



**CLINTON CITY PLANNING COMMISSON
CITY HALL
2267 North 1500 W Clinton UT 84015**

Planning Commission Members

Chair – Gary Tyler

Vice Chair - Tony Thompson

Jolene Cressall

Dereck Bauer

Dan Evans

Mark Gregersen

Date of Meeting	February 19, 2019	Call to Order	7:00 p.m.
Staff Present	Community Development Director Valerie Claussen and Lisa Titensor recorded the minutes.		
Citizens Present	Mike Dahle, Josh Lynch, Dennis Hepworth, Richard Russel		
Pledge of Allegiance	Commissioner Bauer		
Prayer or Thought	Commissioner Thompson		
Roll Call & Attendance	Present were: Commissioner’s Dereck Bauer, Dan Evans, Gary Tyler, Jolene Cressall and Mark Gregersen.		
Declaration of Conflicts	There were none.		
1) Discussion and possible action on Hepworth Homestead for the review of a sketch plan for a residential subdivision consisting of approximately 5.07 acres located about a quarter of a mile west of 2000 West on the north side of 1300 North at 2298 W 1300 N (Parcel No. 14-021-0019).			
Petitioner	Josh Lynch, Woodmere Homes Submitted by: Val Claussen, Community Development		
Discussion	<p>Josh Lynch with Woodmere Homes explained Clinton City ordinances and restrictions for a smaller parcel like the one he is proposing in this zone are very difficult to meet. Not being able to include the corner lots in the averaging is the biggest obstacle. He referred to the staff report identifying option A would be the best option for the City. The through street would be easier for the City to maintain and gets very close to meeting the minimum requirements. There is a difference of approximately one and half feet from what the requirement is. He would like to acquire a small parcel from an existing neighbor. He would like to find a way to make 18 lots fit into this development. He asked the Planning Commission for leniency on the requirements because he is so close to meeting them.</p> <p>Commissioner Gregersen referred to City Code section 28-24-4 and asked Mr. Lynch how it could apply differently to this development.</p> <p>Mr. Lynch responded the corner lots are the problem by not being allowed to be included in the averaging; the rest of the lots are within the requirements.</p> <p>Commissioner Tyler explained the averaging requirements are required by the Code and the Planning Commission’s job is to adhere to those requirements.</p> <p>Ms. Claussen explained the sketch plan is helpful to evaluate this development. The average minimum lot width is 68.76; a 70 foot minimum average is required. If the corner lots were included it would be 70.1. Several options were considered to meet the requirements including decreasing the lot yield and increasing the lot widths.</p> <p>The staff report identifies: The Applicant has submitted a preliminary plat application* and through the course of the technical review, the proposed layouts have not been able to meet the zoning and/or subdivision ordinance requirements. Staff recommended that the concepts be brought to the Planning Commission for what is commonly referred to as a sketch plan review. The applicant</p>		

	<p>requested two of the proposed layouts be provided in the staff report.</p> <p>The purpose for this sketch plan review is to receive feedback and possible recommendation from the Planning Commission earlier on in the process, so that the Applicant can proceed to prepare and submit the additional drawings and documents for preliminary plat approval with the most appropriate layout.</p> <p><i>*A request for a rezoning from A-1 to R1-9 accompanied the preliminary plat application. This zoning request is scheduled to be heard by the Planning Commission at the March 5, 2019 meeting. The technical reviews have all been completed based on the R1-9 zoning standards.</i></p> <p>Ms. Claussen clarified that the corner lots being larger is a must for the site triangle, parking and logistical requirements.</p> <p>Commissioner Gregersen questioned what defines the south end of the property and if there could be additional frontage to consider. He asked if substantial conformance is a consideration being raised by the “alternative recommendations” section of the staff report.</p> <p>Ms. Claussen responded this is a somewhat unique rectangular parcel and the intent of the averaging is a consideration.</p> <p>The Commission discussed the issue at length and it was identified there can be no approach onto 1300 N and the existing home on the parcel will be demolished. The parcel protrudes into the public right of way and a 33’ portion of the road will be dedicated back to the City.</p> <p>Josh Lynch agreed the property does go into what will be the road now and the 33’ will eventually be dedicated to the City which is the problem when trying to meet the averages. Reducing the number of lots is a concern based on initial investment intentions of 20 lots.</p> <p>Commissioner Tyler explained the Planning Commission has the responsibility to follow current code requirements; it may be an option to pursue a change to the code however it would most likely be a lengthy process.</p> <p>Mr. Lynch asked again if there is any leniency for a smaller parcel; he asked why the corner lots have a size requirement but can’t be included in the averaging.</p> <p>Commissioner Thompson replied the corner lots require a standard size to meet the site triangle; a corner lot stands on its own.</p>
<p>CONCLUSION</p>	<p>Commissioner Thompson moved to encourage the applicant to come up with a sketch plan and preliminary plat that complies with the current ordinance. Commissioner Bauer seconded the motion. Commissioner’s Bauer, Cressall, Thompson, Evans, Gregersen, and Tyler all voted in favor.</p>
<p>2) Review and action on a request by Dennis Hepworth, for a rezoning of approximately 4.79 acres from the A-1 (Agricultural) zone to +/-2.53 acres of R1-15 (single-family residential) and +/-2.26 acres of A-E (agricultural estates) located about a quarter of a mile west of 2000 West on the north side of 800 North (Parcel Nos. 14-053-0035, -0036, and -0037).</p>	
<p>Petitioner</p>	<p>Dennis Hepworth, Uintah Land Company Submitted by: Val Claussen, Community Development</p>
<p>Discussion</p>	<p>Dennis Hepworth explained he is under contract to purchase the back portions of three properties that neighbor Fenway Estates Subdivision and attach these properties to phase 4. If these properties are purchased, they will need to be rezoned to AE. The rezone will be conditioned upon the property requirements being met and the purchase being successful.</p> <p>Ms. Claussen clarified that all three property owners are aware of the rezone.</p> <p>There is an existing cement barn on the middle lot that the property line will need to be</p>

worked around to meet set back requirements. The lot averaging will not be affected. It will just make this lot a little smaller.

Michael Dahle said his father is the owner of the barn and he intends to keep it.

Commissioner Thompson read 29-3-9(1) (e) and expressed concern the existing barn will not be 100 feet from the dwelling. He also read 28-3-9 (1)(a) and explained with the zone change the existing use of the agricultural property should be protected from the residential by adding a note to the plat identifying that animals are permitted and present.

The following information was included in the staff report.

The request is consistent with the General Plan and Land Use Map. The properties are master planned for the R1-15 land use. Retaining a portion of the agricultural lots to an Agricultural Estate zone is also appropriate. Fenway Estates is a residential subdivision that has been and is currently being developed to the north of these three parcels. The extension of the development to the northern portion of these lots is a reasonable pattern of development, as the longer narrow agricultural lots are becoming less desirable and are no longer being used for agricultural purposes. The rezoning of this property brings some unique circumstances that are contemplated with the proposed Conditions of Approval. That is the timeframe for obtaining preliminary plat approvals and the recordation of the new legal descriptions for the remainder parcels, addressing existing accessory structures, and lastly, the changes in animal privileges.

The Planning Commission discussed the issue at length.

The Planning Commission agreed on the following conditions for approval of the rezone request.

The rezoning is subject to the following Conditions of Approval:

- 1) The re-zoning of property is subject to final plat approval for the R1-15 portion of the property within three years of the adoption of this Ordinance. Should this not occur, then the zoning reverts back to the A-1 zone. New deeds with revised legal descriptions shall be recorded with Davis County (or creation of new plat with three lots) for the A-E properties prior to final plat recordation of Fenway Phase 4B.
- 2) Retaining accessory structures that are closer than 5 feet to the new property lines will be subject to Site Plan approval. Structures may require modification (e.g. fire rated walls), which will be determined through the Site Plan review and approval process. Should removal or modifications of any structures be required, removal or modifications shall occur prior to final plat recordation of Fenway Phase 4B.
- 3) A-E parcels will have animal privileges pursuant to Chapters 3 and 13 of the Zoning Ordinance. The number of animal units on the A-E properties shall comply with these regulations prior to final plat recordation of Fenway Phase 4B.
- 4) Should the legal descriptions for the zoning districts change for the purposes of accommodating the concrete barn on the middle lot, a re-zoning is not required, but amending the legal description of the Ordinance would be reviewed, approved and adopted at the discretion of the City Council.
- 5) Fenway Phase 4B Final Plat shall have a note that indicates that the subdivision is near agricultural zoned property and as such may be subject to agricultural noises, smells and possible nuisances.

	<p>6) At time of preliminary plat approval, the Planning Commission shall review the “ample protection” standards of any existing structures of Section 28-3-9(1) (e).</p> <p>Commissioner Tyler opened the public hearing at 8:45 p.m. with not public comment, he closed the public hearing at 8:46 p.m.</p>
CONCLUSION	<p>Commissioner Thompson moved to forward a recommendation for adoption of Ordinance 19-01Z onto the City Council for approval of the rezone for this property from A-1 to A-E with the conditions and findings 1-6 listed above. Commissioner Evans seconded the motion. Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Cressall, aye; Commissioner Thompson, aye; Commissioner Evans, aye; Commissioner Gregersen, aye and Commissioner Tyler, aye.</p>
OTHER BUSINESS	<p>Maverik will be making some modifications to the exterior of the front of their building. The Planning Commission directed staff to bring it before the Planning Commission.</p>
OTHER ISSUES	<p>a. Approval of January 15, 2019 Meeting Minutes <i>Commissioner Cressall moved to approve the January 15, 2019 Planning Commission Meeting Minutes. Commissioner Gregersen seconded the motion. Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Cressall, aye; Commissioner Thompson, aye; Commissioner Evans, aye; Commissioner Gregersen, aye and Commissioner Tyler, aye.</i></p> <p>b. City Council Report</p> <p>c. Commission Report</p>
ADJOURNMENT	<p>Commissioner Cressall moved to adjourn. Commissioner Bauer seconded the motion. Commissioners’ Cressall, Bauer, Thompson, Evans, Bauer, Gregersen and Tyler voted in favor. The meeting adjourned at 9:07 p.m.</p>