

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
July 20, 2021

Executive Conference Room
55 South State Street
Third Floor
Clearfield, Utah

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

Mayor Shepherd called the meeting to order at 6:00 p.m.

DISCUSSION ON THE REQUEST TO REZONE THE PROPERTIES (CITY CEMETERY)
LOCATED AT APPROXIMATELY 1050 SOUTH STATE STREET (TIN'S: 12-067-0094, 12-
067-0093, 12-067-0066, 12-067-0064, AND 12-067-0063) FROM R-2 (RESIDENTIAL) TO PF
(PUBLIC FACILITIES)

Brad McIlrath, Senior Planner, stated the City cemetery was currently zoned R-2 (Residential), which made it a legal non-conforming use. He explained as a legal non-conforming use it would not be able to expand due to the legal limitations placed on non-conforming uses and structures. He indicated the City planned for the expansion of the cemetery and saw the rezone to P-F (Public Facilities) as a vital component for the future growth and long-term establishment of the cemetery. He noted the rezone request included City owned and Lindquist Inc. properties for a total of 8.273 acres.

Mr. McIlrath reviewed the General Plan and zoning map. He explained the rezone request was consistent with the land use guidelines, goals, and objectives of the City's General Plan. He

noted the preservation of open space and the cemetery land was vital for current and future residents. He acknowledged the Planning Commission heard the request at its meeting on July 7, 2021 and recommended approval. He reported he had spoken with the current property owners of the mortuary who had not been supportive of the rezone; however, their representative that spoke during the Planning Commission public hearing did not speak out in opposition but instead talked about being good neighbors. There was a discussion about the questions staff had received related to the rezone which were more inquisitive in nature.

Mr. McIlrath mentioned there was a public hearing scheduled for July 27, 2021 during City Council meeting and following the public hearing the Council would consider the rezone.

DISCUSSION ON ZONING TEXT AMENDMENTS TO TITLE 11, CHAPTER 11, ARTICLE D, SECTION 11(A); TITLE 11, CHAPTER 13, SECTION 23, PARAGRAPHS A1, A2, AND C; AND, TITLE 11 CHAPTER 14, SECTION 7, PARAGRAPHS F AND G, THAT WOULD MODIFY LANDSCAPING STANDARDS TO ADDRESS DEVELOPMENT IN THE MANUFACTURING ZONE (M-1)

Brad McIlrath, Senior Planner, stated there was a need to address landscaping standards for industrial development within the City to increase water conservation, while balancing the need to ensure adequate beautification of developments. He explained there were some additional minor changes proposed for the Code related to sections addressing bonding and exemptions to single-family dwellings.

Mr. McIlrath reviewed the recommended language adjustments to Title 11, Chapter 11, Article D, Section 11 – Land Use; Chapter 13, Section 23 – Landscaping Standards and Requirements; and Chapter 14, Section 7 – Off Street Parking and Loading. He explained the first adjustment to landscaping requirements was for the Manufacturing Zone (M-1) in Code 11-11D-11: Other Requirements, reducing the landscaping and open space minimum requirement from ten percent to five percent.

Councilmember Peterson wondered if there should be some additional language added to address rights-of-way or main thoroughfares so there was adequate coverage and screening. Mr. McIlrath responded there were examples he had seen that indicated all areas not used for access should be landscaped. There was a discussion about how the language could be addressed to ensure the landscaping along main roadways or visible areas was beautified for a minimum width.

The consensus of the Council was to add additional language so that the areas between the street frontages and buildings, parking areas, or storage areas which were not used for vehicular or pedestrian access were landscaped with a minimum buffer landscaping depth of ten feet.

JJ Allen, City Manager, wondered how some of the current industrial tenants would respond to the decrease in landscape percentage and what impacts there would be with the additional requirement of landscaping along frontages. There was a discussion about how the reduction of landscaping would be beneficial to water conservation and it would not impact current projects because reductions to landscaping for the Lifetime Products project had already been adjusted through a development agreement.

Mr. McIlrath stated the second language adjustment to landscaping standards added a reference for industrially zoned properties in City Code 11-13-23: Landscaping Standards, requiring a minimum of one tree for every one thousand square feet of landscape area instead of every five hundred square feet required in other zones. He added it also required a minimum of one shrub for every six hundred square feet of landscaped area rather than every three hundred square feet required in other zones.

Mr. Allen questioned if there needed to be any further clarification for industrially zoned properties. Mr. McIlrath articulated the reasoning behind the choice of language and its review and approval by the City Attorney. There was a discussion about if the reference to industrially zone properties should be updated and any impacts it would have on future development in other areas of the City. The consensus of the Council was to leave the language as it was drafted.

Mr. McIlrath explained the language adjustments to the City Code 11-13-23: Landscaping Standards and Requirements, Subsection C provided more clarification. He indicated the word “escrow” was added with the reference to bonding required. He stated additional language adjustments were made to allow for bond/escrow in cases of inclement weather so the developer could receive its desired occupancy before landscaping was installed, but it would also provide the City some assurance if the landscaping was not installed within the six-month time period allowed that the bond/escrow could be used to complete it. There was a discussion on the impacts of the language changes and what the risks and benefits would be.

The consensus of the Council was to keep the language as proposed for City Code 11-13-23; and continue to review landscape standards or requirements to avoid loopholes and identify additional changes needed in future Code updates related to residential as well as commercial development to ensure landscape standards were met.

Mr. McIlrath reviewed the proposed changes for the City Code 11-13-23: Landscaping Standards and Requirements, Subsection H as it pertained to the exemption for single-family dwellings. He highlighted the language adjustments to City Code 11-14-7: Off Street Parking and Loading, Subsection F and the addition of Subsection G. He explained the interior parking lot landscaping formerly referred to as parking lot islands would change the requirement for the landscaped islands to be nine feet wide rather than five feet. He reported the reason for the change was to increase water efficiency. Mr. McIlrath noted language was also added to Subsection F so that interior parking lot islands were not required for industrial properties to facilitate traffic flow for large vehicles and proper snow removal.

Councilmember Peterson suggested in future Code updates the references in Subsection F to “acceptable ground cover” should be further defined or pointed to a reputable source so it could be enforced appropriately. There was a discussion about how the term was currently applied, resources where acceptable ground cover for the climate could be obtained, and how to incorporate recommended changes to the City’s landscaping standards to allow for better enforcement. Mr. McIlrath expressed his opinion when landscape standards were updated it would be helpful to have an entire chapter related to landscaping standards where everything was identified rather than its current organization in various chapters throughout the Code.

Councilmember Peterson stated it would also be good to update the arbitrary references so better enforcement was possible.

Mr. McIlrath asked if the Council was okay with the proposed language for the interior parking lot landscaping or if additional language was needed. Councilmember Peterson recommended if there was a section of Code that already identified acceptable ground cover it should be referenced with the current proposed changes. Mr. McIlrath explained there was not currently a list of acceptable ground covers in the Code. There was a discussion vetting landscaping and water efficiency standards for the interior parking lots and whether additional language should be added to further clarify acceptable ground cover. The consensus of the Council was to keep the language as proposed for Code 11-13-23, Subsection F.

Mr. McIlrath highlighted the proposed changes to 11-14-7: Off Street Parking and Loading, Subsection G – Perimeter Parking Lot Landscaping. He noted staff recommended approval of the amendments to City Code based upon the following four findings:

- City landscaping standards should be continually evaluated to address local needs and those of the regional environment.
- The proposed changes encouraged high quality landscaping design, beautification, and efficient use of industrial properties.
- The proposed changes provided for more effective enforcement of landscaping standards.
- The proposed changes provided a good starting point for the evaluation of the City's landscaping standards for water wise and efficient landscapes.

He reported the Planning Commission heard the request at its meeting on July 7, 2021 and recommended approval on a six to two vote. Mr. McIlrath explained there were some commissioners that felt additional research might be needed for questions about reducing the number of trees and its impact on the environment. He indicated staff had discussed with Weber Basin Water Conservancy District about the tree reduction, and the District was supportive of the City's proposed changes. He noted a public hearing and consideration of the Code amendments were scheduled for the City Council meeting to be held on July 27, 2021.

DISCUSSION ON THE JAVA ESPRESSO DEVELOPMENT AGREEMENT FOR THE PROPOSED DRIVE-THROUGH BEVERAGE ESTABLISHMENT TO BE LOCATED AT 585 NORTH MAIN STREET (TIN: 14- 530-0002)

Brad McIlrath, Senior Planner, stated Java Espresso was in the Gateway Corridor Commerce zone of the Form Based Code (FBC). He indicated the commercial subdivision was approved with restrictive covenants prior to the expansion of the FBC zoning district which necessitated a development agreement to address modifications to the FBC standards. He noted recent updates to legislation required a public hearing be held for any development agreement which proposed modifications to current standards.

Mr. McIlrath reviewed the zoning, site plan, and elevation concepts. He explained the following seven FBC modifications were approved with the site plan approval on January 6, 2021:

- a. The existing four-foot (4') sidewalk and five and a half foot (5.5') street buffer may remain in place provided that the missing street trees were placed with the correct

type of street tree allowed by the Form Based Code. Placement street trees must be selected from the small or medium street tree list found on page 36 of the Form Based Code.

- b. The building may be located at the proposed location depicted on Exhibit D, provided that the building design comply with the standards of the Form Based Code.
- c. Parking may be located between the building and the street within the front yard area as shown on the submitted plans (Exhibit D).
- d. The building is allowed to occupy less than fifty percent (50%) of the front property line coverage due to the size and orientation on the property.
- e. The drive-through stacking lanes and the drive-through canopy are permitted in the proposed locations on the submitted plans (Exhibit D) and are not required to be located along the rear façade or within the rear yard of the building.
- f. The District Transition Buffer standards within the Form Based Code may be waived in favor of the previously approved existing buffer along the west property line.
- g. The free-standing row of parking stalls within the front yard area may remain without a landscape median, as previously approved and installed.

He noted the applicant requested two additional modifications due to the restrictive covenants.

Mr. McIlrath reviewed the following additional modifications:

- a. 4 – Impervious surfaces: due to the restrictive covenants of the overall commercial development, the site was not able to comply with the maximum impervious coverage calculations of the Form Based Code.
- b. 14 – Landscape island location: due to the restrictive covenants of the overall commercial development, the landscape island must remain as is and cannot be altered.

He acknowledged staff recommended approval of the development agreement because it was consistent with the development standards and process of the FBC, and it complied with the standards for development agreements outlined in City Code, plus it would provide direction and regulatory guidance for the property owner and the City. He indicated the Planning Commission heard the item at its meeting on July 7, 2021 and recommended approval.

Councilmember Peterson moved to adjourn at 6:55 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, and Phipps. Voting NO – None. Councilmembers Roper and Thompson were not present for the vote.

APPROVED AND ADOPTED

This 26th day of April, 2022

/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, July 20, 2021.

/s/Nancy R. Dean, City Recorder