

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
July 12, 2022

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                  |
|                | Karece Thompson | Councilmember                  |
| STAFF PRESENT: | JJ Allen        | City Manager                   |
|                | Summer Palmer   | Assistant City Manager         |
|                | 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                 |
|                | Nancy Dean      | City Recorder                  |

VISITORS: Josh Hughes (258 Development)

Mayor Shepherd called the meeting to order at 6:05 p.m.

DISCUSSION ON THE GENERAL PLAN AMENDMENT FOR THE FUTURE LAND USE MAP FROM COMMERCIAL TO RESIDENTIAL AND THE REZONE REQUEST FROM C-2 (COMMERCIAL) TO R-3 (HIGH DENSITY RESIDENTIAL) FOR THE REAR 5.32 ACRES OF PROPERTIES LOCATED AT APPROXIMATELY 500 WEST 1700 SOUTH

Brad McIlrath, Senior Planner, presented General Plan amendment and rezone request to develop the north 1.50 acres of the subject properties with a commercial use and the south 5.32 acres of the properties with a small-lot single-family subdivision. He explained that if the rezone request from C-2 (Commercial) to R-3 (High Density Residential) was approved, the future land use designation of the General Plan would need to be changed to reflect Residential as the future land use designation. Mr. McIlrath shared the concept plan:

- A 1.50-acre commercial property at the corner of 500 West and 1700 South.
- The southern 5.32 acres was proposed to be developed with a 45-lot single-family subdivision with four private street/common driveway access points to 500 West and some common open space in two separate central areas in the development.

Mr. McIlrath stated that based on the concept plan, the project would have a density of 8.5 units to the acre.

He reminded the Council that Clearfield City had encountered issues with private streets in the past and had expressed a desire to avoid private streets where possible. Mr. McIlrath continued to explain that if public streets were required, the density would be less than the proposed density in the concept plan and would be more consistent with an R-2 (medium-density residential) designation. He noted that a development agreement would most likely be required to outline aspects of the commercial and residential timing, private streets, density, and open spaces as was the case with similar past mixed-use requests, and recommended the elements required in the agreement be clearly stated for the record.

Mr. McIlrath discussed the staff analysis. The requested amendments were inconsistent with the General Plan as the area had a future land use designation of Commercial. Changes in the commercial service and retail markets had changed the amount of land and building square footage needed for new commercial businesses. As demand for commercial land had decreased, there arose a high demand for land to be developed as residential which led the applicant to request the General Plan amendment and rezone to meet market demands and pressures. Due to those changes, staff found it necessary to change the General Plan designation to Residential, however, staff found it unnecessary to rezone the properties to R-3. To ensure the appropriate density and design while respecting the existing single-family residential in the area, staff agreed that an R-2 or R-1-6 zone would be better suited for the area.

Staff recommended approval for the proposed General Plan amendment request and denial for the zoning map amendment request based on the following findings:

1. The proposed General Plan amendment was consistent with market changes for housing stock and demand and could be supported by the land use guidelines, goals, and objectives of the Clearfield City General Plan.
2. The use of the R-3 zone to establish small-lot single-family neighborhoods was inconsistent with the current purpose and permitted uses of the zone as it was intended for medium to high-density multiple-family developments.
3. The General Plan was amended to allow for greater use of the R-1-6 zone for residential single-family infill development and as an alternative to multi-family residential.
4. The R-2 zone was intended for medium-density residential neighborhoods and would be the more appropriate zone than the R-3 zone for the area.
5. The R-3 zone had been used by the City Council to provide small-lot single-family developments consistent with market demands absent a zoning district designed for the specific purpose. The R-3 zone could be used in conjunction with the C-2 zone and with a development agreement to allow for a similar development pattern proposed by the applicants. The R-2 zone purpose and density would be more consistent with the existing single-family residential development pattern in this part of the City and could be used in the same way as the R-3 zone stated above with a development agreement.

The Planning Commission forwarded a recommendation of approval on the General Plan amendment, and a recommendation of denial on the rezone request. Mr. McIlrath noted the

denial was not unanimous and the vote was two in favor and six against. He did mention that the two commissioners who voted in favor of the rezone request did not see any issues with an R-3 designation.

Mayor Shepherd commented that the difference between an R-2 and R-3 zone was two lots and he didn't know what gain there would be by requesting an R-2 zone. He noted the layout worked, and that the 1.5 acres on the front of the property was enough to fit a commercial project. He also liked the private drives.

Councilmember Phipps expressed concern that an R-3 zone would open a window for what could be done on the property. Mayor Shepherd explained a development agreement would be utilized. Mr. McIlrath confirmed the developer expected a development agreement and the City wanted a single-family development. He confirmed the developer was willing to specify single-family only and any other elements that should be clearly stated in the development agreement.

Councilmember Phipps questioned if the sole purpose behind the R-3 request was the additional two lots. Mr. McIlrath stated that was the only difference staff could see, and the City did use the R-3 zone for the Wilcox Farms subdivision. Mayor Shepherd commented that the City's move from R-1-4 to R-3 created more flexibility.

Councilmember Bush inquired about the private drives without a way to turn-around and the Fire District's take on it. Josh Hughes, developer, explained that the open corridor would accommodate access and provide amenities such as a basketball hoop, pickleball courts and shuffleboard. Mr. McIlrath confirmed the plan had not been run past the Fire District yet since zoning hadn't been decided.

Councilmember Peterson had mixed feelings. She thought the Syracuse development was beautiful, and high quality. She was concerned that there was no visitor parking and commented that authorized parking on the street would limit accessibility. She was also concerned about the ability of a small Homeowner Association (HOA) to carry the infrastructure costs of private drives. Mayor Shepherd mentioned it was being done in other cities and the HOA needed to be set up properly. Stuart Williams, City Attorney, noted it was all defined in the State Code and that the reserve amounts would have to be reviewed.

Councilmember Peterson reiterated her concern with the parking and questioned how it would be handled. Mr. Hughes responded that each home by default would have four parking spaces. Each home would have a two-car garage, and two-car 20-foot-deep driveway. He mentioned to enforce the no street parking, they would utilize red paint, signage, and other similar methods of deterrence, but the HOA would have some control.

Councilmember Bush asked Mr. Hughes who would be responsible for the easement between the commercial and residential properties. Mr. Hughes replied there would be easement rights on both sides that protected the shared access. It would fall equally on the HOA and the commercial to pay for any repairs or improvements.

Councilmember Bush inquired about an open space requirement by ordinance. Mr. McIlrath confirmed the R-3 zone had a 25 percent requirement that would be addressed in a development agreement. Councilmember Peterson commented that open space, Covenants, Conditions, and Restrictions (CCR) for the HOA, parking restrictions, and visitor parking would also need to be addressed in a development agreement. Mr. Hughes noted that the R-3 zone was not set in stone, they were open to reducing the number of homes by a couple.

Councilmember Bush asked if a fence between residential and commercial would be required. He stated that it would be hard to do along the property line that it would have to be done along the easement line. Mr. McIlrath responded in the R-3 zone the Planning Commission might require one, but it wasn't a full requirement. Mr. Hughes commented fencing would not be natural. He expressed excitement to step into the next phase with the architectural rendering, landscape plans, and to delve deep into the details to ensure the Council would get what it wanted.

Mr. Hughes described the vision for the commercial property. If the City wanted to see the commercial go first, some options would be business condos or a multi-tenant retail building. If the City wanted to see what options the market might drive, that could present the possibility for a user that would be more exciting. However, the commercial would not be done upfront with that option.

Mr. McIlrath clarified the City's process for an R-3 zone or an R-2 zone and what that would mean for the developer. R-3 was the request as presented, R-2 would mean the Council would have to deny and then the developer would have to reapply. Mr. Hughes expressed his willingness to do an R-3 with an R-2 density and noted that was the reason a second application was submitted.

Mayor Shepherd thanked Mr. Hughes for his attendance. There was no further discussion.

**Councilmember Bush moved to adjourn as the City Council and reconvene as the CDRA in work session at 6:39 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

*\*\*The minutes for the CDRA are in a separate location\*\**

**APPROVED AND ADOPTED**

**This 26<sup>th</sup> day of July 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 12, 2022.

/s/Nancy R. Dean, City Recorder