

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
October 5, 2021

City Building
55 South State Street
Clearfield City, Utah

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
PRESENT VIA ZOOM:	Karece Thompson	Councilmember
STAFF PRESENT:	Stuart Williams	City Attorney
	Kelly Bennett	Police Chief
	Adam Favero	Public Works Director
	Eric Howes	Community Services Director
	Spencer Brimley	Community Development Director
Brad McIlrath	Senior Planner	
	Shaundra Rushton	Communications Manager
	Nancy Dean	City Recorder
STAFF PRESENT VIA ZOOM:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager

VISITORS: Chuck Cowley – Cowley Real Estate Partners, Todd Weiler, Adam Berns – Berns Properties

Mayor Shepherd called the meeting to order at 6:02 p.m.

DISCUSSION ON A MEMORANDUM OF UNDERSTANDING (MOU) FOR LAKESIDE DEVELOPMENT

Mayor Shepherd announced he had a perceived conflict and would not be participating in the discussion.

Spencer Brimley, Community Development Director, stated the purpose of the meeting was to discuss the project concept in general, obtain the Council's feedback, evaluate if the City was willing to enter into an memorandum of understanding (MOU) with the developer for the project, and address general areas of concern or modifications to the Form Based Code (FBC) to be in a future development agreement. He indicated there were some handouts which had not

been provided in the agenda packet previously for the phasing and development program, FBC modification request table, and concept designs.

Mr. Brimley reviewed the proposed programming and schedule for the project. He explained the project was proposed in two phases. He highlighted the following proposed development and schedule for the northern phase of the project:

Phase Programming:

- 200 to 300 residential units; and
- 16,000 to 24,000 square feet of retail, commercial, office; and
- Parking counts per FBC
- FBC modifications as proposed

Phase Schedule:

- Design and permitting: 12 months from December 2021 to January 2022
- Construction: 21 months from January 2023 to September 2024
- Lease-up: 12 months from October 2025 to September 2025
- Schedule Contingency: 3 months October 2025 to December 2025

Mr. Brimley acknowledged the schedule for the proposed southern phase would be determined as the project moved forward and there could be some FBC modifications similar to the northern phase. He highlighted the following proposed development for the southern phase of the project:

Phase Programming:

- Minimum of 50,000 to 350,000 square feet of office space; or
- Minimum of 100 to 250 lodging units; or
- 200 to 400 residential units; and
- 8,000 to 24,000 square feet of retail, commercial or office; and
- Parking counts per FBC

Mr. Brimley reviewed the area maps and surrounding developments. He noted the development would be located in the Urban Core Commerce (UC) zone. He highlighted the concept plans which included parking, amenities, and usage of space. There was a discussion about the development area, amenities being considered, a parking lot included in the first phase, the roadway owned by two different entities that bifurcated the sites, and how the units would be for rent. Mr. Brimley invited the developer to introduce himself and the company to provide some background for the Council.

Chuck Cowley, Cowley Real Estate Partners, stated his company in partnership with Berns Properties had been interested in the Lakeside Square properties since March. He mentioned the company specialized in mixed use developments and had been developing projects in Los Angeles, California, for about 25 years. He highlighted some of the company's prior prominent projects and spoke of its goal to create high quality projects that had a feel of a community within a community.

Mr. Brimley called attention to the FBC modification request table. Brad McIlrath, Senior Planner, stated the developer had requested a standard deviation to the building location allowing for a variation to setbacks and other standards to allow for exterior dining areas and creation of a plaza to accomplish the overall design concept proposed for the development. He indicated each

of the proposed standard deviations was planned for the purpose of allowing modifications which would aid in the accomplishment of designed concepts rather than avoiding the standards.

Councilmember Bush questioned if the street proposed for the project would be a City street. Mr. Brimley responded the street was proposed as a private street which would allow public access to the public park space. Mr. Cowley stated the civic open space requirement for the development was for ten percent of the size of the lot which would be just over one acre. He continued the main piece of the open space would be along Mabey Pond. He expressed his excitement for the pond and had designed a concept of a band stand over the water. Mr. Cowley mentioned the street was preferred to stay in private hands but could agree with the City to provide public access along the roadway.

Councilmember Bush suggested a parking area be located within close proximity to the pond to accommodate that use. Mr. Cowley mentioned everything south of the roadway was very general in concept and would be adjusted once additional negotiations were made with a prospective tenant. He stated the point was well taken and could be considered as the southern phase developed.

Councilmember Phipps asked if the developer had a backup plan for the southern phase if it did not develop as the desired office space. Mr. Cowley explained there were several backup plans but if the office park did not materialize it would likely be developed as be a mixed-use project.

Councilmember Peterson requested the developer explain why a private roadway was proposed. Mr. Cowley responded a private road would allow the developer control so it could be kept up to their specifications and be first class.

Councilmember Peterson commented typically a private street was smaller. She mentioned the pond parcel was one the residents would want to access for use of the amenity and private streets gave the appearance of exclusivity. Mr. Cowley responded exclusivity was not trying to be accomplished. He commented through a development agreement it could be figured out how to have the roadway accessible year-round. He noted a narrower boulevard was desired so it calmed traffic and there would be parallel parking along both sides which would provide access for those entering the development for various uses. Mr. Cowley felt confident working with staff the civic open space could be addressed through some type of agreement.

Mr. McIlrath acknowledged the civic open space would be addressed as part of a development agreement. He explained it would be a unique space and there was not currently anything like it anywhere else downtown. Councilmember Peterson expressed her appreciation for using traffic calming measures and voiced her concerns that the parking orientation of the concept design did not appear to include a public parking area in close proximity to the pond. Mr. Cowley explained the concept plan had been designed in accordance with the parking requirements of FBC. He explained all the parking details could be flushed out and agreements could address the needs of the City if there were particular civic open space concerns. Councilmember Peterson noted parking was part of the site plan process but requested the parking for public users be addressed in the development agreement, so it was not a forgotten piece of the development.

Councilmember Thompson worried if Plan A which included an office space on the southern phase did not develop and it was developed as mixed use the residents would not see the project as a win. He wondered if there would be any way to consider major commercial tenants. He voiced his opinion the mixed use on the north worked well but hoped the office would develop on the south side rather than mixed use. Councilmember Phipps noted FBC did not delineate what would go there and mixed use was allowed in the UC zone.

Adam Berns, Berns Properties, stated the preference of the developer would be for Plan A. He explained building spec office in the current market was not good but building to suit was a great option and what the developer hoped to accomplish. Mr. Cowley responded the northern parcel was being proposed as 24,000 square feet of commercial so there would be enough space to meet the needs of most retailers. He noted there were already discussions to relocate some of the current retailers at Lakeside Square to the commercial space and there would be plenty of opportunity for many others. There was a discussion about how the developer was working towards acquiring tenants and making connections with retailers to use the retail spaces, the designing of spaces surrounding the pond would be coordinated with a landscape architect, and the project planned to have bike racks located in the development for alternate transportation users.

Councilmember Phipps explained the Council had envisioned the parcel as a regional attraction where people would come and that it would be a destination for families. He pointed out to the Council the proposed development would abandon that concept for which the Council had invested time and set aside funding for its future development as a regional destination. He explained the proposed development was more focused on residents and office.

Councilmember Roper commented there would be a draw to the retail space. He noted the City needed that type of development in the downtown corridor.

Councilmember Peterson appreciated the developer coming to share the proposal with the Council. She expressed her opinion the pieces of the development were a good start, and she had no concerns with the density. She liked the good faith attempt to bring commercial to the ground floor and liked many of the features of the project. She explained the Council had been working with residents and asked for their trust as stewards. She voiced her concern the proposed project masked the incredible asset of Mabey Pond. She felt the pieces were there but was uncomfortable with the configuration on the north because it was not centered around the existing community space. She stated it felt like the City's asset was underutilized.

Councilmember Phipps agreed and saw the pond as a community asset. He voiced his excitement for offices because he felt that had been a missing part of the community and it would complement the needs of Hill Air Force Base (HAFB). He expressed his opinion it would be good to take a better shot at making the development a community asset in addition to the office and retail.

Councilmember Peterson explained to the developer that residents would ask the Council what it was doing to protect and engage the residents already in the community rather than continually focusing on development for attracting new residents and businesses. She wondered if it could be

configured differently to create a place for residents, employees, and businesses and better utilize the public space so it was not concealed and the project was more community based.

Councilmember Roper acknowledged in prior discussions about development of the Mabey Pond area it was centered around creating a place for the community.

Mr. Cowley acknowledged the project had been designed in such a way that the pond was more accessible and open with an acre of land surrounding it and additional amenities which would help create an enhancement for the community. He apologized the Council did not see it was designed that way. There was a discussion about the components of the project and the need to have usable spaces that complimented and capitalized on the community features which already existed. Councilmember Phipps commented the thoughts seemed reasonable and worked towards what FBC was supposed to do.

Mr. McIlrath acknowledged the discussion was relevant to all the stakeholders and provided a better understanding of the desires for the development. He stated the southern portion of the project was general in its conception and wondered what the Council felt needed to happen there.

Eric Howes, Community Services Director, acknowledged the development team had included an acre of community space surrounding the pond; however, its visibility and accessibility appeared to be the missing elements. He noted if there were some minor readjustments to the proposed configuration it could allow for more visibility. He indicated parking was very distant from the pond area; therefore, if someone were to bring a paddleboard to the pond the current configuration proposed would create challenges.

Mr. Cowley indicated the roadway was designed as a curved approach to have a sense of alignment and compliment the development which allowed for a graceful arrival at the pond. He indicated it was well thought out and apologized the Council had not seen it that way. He acknowledged something else could be designed.

Councilmember Peterson commented in response to staff's question about desires for the development that she was not concerned about the type of road curved or straight, or how many stories were developed because it would be located in the urban portion of the City. She expressed concern about its current configuration. She suggested the south side would be great as an office park. She expressed her desire not to have a sea of asphalt, but understood the additional expense involved with having structured parking. She acknowledged she would love to see more density as a tradeoff for more structured parking rather than only having surface parking. She stated the northside felt like it was missing the public visibility and access to the pond.

Mr. Berns mentioned there would be plenty of parking available near the pond until the southern end developed and the design of the second phase could be reconfigured to have the parking closer to the pond. Mr. McIlrath acknowledged the proposed concept included the open space central in a centralized area which was likely attractive to tenants of the office space. There was a discussion about using the pieces of the development to create a project which incorporated accessibility, visibility, and more cohesiveness throughout the project by making adjustments to

the design which would include a portion of public parking near the pond to accommodate its users.

Mr. Brimley stated the community knew the pond existed and one of the fears was that the opportunity could be lost to capitalize on it as one of the City's assets. There was a discussion about creating an inclusive and inviting development which enhanced the community and its assets. Mr. Cowley reviewed the area map and concept plan and discussed the ideas for existing tenants of Lakeside Square and their relocation to the retail spaces once the northern portion developed.

Mr. Brimley reported the discussion was meant to provide input related to the concept and move closer to the development of an MOU. Councilmember Peterson wondered what an MOU would entail. Stuart Williams, City Attorney, indicated the MOU would articulate that the City was working with the developer to create a development agreement for the proposed project. He stated the developer needed an MOU for its own purposes, but it would have no legal binding effect but would indicate the City's willingness to work towards some of the concepts of a mixed-use development project.

Councilmember Peterson wondered if there were some specific asks that the City agreed to other than the fact that both the City and developer were on the same page and would work towards figuring out the details of the development. Mr. Cowley indicated there were asks and those were articulated in the FBC modification request table and were important to the project's development. Mr. Williams indicated the proposed modifications were reviewed with the developer earlier in the day and it was helpful in understanding the concept for the overall project. Mr. Brimley stated staff better understood what the developer was trying to create and see the vision for the development. He explained the scale and mass of the project created a need for some modification to FBC.

Councilmember Peterson indicated after a cursory look at the proposed FBC modifications there was nothing glaring, and it seemed like it was working towards what the FBC was designed to do.

Councilmember Phipps asked about the modification related to accessory structure - parking structure. Mr. McIlrath explained the developer planned to meet the minimum standards of FBC but the requested modification was more of a modification to the buffer area rather than the parking structure itself.

Mr. McIlrath mentioned staff had discussed with the developer a FBC modification that would be desired as the southern portion developed regarding the roadway and access. He reviewed the overlay map and explained FBC had a roadway and accesses that were incorporated to allow for a road with an access at 400 South and 450 South into the project. Mr. Cowley added the roadway planned in FBC would be counter to the design and the roadway running east to west which would be more suited for public access to the pond. He continued there was planned to be an access to the pond from 450 South as well. He noted the architect felt the roadway going through the project would cut off the pond from the rest of the area.

Mr. Brimley stated unless the Council was not wanting to move forward, staff would proceed in preparations of an MOU that could be considered during the October 26, 2021 policy session. The consensus of the Council was to have an MOU prepared that could be considered in a future policy meeting.

Councilmember Bush moved to adjourn at 7:34 p.m., seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

**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, October 5, 2021.

/s/Nancy R. Dean, City Recorder