation of several storm water boxes; open canal construction; construction of inlet and outlet structures of pond; and, the reconstruction of walking trail where the project would cross.

Mr. Favero explained the City was coordinating with the developer on the project. He pointed out that the contractor planned to start work for the change order in mid-November and was planning on a six to eight week build time, weather permitting. He acknowledged the only time constraint related to the project was having the work completed before the Bravada 193 development needed to tie into the detention pond.

Mr. Favero reviewed the following costs associated with the change order bid proposal.

Storm Drain Improvements:	\$237,331.00
Contingency and Engineering:	\$ 47,466.20
Total Cost:	\$284,797.20

Mr. Favero pointed out that even with the additional expense of the change order, the City would be under the amount outlined in the Storm Water budget. He asked if there were any questions or concerns with the change order dollar amount. There were no concerns expressed.

DISCUSSION ON THE PURCHASE AGREEMENT WITH JERRY BYINGTON FOR PROPERTY LOCATED AT APPROXIMATELY 921 SOUTH 1000 WEST FOR 1000 WEST INFRASTRUCTURE IMPROVEMENTS

Braden Felix, City Engineer/Deputy Public Works Director, stated staff had been negotiating with property owners along 1000 West to purchase property so the City could acquire property for rights-of-way. He indicated the staff report included with the agenda was regarding the purchase agreement prepared for the Byington property located at approximately 921 South 1000 West. He noted the purchase amount negotiated was for \$6,253.67 which would be for a road dedication of a 66-foot right-of-way.

Mr. Felix explained the recorded property line was down the middle of 1000 West, so a survey was preformed to find the property corners and existing road boundaries. He stated if the City were able to purchase the property it could install the curb, gutter, and sidewalk needed on that minor collector road for better drainage, road maintenance, and pedestrian safety. He noted there was currently a 290-foot gap in roadside improvements in that area.

Mr. Felix mentioned the neighbor's property located at 907 South 1000 West was recently negotiated with the owner, Dennis Burton, for a purchase price of \$2,949.81. He indicated it was not finalized prior to the preparation of the current agenda packet so it had not been included. He asked if the Council was comfortable considering both purchase agreements during the policy session on November 10, 2020, or if there would be a desire to have a work session discussion regarding the Burton property purchase agreement prior to the policy session. The consensus of the Council was to provide the information with the staff report, and then both could be considered during the policy session.

Councilmember Bush wondered where the money would come from for the rights-of-way purchases. Mr. Felix responded the funds would come from the funds budgeted for the 1000 West project that were set aside for the year.

Councilmember Bush asked if there would be enough money remaining to cover the additional costs for the curb, gutter, and sidewalk. Mr. Felix answered the estimates received from contractors for the work were so high that staff requested grant funding for safe routes to schools and if awarded those funds then they could be utilized to fund the completion of the work or funds could be requested in the upcoming fiscal year budget. He added the City should know later in the month if those funds were approved from the safe routes to schools' grant.

JJ Allen, City Manager, asked if there would be a match on the safe routes to schools' grant. Mr. Felix replied no match would be required.

Councilmember Bush commented it would be great to have safer sidewalks and wished it could be done for those that travel on 800 North too. Mr. Felix indicated staff would be looking into

those other similar areas and situations where there were no curb and gutter, and the rights-of-way were in the middle of the road. It would be good to work with a consultant to have designs done and ownership in the City's name and then apply for the grant funding to complete the work.

DISCUSSION ON THE CLEARFIELD STATION MASTER DEVELOPMENT PLAN AND AGREEMENT

Master Development Agreement (MDA)

Mayor Shepherd explained the current discussion's purpose was to tie up questions the Council might have about the Master Development Agreement (MDA) and Master Development Plan (MDP) for the Clearfield Station site prior to their consideration at an upcoming City Council meeting. JJ Allen, City Manager, added staff wanted to hit on some points that needed further discussion.

Mr. Allen stated comments and questions received during the previous work session on the Clearfield Station MDA and MDP had been submitted to UTA and the developers for review. He added additional questions had arisen from members of the Council in the interim that needed to be addressed. The following were some of the points of discussion for the MDA.

- Anchor commercial tenant
- The difference between City Code and City laws. Stuart Williams, City Attorney, explained both were listed in the agreement to be more encompassing than just land use regulations.
- There was a suggestion to include an elected official in the Clearfield Station Group. Bruce Bingham, Hamilton Partners, stated the developer had no objection to that suggestion.

Tim Merrill, UTA counsel, interjected the comments from the previous work session had been reviewed and there were no concerns with any of the proposed revisions except the number of residential units, which needed further discussion with all the parties.

- The agreement's reference to the "Act" is specific to the Land Use Development Management Act (LUDMA).
- There was no definition provided for Transportation Demand Strategies and was still forthcoming.
- A definition had been added for Transportation Facilities.
- There was a Council comment that the City had a lot of risk attached to the requirement for bond proceeds. Mr. Allen acknowledged that was true; there was a lot of risk associated with the bonding.
- There was a request to make the language in the MDA consistent with the language in the MDP.
- A discussion was need regarding the number of residential units that should represent build out for the project: 1000 residential units versus 800 residential units.

Mr. Merrill explained the intent of the MDA was for the developers to achieve entitlements. He continued language allowing the developer to come back and ask for additional residential units did not constitute an entitlement. He stated it was important for the developers to understand the entitlements in order to project future financial investments that would be needed. He pointed out that the number of residential units allowed needed to be locked in with the approval of the agreement.

Mayor Shepherd commented 800 residential units was the number the City Council was comfortable with at the current stage of the negotiations. Mr. Bingham explained the developers originally were going to propose a not to exceed number of units; however, as potential growth was considered it appeared more appropriate to define a specific number. He added the developers were looking for the number of residential units that provided certainty and flexibility without creating a larger footprint but addressed potential growth. He commented the developers had to convince its financial partners there was sustainability that warranted the investment. He suggested a compromise might be 900 units.

Councilmember Bush expressed his concern for how additional units would require additional parking availability. He wanted to know how the developers would ensure there was sufficient parking without residents parking on the streets or in defined open spaces.

Mr. Bingham responded there was some surface and podium parking planned. He agreed that parking was the constraint on the number of residential units that could be built. He added there would need to be a balance to the equation of residential units and provided parking spaces. He continued there was no intention by the developers to allow residential parking on the streets. Mayor Shepherd asked if the intent was to provide podium parking for the project or only if the City agreed to the higher number of residential units. Mr. Bingham responded it would be a combination and contingent upon the costs involved. Ken Shields, Hamilton Partners, explained if the residential count remained at 800 units the parking would largely be surface and tuck under parking; however, if the residential count were increased the hope was for surface and podium. He added all residential parking would be on the site for the complex and not provided on the streets.

Mayor Shepherd suggested it be written in the agreement that if the count was 800 residential units the parking would be surface and tuck under. Doug Thimm, Arch Nexus, explained if the residential count increased to 1000 units parking would likely be podium style, a wrapped structure, or structured parking of some kind. Mr. Allen suggested if the Council agreed to 1000 residential units there needed to be an addition to the agreement that addressed the parking would be contained within the site however that was accomplished. Councilmember Bush reiterated he didn't want to take open space from the project to surface park. Mr. Allen indicated the open space requirements were defined in the agreement. Summer Palmer, Assistant City Manager, commented that additional residential created by taller buildings had the potential to increase the tax increment revenue that could be used to make the infrastructure bond payments. Mayor Shepherd agreed. He commented density was as much of an issue as the availability of parking and the flow of traffic. Mayor Shepherd commented he was comfortable with wording that stipulated the parking would be contained within the footprint of the complex. Councilmembers Roper and Bush commented they were comfortable with the wording proposed.

Councilmember Thompson wondered if the resources would be available to maintain the infrastructure system. Mayor Shepherd suggested the long-term outlook for property tax revenue generated by the site appeared strong enough. Mr. Allen added economists strategized that the denser the development the more sustainable it would be across the board. He added if the intent was to increase density by taking the building vertical it would be more sustainable for parks and other systems overall.

Councilmember Peterson understood the logic; however, stated she was not a fan for political reasons meaning that maintaining trust with the residents was paramount to her decision. Councilmember Bush agreed.

Councilmember Thompson was uncertain. He asked how additional units would spur the overall economic development of the site. Spencer Brimley, Community Development Director, stated the residential development would be done in phases and that not all 1,000 residential units would be built at once. Councilmember Thompson stated he understood that but wondered how 1,000 residential units met the economic piece of the overall development. Mayor Shepherd explained the phased approach and how an anchor tenant had to be in place before the first residential building was built then from there residential and commercial would develop together. Mr. Bingham agreed. He stated there was sequencing in place that included the construction of one residential complex until there was a commensurate amount of commercial or office; therefore, the construction would be balanced at the discretion of the Council. Councilmember Roper commented the balanced phasing was why he was comfortable with the proposal. Councilmember Thompson commented if 1,000 residential units were approved the balancing sequence had to be in place for residents to see the vision for the site. Mr. Allen explained the balanced sequencing. He stated the only way the development would reach 1,000 residential units was after the third or fourth office building was completed.

Mr. Allen addressed the economics of the site relating to paying for the infrastructure bonds. He explained that the tax increment revenue was conservatively modeled and was based on the completion of two office or commercial buildings and not much retail. The model indicated there would be enough revenue to service the bonds.

Mr. Allen referred to parking on the street and comments from the Council about how it would be affected by the winter parking ordinance. He explained that staff did not see a conflict because residential parking would be on the complex site. He reminded the Council the winter parking ordinance was specific to overnight parking and parking on the street was an ancillary use of the commercial and residential development.

- Anchor Commercial Tenant

Mr. Allen explained the MDA required a sales agreement be signed with an anchor tenant before construction began on the first residential complex. Mayor Shepherd commented it was important to specify a time frame for the anchor tenant to be in place and operating. Mr. Allen suggested there would be no construction of a second residential complex until the anchor location or a commercial building were built. Mr. Bingham agreed that suggestion had been

discussed as well as the alternating sequencing and it was fair for both parties while being sensitive to the desires of the Council.

Trevor Evans, Stack Real Estate, explained an anchor tenant would want other uses in place before building to know that its services would be supported. Mayor Shepherd expressed concern that the number of residential units needed to satisfy an anchor tenant might be higher than the City was willing to allow in the first phase. He reminded the group there were already several complexes in place in the area. Mr. Evans commented the anchor tenant currently being negotiated with would like to see as many residential units as possible at the site. He expressed hesitation with the language being proposed especially considering the current pandemic. He suggested the anchor tenant might not come first but rather in tandem or even after the first residential complex was started. He stated the developer knew it would happen but the timeframe was somewhat problematic.

Councilmember Bush commented there were a lot of existing residential units within a quarter mile radius of the site. Mr. Allen agreed.

Mr. Allen asked the Council if it was comfortable with the latest revision to the agreement. Mayor Shepherd commented he was unsettled with the proposal given the current pandemic. He wanted to see a signed agreement in place before the residential was built. Mr. Allen explained that was the current requirement in the agreement. Mayor Shepherd asked to add a settlement deadline not to exceed two years. Mr. Allen asked the development team if that settlement date was acceptable. Mr. Evans commented he had concerns about establishing a deadline, but it did get the agreement closer to what was needed. He added it took longer to construct a multi-family use as opposed to a commercial use. He asked if that timeframe allowed the developer to start on the first phase of residential only. Mr. Allen stated that was the understanding. Mr. Bingham asked for a summarization of the changes being proposed. Mr. Allen summarized the language as “Purchase and Sale Agreement shall include a settlement deadline not to exceed 24 months beyond the date the Agreement is executed.” Mr. Bingham asked if that meant a residential complex could not be built until a purchase and sale agreement was entered into with an anchor tenant. Mr. Allen responded yes. Mr. Bingham was vehemently opposed to that scenario. He stated the residential developer could not be held hostage to the signing of the agreement with a commercial tenant. Mr. Allen responded that construction phase had always been in the MDA; the only new part was the 24 months. Mr. Evans was okay with the change but cautioned the anchor tenant might not be ready to give the 24-month commitment right away. Mr. Allen explained the City wanted the assurance that an anchor tenant was coming while not forcing them to be the first thing out of the ground and the signed purchase and sale agreement would be that assurance.

Jordan Swain, UTA, proposed a third scenario. He suggested language that would allow a certain amount of time to get a tenant, if it was not the business currently expected, while construction began on the first residential component. Mr. Allen explained that would be a revision to the paragraph that might not be amendable to the Council. Councilmember Peterson agreed with Mr. Allen’s summation. She understood that the bond payments might be made with a strictly residential piece going vertical first; however, residents were concerned about the site being strictly residential and ultimately the Council was looking out for the residents’ concerns. She

reiterated there needed to be a balanced approach not just with the phasing but with the risk assumption. She commented an anchor tenant facilitated and drove development to the site, which was a different approach than a complementary feature for the development. She stated the flexibility being proposed by Mayor Shepherd on the timeline was a generous compromise.

Mr. Bingham asked what was meant by Step 2 in the paragraph about the anchor tenant. Mr. Allen explained Step 1 was the horizontal improvements the City would be installing and Step 2 was the private construction of the development and buildings.

- Mixed-Use Residential Commercial Overlay

Mr. Allen stated concerns were expressed about the mixed-use residential commercial overlay being allowed up to 14,500 square feet. He explained the agreement was referring to the corners of the buildings that could be mixed-use. He suggested rather than having a maximum square feet the requirement be changed to a minimum 4,000 square feet. He added there was nothing in the development that was predicated on the development of those spaces but rather something all parties wanted to happen. Councilmember Bush suggested the minimum be 5,000 square feet. Councilmembers Roper and Peterson were fine with either designation. Council Peterson wanted to make sure the language in the MDP remained the same in that the contemplation of mixed-use be declared at the time of permit not converted later so it was understood how that would fit as far as phasing. Mr. Allen indicated that language had been stricken in a previous version because implementation was going to be complicated. He stated nothing depended on the overlay areas. Mr. Thimm asked what would trigger it and could it be at the end of the project. He continued those types of commercial uses depended on there being enough rooftops in place to support them. He added the viability of those uses would be greater toward the end of the project. He stated it was important to avoid empty storefronts. He added if there were no triggers it could be market driven and implemented in increments and phrased as such.

Mr. Swain asked if the use needed to be defined at permitting or was there a possibility of building a residential complex with some ground floor flexibility. Mr. Allen responded the ground floor flexibility was a concept discussed in a different version and was stricken from the current draft of the agreement all together. Mr. Evans cautioned it would be difficult to predict the market at the time the units were built. He commented that was why there needed to be flexibility driving the sizing of those spaces. Mr. Allen suggested instead of tying it to square footage might it be distinguished as two retail spaces. Councilmember Peterson stated it was only important to her that it be required by the agreement. She expressed concern that it be tied to market driven because it might never come to fruition. Mayor Shepherd liked the idea of requiring two commercial spaces in those areas and not tying it to a square footage component. Mr. Evans asked if it could be a conversion at the build out of the project. Mr. Allen responded yes. Mr. Thimm added changing the language to specify two spaces made more sense.

- Sequencing

Mr. Allen asked if the sequencing language had been resolved. He summarized that the first vertical construction could be residential only if an anchor tenant had signed a purchase and sale

agreement. He continued from that point forward there would need to be balance to the development.

- Zoning and Vested Rights

Mr. Allen explained the attorneys were working to clarify some of the language in that paragraph.

- Public Improvements

Mr. Allen explained a definition had been added for 'Transportation Facilities.' He stated the agreement also included a reference to incorporating the necessary design and construction that would accommodate UTOPIA and other telecommunication providers at the site.

Mr. Allen commented the agreement clarified that the open space shall consist of meaningful areas that promoted the goals and objectives of the City as described in the MDP. He also pointed out two places where the wording was changed from 'oversee' to 'collaborative.'

Mr. Allen also commented some language had been removed requiring a public hearing for the vacation of a right-of-way and substituted with the Utah Code Annotated reference on the subject.

Mr. Allen addressed the number of parking stalls being planned for at 700. He stated there had been a question about whether that number was definite. Mr. Swain explained the not to exceed number was 700 and might end up being even less. He stated that UTA looked at the capacity of park and ride lots conservatively. It was important to provide adequate space without having a lot of empty spaces. He further explained that UTA worked with communities and developer to incentivize bicycle, UBER, and LYFT usage to cut down on the demand for the park and ride lots.

- Miscellaneous Provisions

Tim Merrill, counsel for UTA, explained the assignability clause in the agreement. He stated the City might consent to the assignment of the agreement to a third party; however, that consent would not be needed if the agreement were assigned to an affiliate. An affiliate would have commonality of ownership with the developer but might be working under a different name. He explained in that instance consent would not be needed because both entities would be owned by the same people.

Master Development Plan (MDP)

Spencer Brimley, Community Development Director, reviewed several areas of the MDP with the group.

Page 26

Mr. Brimley indicated that Section 4 contained the design guidelines and was more regulatory and would contain language consistent with “shall.” Doug Thimm, Arch Nexus, clarified that Section 4 provided the guidelines that reached the goals for the development and Section 5 provided the regulatory requirements for land use and building development that would bring the aspirations of Section 4 to regulatory requirement.

Page 29

Mr. Brimley indicated there had been a question about allowing concrete or glassfiber reinforced concrete (GFRC) panels in the materials list of the design guidelines. He asked the Council how it felt about that type of industrial material. Mr. Thimm explained architectural concrete could add beauty and flavor to the area. He continued not being allowed to use that type of material would detract from the overall look of the project. He stated the hope was to provide an industrial feel that had a level of refinement when used with other materials. There appeared to be consensus in allowing it to remain a possible material.

Page 36

Mr. Brimley referred to the Street Typology Plan and asked for mid-block connection and pathways to be distinguished more clearly. Mr. Thimm offered to add a parenthetical comment that more clearly defined the points.

Mr. Brimley commented that the document referred to alleys in the townhome section but it was not defined in the street type list. Mr. Thimm consented to add clarification on that issue. Mr. Brimley suggested some language be added that addressed parking and setbacks to make sure it was not confusing.

Page 52

Mr. Brimley pointed to the second paragraph on the page referring to ‘adequate density.’ He asked if the language should just be ‘density.’ The Council suggested striking the word ‘adequate.’ Mr. Thimm agreed.

Page 54

Mr. Brimley suggested it might not be necessary to include sequencing in that section because it was already included on Page 66. Mr. Thimm agreed to remove it so there was no overlapping direction.

Mr. Brimley also explained a recommendation from the Council about requiring the building heights be a minimum of four stories for the mixed-use residential buildings. Mr. Shields wanted to run that request by the architect. Mr. Thimm responded the two-story requirement was intended to provide variety to the overall development as it was currently written. There appeared to be consensus to leave the language as drafted requiring a minimum of two stories.

Page 55

Mr. Brimley commented the required street parking might have already been addressed earlier in the meeting. Councilmember Bush mentioned there was a section that required on-street parking. Mr. Allen explained the streets were being built with on-street parking. He continued the on-street parking was an important feature for a Transit-Oriented Development (TOD) district, but it was not counted toward minimum parking requirements for any of the residential or commercial uses. Councilmember Bush suggested a wording change that explained streets shall be built to accommodate some on-street parking but was not part of the overall parking requirements. Mr. Allen explained the section was in the mixed-use residential land use. He stated it could be reworded to clarify the purpose of the on-street parking. Mr. Thimm explained the intent was to create an urban solution and urban solutions had complete streets that accommodated convenient parking along their length.

Brad McIlrath, Senior Planner, suggested a change to the residential parking section clarifying that 1.2 off-street parking stalls were required, then it would be clear that the on-street parking could not count toward the minimum parking requirements. He suggested it would make it easier for the City to explain. Mr. Thimm stated that language would be consistent with the intent, and he would make the change.

Page 57

Mr. Brimley referred to a question from the Council specific to Alternative Required Parking in Section 5.2 where it stated, "...Parking ratios for Office Land Use may be adjusted based on shared parking standards and a parking analysis..." The question was would the decision for that be administrative or a Council determination, if allowed. Mayor suggested it could be a staff decision. It was agreed to add staff to the language.

Councilmember Bush pointed out that each section had the same wording about on-street parking being required. Mr. Thimm agreed to add clarification to protect all the parties.

Page 58

Mr. Brimley commented there had already been a discussion about removing alley streets and calling them local streets. He stated there had been a question about the setback requirements for the local street. He suggested the local street setback be a maximum of 50 feet from the right-of-way line. Mr. Thimm agreed to make the change. Councilmember Bush pointed out the section still referred to on-street parking being required. Mr. Brimley responded that type of parking would not work in that area because of the 22-foot right-of-way so it needed to be changed.

Mr. Brimley also mentioned the Council was concerned about the requirement for three to four story heights in the low-medium density and wanted to see step backs adjacent to neighboring properties like the requirements in Form Based Code (FBC) creating less of an impact. The concern was specific to the northern border of the TOD. Mr. Thimm felt like three stories provided a good transition and buffer to the development. Mr. Thimm explained that continuity of product was important to the market and having a requirement for two-story when three or four was allowed elsewhere in the development was a potential problem for the development. He suggested the limitation be based on number of feet rather than number of stories and additionally requiring landscaping along the edge. He suggested defining it as 36 feet.

Councilmember Bush asked if there was a rear setback along the property line. Mr. McIlrath stated there were only side setback requirements. Mr. Thimm offered a minimum setback of fifteen feet on that northern boundary, which would create a good ratio for a 36-foot height. Mr. Brimley asked the Council if there was a separation that would be amenable to it. Councilmember Bush asked if there would be easements around the perimeter. Mr. Brimley responded there would be easements, but those drawings were not ready yet. Councilmember Bush commented those were usually nine to ten feet. Mr. McIlrath agreed and commented no less than 15 feet setback would likely be appropriate for the area. Councilmember Bush and Mayor Shepherd were comfortable with that suggestion. Councilmember Peterson commented she was more comfortable with two stories but not more than three stories. She explained there would always be an open space on that northern edge. She agreed that landscaping between the homes and property lines would reduce the impact; however, there was a need to create a blending effect and two stories were preferred just along the northern border of the project. She commented she was absolutely against four stories in that area. Mayor Shepherd agreed about the four stories and liked the idea of blending the heights. Councilmember Peterson pointed to the Council's experience with FBC and how residents had expressed there was a critical need to blend uses. She commented it would be a more intentional approach to how the uses were massed. Mr. Thimm explained the four-story proposal included a roof deck as the fourth story. He was amenable to limiting the northern border to three stories with the 36-foot height suggestion. There appeared to be consensus on establishing the height restriction of 36 feet with 15-foot rear yard setbacks.

Page 61

Mr. Brimley asked if the Council was comfortable with the changes suggested to the MDA that addressed Commercial Overlay zones relative to commercial square footage and uses. Mr. Allen reminded the Council that discussion changed the requirement from a square footage minimum to a minimum of two spaces. He also pointed out on the drawing the two corners believed to be the most viable for the use. Councilmember Bush asked if the wording needed to change to 'as much as 14,500 square feet.' Mr. Allen commented the MDA approached it differently than the MDP. Mr. Thimm explained the MDP was a regulatory requirement and was intended to set a maximum and was not inconsistent with the MDA. Councilmember Peterson commented she would rather keep the documents consistent by referencing two spaces or both. Mayor Shepherd agreed the two documents should be consistent. Mr. Thimm said he would add the requirement for two tenant spaces and maintain the regulatory requirement.

Mr. Brimley referred to Section 5.6 Parking Land Use Regulations. He reiterated all residential parking would be self-contained and not a combination with street parking. He referred to the sentence that said, “To help business achieve the overall parking necessary, street stalls may be used to achieve the minimum stall count that is required.” He mentioned there was a question from the Council about whether that statement ran contrary to the winter parking ordinance and city standards. Mr. Brimley explained that parking for commercial uses was not intended to be overnight parking and the winter parking ordinance was specific to overnight parking. He asked if the Council wanted that language changed in any way. Mayor Shepherd suggested he just wanted to make sure the ordinances were enforced equally throughout the City. Mr. Thimm suggested a parenthetical reference to winter parking requirements in that section. There appeared to be consensus on that point.

Councilmember Bush asked if the Utah Department of Transportation (UDOT) had approved the designs. Mayor Shepherd acknowledged that UDOT had been involved in the discussions.

Mr. Brimley informed the Council that a public hearing on the documents had been scheduled for November 10, 2021; however, if the discussed amendments were not ready for that night the hearing could be continued until November 24, 2021.

OPEN MEETING TRAINING

Nancy Dean, City Recorder, and Wendy Page, Deputy Recorder, provided a training exercise for the Council to review and discuss open meeting law in accordance with State Law. There was a discussion about the 2020 amendments to the Open and Public Meeting Act that allowed for a long-term solution addressing the physical meeting space of public meetings if there was a substantial risk to health and safety.

Councilmember Bush moved to adjourn at 8:48 p.m., seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Roper, and Thompson. Voting NO – None. Councilmember Phipps was not present for the vote.

**APPROVED AND ADOPTED
This 26th day of October, 2021**

/s/Mark R. Shepherd, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, November 3, 2020.

/s/Nancy R. Dean, City Recorder