MEETING NOTICE OF THE CLEARFIELD CITY PLANNING COMMISSION

Notice is hereby given that the Clearfield City Planning Commission will hold a regularly scheduled meeting at 7:00 P.M., Wednesday, December 7, 2016, on the 3rd floor in the City Council Chambers of the Clearfield City Municipal Building, 55 S. State, Clearfield, Utah.

7:00 PM CALL TO ORDER-- PLEDGE OF ALLEGIANCE

1. APPROVAL OF MINUTES
   A. November 2, 2016

PUBLIC HEARINGS:

2. Public Hearing for CUP 1610-0001, a request by Jeremy Witte, for a Conditional Use approval for an automotive repair shop, located at approximately 405 N. 1000 W (TIN: 14-248-0001). The property is approximately 0.44 acres in size and is located in a C-2 (commercial) zoning district. (ITEM TO BE CONTINUED TO JANUARY 4, 2017 MEETING)

3. Public Hearing, Discussion and Possible Action on PSP 1610-0002, a request by Brandon MacDougald for Preliminary Subdivision Plat approval, located at 585 N. Main Street (TIN: 14-071-0039) and 567 N. Main Street (TIN: 14-071-0040). The properties are approximately 0.62 acres and are located in the C-2 (commercial) zoning district.

4. Public Hearing for CUP 1610-0003, a request by Brian King on behalf of King’s Automotive, for a Conditional Use Permit approval for an automotive repair shop, located at approximately 1181 South State Street (TIN: 12-067-0081). The property is approximately 0.56 acres in size and is located in a C-2 (commercial) zoning district.

5. Public Hearing for CUP 1611-0001 a request by C. Darwin Nelson, on behalf of Safebuy Auto Sales, for a Conditional Use Permit approval for a motor vehicle sales lot located at approximately 1265 South State Street (TIN: 12-066-0051). The property is approximately 0.609 acres in size and is located in a C-2 (commercial) zoning district

SCHEDULED ITEMS:

6. Discussion and Possible Action on PSP 1610-0002, a request by Brandon MacDougald for Preliminary Subdivision Plat approval, located at 585 N. Main Street (TIN: 14-071-0039) and 567 N. Main Street (TIN: 14-071-0040). The properties are approximately 0.62 acres and are located in the C-2 (commercial) zoning district.

   A. Discussion and Possible Action FSP 1610-0002, a request by Brandon MacDougald for Final Subdivision Plat approval, located at 585 N. Main Street (TIN: 14-071-0039) and 567 N. Main Street (TIN: 14-071-0040). The properties are approximately 0.62 acres and are located in the C-2 (commercial) zoning district.
7. Discussion and Possible Action on **CUP 1610-0003**, a request by Brian King on behalf of King’s Automotive, for a Conditional Use Permit approval for an automotive repair shop, located at approximately 1181 South State Street (TIN: 12-067-0081). The property is approximately 0.56 acres in size and is located in a C-2 (commercial) zoning district.

8. Discussion and Possible Action on **CUP 1611-0001** a request by C. Darwin Nelson, on behalf of Safebuy Auto Sales, for a Conditional Use Permit approval for a motor vehicle sales lot located at approximately 1265 South State Street (TIN: 12-066-0051). The property is approximately 0.609 acres in size and is located in a C-2 (commercial) zoning district.

9. Discussion and Possible Action on **SP 1609-0007**, a request by Jeremy Witte, for a Site Plan approval for a retail building, for decking sales, located at approximately 385 N. 1000 W (TIN: 14-248-0002). The property is approximately 0.43 acres in size and is located in a C-2 zoning district. *(ITEM TO BE CONTINUED TO JANUARY 4, 2017 MEETING)*

10. Discussion and Possible Action on **CUP 1610-0001**, a request by Jeremy Witte, for a Conditional Use Permit approval for an automotive repair shop, located at approximately 405 N. 1000 W (TIN: 14-248-0001). The property is approximately 0.44 acres in size and is located in a C-2 (commercial) zoning district. *(ITEM TO BE CONTINUED TO JANUARY 4, 2017 MEETING)*

   A. Discussion and Possible Action on **SP 1610-0001**, a request by Jeremy Witte, for a Site Plan approval for an automotive repair shop, located at approximately 405 N. 1000 W (TIN: 14-248-0001). The property is approximately 0.44 acres in size and is located in a C-2 (commercial) zoning district. *(ITEM CONTINUED TO JANUARY 4, 2017 MEETING)*

**DISCUSSION ITEMS:**
11. Discussion on title 12 changes
12. Discussion on Title 11 changes
   A. Motor Vehicle Sales

**COMMUNICATION AND TRAINING:**
13. Training – TBD
14. Planning Commission Appointees:
   B. Michael Britton – Full Member (term will expire in February 2021)
   C. Mallory Beaudry – Alternate (term will expire in February 2018)
15. Staff Communications
   a. In January we will be holding Chair and Vice Chair elections; as outlined in Planning Commission Rules and Regulations.

   Election of Chairperson and Vice-Chairperson.
   1. The Commission shall annually elect a Chairperson and Vice-Chairperson at the first regularly scheduled meeting in January by majority vote after taking nominations from the body. The term will be for a period of one year, with a maximum of five consecutive terms. If the Chairperson is no longer able to fulfill the responsibilities of the Chair, either due to death, resignation, removal, disqualification, etc., then the Vice-Chairperson shall serve as the acting Chair until a new Chairperson is elected by the body to fulfill the remaining...
portion of the Chair’s unexpired term. The Commission need not wait until the annual election in January in order to replace a Chairperson that has resigned, been removed or disqualified, etc.

2. A Commissioner must serve on the Planning Commission for at least one year before being eligible to be elected as the Chairperson. All Commissioners are eligible to serve as the Vice-Chairperson.

16. Planning Commissioners’ Minute

**PLANNING COMMISSION MEETING ADJOURNED**

/s/Spencer W. Brimley, Development Services Manager

Dated this 5th day of December, 2016

The City of Clearfield, in accordance with the ‘Americans with Disabilities Act’, provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting accommodations for City sponsored public meetings, service programs, or events, should call Christine Horrocks at 525-2780, giving her 48 hours notice.
TO: Planning Commission

FROM: Spencer W. Brimley
Development Services Manager
Spencer.Brimley@clearfieldcity.org (801) 525-2785

MEETING DATE: December 7, 2016

SUBJECT: Public Hearing, Discussion and Possible Action on PSP 1610-0002, a request by Brandon MacDougald for Preliminary Subdivision Plat approval, located at 585 N. Main Street (TIN: 14-071-0039) and 567 N. Main Street (TIN: 14-071-0040). The properties are approximately 0.62 acres and are in the C-2 (commercial) zoning district.

Discussion and Possible Action FSP 1610-0002, a request by Brandon MacDougald for Final Subdivision Plat approval, located at 585 N. Main Street (TIN: 14-071-0039) and 567 N. Main Street (TIN: 14-071-0040). The properties are approximately 0.62 acres and are in the C-2 (commercial) zoning district.

RECOMMENDATIONS
Move to approve as conditioned, PSP 1610-0002, a request by Brandon MacDougald for Preliminary Subdivision Plat approval, located at 585 N. Main Street (TIN: 14-071-0039) and 567 N. Main Street (TIN: 14-071-0040), based on the discussion and findings in the Staff Report.

Move to recommend to the City Council approval as conditioned of FSP 1610-0002, a request by Brandon MacDougald for Final Subdivision Plat approval, located at 585 N. Main Street (TIN: 14-071-0039) and 567 N. Main Street (TIN: 14-071-0040), based on the discussion and findings in the Staff Report.

PROJECT SUMMARY

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<tr>
<td>Land Use Classification</td>
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<tr>
<td>Gross Site</td>
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BACKGROUND

Brandon MacDougald has made application for a subdivision to adjust the lot line between the parcels that located at 585 and 567 North Main Street. These two parcels were previously approved for a Dollar Tree store and additional drive-thru restaurant. The applicant has received approval for a 9,000 square foot Dollar Tree store, on the southern parcel. The additional retail received site plan approval, but is

<table>
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<th>Surrounding Properties and Uses:</th>
<th>Current Zoning District</th>
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<tbody>
<tr>
<td>North</td>
<td>KFC Restaurant</td>
<td>C-2 (Commercial)</td>
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<tr>
<td>East</td>
<td>Subway/Drive-Thru Restaurant</td>
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</tr>
<tr>
<td>South</td>
<td>Car Smart Auto Group</td>
<td>C-2 (Commercial)</td>
</tr>
<tr>
<td>West</td>
<td>Single Family Residence</td>
<td>R-1-8 (Residential)</td>
</tr>
</tbody>
</table>
required be returned to the planning commission for the final design of the building, when a tenant is selected. The subdivision request will increase the size of the southernmost parcel from approximately 0.62 acres to 0.746 acres and reduce the northern parcel to 0.481 acres. This adjustment to the property line will not create additional or negative impacts that need to be reviewed, outside of the subdivision. However, the adjustment of the property line does require the applicant to obtain approval through a legal subdivision. The site plan was approved previously and the site is being developed in accordance with the approved plans.

General Plan and Zoning
This area of the city is zoned commercial with similar uses in the area except for the property to the west. The applicant is proposing to build a new structure for a Dollar Tree store, which has been reviewed and approved by the planning commission. The General Plan for the City has this area listed as commercial for the foreseeable future. Additionally, this area is also included in the area being evaluated as a part of the Clearfield Downtown Small Area Plan.

Subdivision Plat Review
This request is a commercial subdivision to adjust the boundary a line between two lots. Elements of the site development are being handled in the previously approved site plan. Due to the simplistic nature of the plat, the Preliminary Subdivision Plat and Final Subdivision Plat are identical and are being presented to this body. These two items will run simultaneously with Conditions of Approval being identical for both items. The current sites meet all required parking, landscaping and other development requirements. Shared parking and a cross access agreement are in place for the two parcels.

Public Works and Engineering have done an initial review of the proposal, and are comfortable with the subdivision as proposed. Staff is proposing a 7 foot PUE around the perimeter of the subdivision, excluding the southernmost subdivision boundary line, which is 5 feet along the building and 10 feet on either side. This 5 foot PUE is consistent with the approved setbacks for the zone and the site. The lot line adjustment does not create lots that are inconsistent with Clearfield City code.

Public Comment
No public comment has been received to date.

CONDITIONS OF APPROVAL
1) The applicant shall correct the Plat to include all red-lines from Planning, Engineering, and Public Works Departments, including but not limited to necessary easements, addresses, and other call-outs as required.

2) Pursuant to the Subdivision Ordinance 12-4-5(D), an estimate of public improvements (as outlined in 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any permits being issued for the properties or plat being recorded.

3) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

ATTACHMENTS
1. Preliminary Subdivision Plat
2. Final Subdivision Plat
TO: Planning Commission

FROM: Spencer Brimley, MRED
Development Services Manager
Spencer.Brimley@clearfieldcity.org (801) 525-2785

MEETING DATE: December 7, 2016

SUBJECT: Public Hearing, Discussion and Possible Action on CUP 1610-0003, a request by Brian King on behalf of King’s Automotive, for a Conditional Use approval for an automotive repair shop, located at approximately 1181 South State Street (TIN: 12-067-0081). The property is approximately 0.56 acres in size and is located in a C-2 (commercial) zoning district.

RECOMMENDATION

Move to approve as conditioned, CUP 1610-0003, a request by Brian King on behalf of King’s Automotive Repair, for a Conditional Use Permit approval for an automotive repair shop, located at approximately 1181 South State Street (TIN: 12-067-0081), based on the findings and discussion in the Staff Report.

PROJECT SUMMARY

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<td>Master Plan Land Use</td>
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BACKGROUND

Prior to the establishment of Jim’s Tire Center at this location a site plan was approved for an automobile sales lot. This use was approved in May 2009. Conditions of approval for this use were imposed at the time, but have not been maintained by the property owner or tenants since. The following are items that were required previously and will be required for the approval of this use on the site.

- Removal of the tire rack
- Removal of the carport structure
- Landscaping along the southern edge of the property
Grass and shrubs to be provided

- Enclosing the dumpster (this has been accomplished) – must be kept in good condition, consistent with City Standards
- Removal of pole sign

Compliance with these conditions has never been completed. Records indicate notices of non-compliance have been issued for the property as early as 2012. This site has been approved as an automotive repair and automobile sales business since 2013. The request for an automotive repair business is consistent with the General Plan and the zoning for the property.

However, since the previous conditions of approval were never met, completed nor have they been maintained, staff is requesting that the property be brought in to full compliance as a part of this approval. Staff has reviewed the documented violations for the property and those documents indicate a consistent neglect of the property by the owner and tenants over the years. The applicant is seeking to purchase the property and has stated that they want to improve the property and maintain it in accordance with Clearfield City code. To accomplish this staff is requesting compliance with previous approvals that have not been completed or accomplished.

ANALYSIS

General Plan and Zoning
The project site is a 0.56-acre parcel located on the east side of State Street just north of the intersection at 1000 E, and directly east of the Clearfield Frontrunner station. The use requested would be located within the existing building. The General Plan for this area shows the property as Commercial with the same zoning for the property. The previous tenant left in early 2016, and the property has been vacant since.

Conditional Use Permit Review
The purpose of the CUP is to allow a land use that, because of its unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

AUTOMOTIVE REPAIR
Chapter 3 of the Land Use Ordinance defines Automobile Repair as “Any activity that involves the repair of any passenger auto, pickup truck, trailer, semitrailer, recreational vehicle or other vehicle where the repair includes, but is not limited to, bodywork and collision repair; the rebuilding of engines, transmissions, or differentials; electrostatic or air gun spray painting of vehicles; inspections; tune ups; oil changes; glass, tire, or brake work; or similar repairs.”

Impacts of automotive repair that could warrant mitigating conditions are mostly environmental. To prevent contamination of the storm drainage system, fluids should not be allowed to leak onto the ground, and automotive parts/scrap should be disposed of in enclosed containers. No open storage of parts, scraps or similar products will be allowed on the site. An oil separator should be installed in any floor drains that enter the sewer system. For this site, hazardous liquids shall be stored and contained in a manner consistent with North Davis Fire Department’s review and approval.

OUTDOOR STORAGE
There is an area behind the building (east side) used for storage of tires. Outdoor storage in the C-2 zoning district is only permitted as an accessory use, not as a principal or primary use. The applicant will most likely use the area behind the building for the storage of tires, and other materials. Previous approvals required a road base to be put down, for any storage in this area. Staff would also recommend any storage behind the building be kept off the ground on a surface consistent with previous approvals.
From an aesthetic standpoint, there may be a concern with having inoperable vehicles (awaiting repair) stored in locations visible from State Street. The site is not designed in such a way that Outdoor Storage of inoperable vehicles could be easily screened or limited. Staff would recommend that any inoperable vehicles or vehicles awaiting repair be kept within the building, if they are to be kept overnight. The Commission will need to determine if the proposed amount of outdoor storage is consistent with C-2 zoning.

**FENCING**

One measure of mitigation of the use and the related storage needs is the requirement for fencing. Pursuant to the Land Use Ordinance 11-11B-12(C) Walls or fences may be required along all property lines which are adjacent to a residential zone or use or public right of way. The exact location, height and type of materials of the wall or fence shall be approved by the planning commission as part of the site plan approval process.

Currently in place is a 6’ tall chain link fence, with barbed wire at the top that has specifically been installed for storage behind the building. This fence does not provide separation from the adjacent residential use, which is required. The adjacent property to the east belongs to the same owner as the business property (MARJAN Properties). This property is a zoned C-2 but contains a single family dwelling. A condition of approval is proposed that would allow the existing fence to remain, as long as slats are included in the fence. The applicant is not being required to replace the fence, but is required to maintain fence and keep it in good repair. Any damage to fencing or missing slats shall be fixed to the satisfaction of the zoning administrator. Any missing slats shall be replaced. Staff would recommend issuance of the license be withheld until such time that this condition of approval is accomplished. The Commission may or may not agree with this finding, and may choose to alter the condition of approval.

**PARKING**

Parking on the site is somewhat confusing and not clearly identified. Paving and striping would help to identify customer, employee and ADA parking on the property. Striping would also help to ensure that the access drives are kept unobstructed and that circulation on the property is not negatively impacted.

According to information provided by the applicant and verified through County Records, there is an approximately 5,056 square foot building on the site. At 3.5 spaces per 1,000 square feet of floor area (based on intensive commercial use), a minimum of 18 stalls for this, and at least one ADA compliant stall, must be clearly marked. (This ratio is intended to also account for employee parking.) No spaces are to be used for the sale of vehicles. The 18 spaces represent employee and customer parking. Each stall is required to be 9x20 (180 SF) and situated in a manner that it will not impact traffic along the State Street Corridor. No parking spaces for the site are permitted to park along State Street between the two drive approaches. A condition of approval for parking is included in this staff report. The Commission may or may not agree with this finding, and may choose to alter the condition of approval.

**DESIGN STANDARDS**

Applicant is proposing to improve the façade of the main building. Improvements are consistent with the design standards and requirements in Title 11. Applicant will have at least 3 colors and two materials for the front façade which will meet minimum requirements. The property has two accessory structures that were used with the previous business. These accessory structures are located on the north end of the property directly west of the main building and should be removed prior to a license being issued. No temporary structures are permitted with this approval, or will be allowed without property review and approval from this body. There is no record of the structures being approved from Clearfield City, and thus they are required to be removed to bring the property into compliance.
LANDSCAPING
The site plan approved in May 2009 required that landscaping be installed along the south edge of the property. That was completed, but the landscaping has not been maintained. Staff is recommending that the applicant include a landscape buffer consistent with that required in 2009. This will include an approximate 10 foot wide strip for landscaping that will include trees and shrubs, along the southern boundary of the property.

Public Comment
None received.

GENERAL STANDARDS

Conditional Use Permit Review
Clearfield Land Use Ordinance Section 11-4-3 establishes the general standards and determination the Planning Commission shall make to approve Conditional Use Permits. The findings and staff’s evaluation are outlined below:

<table>
<thead>
<tr>
<th>General Standard</th>
<th>Staff Analysis</th>
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<tbody>
<tr>
<td><strong>DETERMINATION:</strong> A Conditional Use Permit shall be approved if conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards set forth [in the Land Use Code]. If the reasonably anticipated detrimental impacts or effects of the proposed conditional use cannot be substantially mitigated or eliminated by the proposal or the imposition of conditions to achieve compliance with the standards set forth [in the Land Use Code], the Conditional Use Permit may be denied.</td>
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<tr>
<td><strong>1) Equivalent to Permitted Use:</strong> Any detrimental impacts or effects from the proposed use on any of the following shall not exceed those which could reasonably be expected to arise from a use that is permitted in the zone:</td>
<td></td>
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<tr>
<td>a. The health, safety, and welfare of the City and its present and future inhabitants and businesses;</td>
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<tr>
<td>b. The prosperity of the City and its present and future inhabitants and businesses;</td>
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<tr>
<td>c. The peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses;</td>
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<td>d. The tax base;</td>
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<td>e. Economy in governmental expenditures;</td>
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<td>f. The State’s agricultural and other industries;</td>
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<td>g. The urban and nonurban development;</td>
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<td>h. Access to sunlight for solar energy devices; or</td>
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<tr>
<td>i. Property values.</td>
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<tr>
<td>As conditioned, an automobile repair use can be compatible with adjacent properties and equivalent to permitted uses in the C-2 zoning district.</td>
<td></td>
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</table>
2) **Impact Burden:** Any cost of mitigating or eliminating detrimental impacts or effects in excess of those which could be reasonably expected to arise from a permitted use shall become a charge against the development so as not to constitute a burden on the municipality, surrounding neighbors, or adjacent land uses.

   The use has been appropriately conditioned so as to mitigate the impact of burden(s) on adjacent properties.

3) **Conform to the Objectives of the General Plan:** The proposed conditional use shall not limit the effectiveness of land use controls, imperil the success of the General Plan for the community, promote blight or injure property values.

   The proposed use does not limit the effectiveness of land use controls or the success of the General Plan. The proposed use is not anticipated to promote blight or injure property values.

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### CONDITIONS OF APPROVAL

1) This Conditional Use Permit is for an automobile repair use, for King’s Auto Repair, located at 1181 South State Street.

2) No use shall be consistent with conditions of approval, including conditions that were imposed by the Planning Commission in 2009 public hearing.

3) Absolutely no automotive repair services shall be conducted outside of the building’s service bays.

4) Damaged and inoperable vehicles as well as vehicles awaiting repair shall not be stored outside overnight. Keeping of inoperable vehicles overnight inside the building is acceptable.

5) Fencing shall be kept in good repair. Applicant must provide slats for the chain link to create a more permanent screening option than is currently being utilized by the existing chain-link fence. Applicant is required to have fence in compliance prior to business license being issued.

   a. The outdoor storage for the use is limited to the fenced area on the east side of the building and must be screened from public view.

   b. No outdoor storage on the west side of the building is permitted overnight, including but not limited to, such items as materials, automobiles, automobile parts, or the like.

   c. Fencing is required to separate the residential and commercial uses and should be installed along the eastern boundary of 1265 South State Street.

6) All detached structures located on the site shall be removed prior to a license being issued for the business.

7) There shall be no overflow parking offsite (on the lots to the south or east, on the street, or otherwise).

8) Applicant will provide revised drawings with appropriately scaled stalls for customer and employee parking as required in 11-14-2(B). Customer and employee parking must be striped and marked shall include at least one ADA stall.
9) A minimum of eighteen (18) parking spaces (for employees and customers) shall be provided and maintained at all times. Parking stalls shall meet the minimum dimensions of City Code. The stalls shall be paved and striped, as appropriate. The parking lot shall be striped in a manner consistent to accommodate eighteen (18) stalls, and Clearfield City Code, as well as an ADA parking stall. At least one stall shall be ADA compliant. Striping shall also be made to delineate adequate ingress/egress from both drive access points. The striping plan shall provide for reasonable vehicular circulation through the site.

10) The site shall be maintained in a neat and orderly manner and have no abandoned or leaking automotive parts except in an enclosed container for disposal.

11) Keeping of hazardous liquids and rags used to clean up spills shall be kept in accordance with North Davis Fire District’s standards. Storage of any chemicals shall be inspected and approved by North Davis Fire District.

12) An oil separator is necessary for any floor drains, it shall be cleaned and proper working order verified by the Public Works Department. It may be necessary to install a cap on top of the sewer line.

13) Any other businesses proposed to be located on the same site, prior to obtaining a business license, will require review and approval by the Planning Commission. Additional parking requirements necessary for additional businesses may require amending this Conditional Use Permit and any other conditions deemed appropriate to mitigate additional impacts on surrounding properties.

14) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

ATTACHMENTS
1. Site Plan
TO: Planning Commission

FROM: Spencer Brimley, MRED
Development Services Manager
Spencer.Brimley@clearfieldcity.org (801) 525-2785

MEETING DATE: December 7, 2016

SUBJECT: Public Hearing, Discussion and Possible Action on CUP 1611-0001 a request by C. Darwin Nelson, on behalf of Safebuy Auto Sales, for a Conditional Use Permit approval for a motor vehicle sales lot, located at approximately 1265 South State Street (TIN: 12-066-0051). The property is approximately 0.609 acres in size and is located in a C-2 (commercial) zoning district

RECOMMENDATIONS
Move to approve as conditioned CUP 1611-0001 a request by C. Darwin Nelson, on behalf of Safebuy Auto Sales, for a Conditional Use Permit approval for a motor vehicle sales lot located at approximately 1265 South State Street (TIN: 12-066-0051), based on the findings and discussion in the Staff Report.

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<td>General Plan &amp; Land Use</td>
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ANALYSIS

Prior to this request the site was occupied by a motor vehicle sales lot. The lot was vacated earlier this year and the applicant is seeking approval for the same use, specific to the name Safebuy Auto. The parcel is approximately 0.609 acres in size (26,528.04 SF), located at 1265 South State Street, and has an existing building and surface parking area.
General Plan and Zoning
The site is shown in the General Plan as commercial and possesses a consistent zoning designation for the property; C-2 (Commercial). The subject property is surrounded by properties that are zoned and shown in the general plan as commercial uses, as well as mixed use. The Future Land Use Map in the City’s General Plan shows this parcel as commercial for the foreseeable future. The requested use is consistent with zoning and other uses in the area.

Conditional Use Permit Review
The request is for a Conditional Use Permit (CUP) for a motor vehicle sales lot in the C-2 (commercial) zoning district. The site was previously used for motor vehicle sales. The Community Development office has records that show the previous business obtained a business license prior to the changes in the zoning ordinance requiring a CUP for this type of use. The use being classified as a CUP in the zone provides the City the opportunity to mitigate the impact of the use on adjacent and neighboring properties. The new business is required to obtain conditional use permit approval, prior to being issued a business license. A condition of approval addressing the amount of inventory permitted on the site and that it must be contained on-site (and prohibiting on-street parking) is appropriate and would mitigate the impact on adjacent property owners.

Parking & Inventory
The applicant is proposing 23 stalls to house the vehicle sales inventory. However, this proposal includes vehicles being parked on the landscaped or grass area at the intersection, which is not permissible, as well the parking of vehicles that may cause circulation issues on the site. Staff has reviewed the proposed plan and is recommending not more than twenty (20) for the sale at any one time on the property. There are six (6) customer and employee parking spaces located near the building. The proposed parking is more than is required for the site. Staff has an approximate size of 1,200 for building, which would require no more than four (4) for this particular business. Should the Planning Commission desire a modified layout or have concerns with the quantity this should be articulated and the condition of approval modified accordingly.

Site Plan
A site plan approval is not being required as the site has not been vacant for a period exceeding 12 months. Any lighting on the site must be consistent with Clearfield City Code; 11-13-17 and must be installed as a permanent fixture. Temporary lights or lighting shall not be permitted. The site can be accessed State Street or 1000 East. No inventory shall obstruct or block the ingress or egress for the site.

There is an existing landscape area on the south end of the property, near the intersection. The applicant will be required to maintain this area, consistent with Clearfield City Code 5-1-4. No additional plants are being required, but the area shall be maintained, and be kept free of weeds and debris. Additionally, the applicant will be required to remove all overgrown weeds from the entire site. Since the site has previously been a car lot, staff is not requiring additional landscaping, but that the property is maintained in a manner consistent with current regulations.

Public Comment
No public comment has been received to date.

Review Considerations

Conditional Use Permit Review
Clearfield Land Use Ordinance Section 11-4-3 establishes the general standards and determination the Planning Commission shall make to approve Conditional Use Permits. The findings and staff’s evaluation are outlined below:
<table>
<thead>
<tr>
<th>General Standard</th>
<th>Staff Analysis</th>
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<td>DETERMINATION: A Conditional Use Permit shall be approved if conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards set forth [in the Land Use Code]. If the reasonably anticipated detrimental impacts or effects of the proposed conditional use cannot be substantially mitigated or eliminated by the proposal or the imposition of conditions to achieve compliance with the standards set forth [in the Land Use Code], the Conditional Use Permit may be denied.</td>
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| 1) **Equivalent to Permitted Use:** Any detrimental impacts or effects from the proposed use on any of the following shall not exceed those which could reasonably be expected to arise from a use that is permitted in the zone:  
  a. The health, safety, and welfare of the City and its present and future inhabitants and businesses;  
  b. The prosperity of the City and its present and future inhabitants and businesses;  
  c. The peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses;  
  d. The tax base;  
  e. Economy in governmental expenditures;  
  f. The State’s agricultural and other industries;  
  g. The urban and nonurban development;  
  h. Access to sunlight for solar energy devices; or  
  i. Property values. |
| As conditioned, the motor vehicle sales use can be compatible with adjacent properties and equivalent to permitted uses in the C-2 zoning district. |
| 2) **Impact Burden:** Any cost of mitigating or eliminating detrimental impacts or effects in excess of those which could be reasonably expected to arise from a permitted use shall become a charge against the development so as not to constitute a burden on the municipality, surrounding neighbors, or adjacent land uses. |
| The use has been appropriately conditioned so as to mitigate the impact of burden(s) on adjacent properties. Mitigation measures include the amount of inventory and the location of inventory on the site. |
| 3) **Conform to the Objectives of the General Plan:** The proposed conditional use shall not limit the effectiveness of land use controls, imperil the success of the General Plan for the community, promote blight or injure property values. |
| The proposed use does not limit the effectiveness of land use controls or the success of the General Plan. The proposed use is not anticipated to promote blight or injure property values. |
CONDITIONS OF APPROVAL

1) This Conditional Use Permit is granted to Safebuy Auto Sales, for the purpose of motor vehicle sales, located at 1265 S. State Street.

2) No more than twenty (20) cars for sale at any one time on the lot. The entire inventory must be able to be parked on site and cannot overflow onto adjacent roads or parcels. The site shall not have double parked vehicles and must maintain adequate circulation flow at all times. Off-site parking for the purposes of inventory is prohibited.

3) Off-site parking for the purposes of inventory shall be prohibited.

4) Applicant will provide revised drawings with appropriately scaled stalls for all vehicles for sale, customer and employee parking as required in 11-14-2(B). Customer and employee parking must be striped and marked with signage and shall include at least one ADA stall.

5) No temporary lighting shall be permitted for the site. Lighting for the site, either parking lot or exterior to the building shall be shown and must meet City Code 11-13-17.

6) No vehicle repairs are allowed on this or subsequent properties that may be purchased, leased or used by the applicant, and as such, no advertisement for any vehicle repairs shall be permitted.

7) CUP approval is subject to North Davis Fire District review and approval.

8) CUP approval is subject to UDOT review and approval.

9) Proposed signage must meet Title 11, Chapter 15 standards. Signs are not included as part of this Site Plan approval. Separate review and approval will be required.

10) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

ATTACHMENTS

1. Site Plan