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, February 3, 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. ROLL CALL

2. APPROVAL OF MINUTES
   A. January 6, 2016

PUBLIC HEARINGS:

3. Public Hearing on PSP 1511-0006, a request by Anita White for 2-lot Subdivision, to be known as the White Subdivision. The site is located at, approximately 591 South State Street (TIN: 12-003-0037). The property is in the C-2 (Commercial) zoning district.

4. Public Hearing on ZTA 1509-0006, a proposed amendment to the Clearfield Land Use Ordinance Title 11 Chapter 13 for Pawn and Secondhand Establishments.

SCHEDULED ITEMS:

5. Discussion and Possible Action on PSP 1511-0006, a request by Anita White for 2-lot Subdivision, to be known as the White Subdivision. The site is located at, approximately 591 South State Street (TIN: 12-003-0037). The property is in the C-2 (Commercial) zoning district.

6. Discussion and Possible Action on FSP 1511-0006, a request by Anita White for 2-lot Subdivision, to be known as the White Subdivision. The site is located at, approximately 591 South State Street (TIN: 12-003-0037). The property is in the C-2 (Commercial) zoning district.

7. Discussion and Possible Action on ZTA 1509-0006, a proposed amendment to the Clearfield Land Use Ordinance Title 11 Chapter 13 for Pawn and Secondhand Establishments.
COMMUNICATION ITEMS:

8. Staff Communications - Welcome to our new and reappointed Planning Commissioners:
   A. Ron Jones, term expiring in 2020
   B. Chris Uccardi, Alternate, term expiring in 2021
   C. Amy Mabey, reappointed with a term expiring in 2021

9. Planning Commissioners’ Minute

   **PLANNING COMMISSION MEETING ADJOURNED**

Dated this 1st day of February, 2016
/s/Spencer W. Brimley, Development Services Manager

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: February 3, 2016

SUBJECT: Public Hearing, Discussion and Possible Action on:

PSP 1511-0006 a request by Anita White, for a Preliminary Subdivision Plat approval located at 591 S. State Street (TIN: 12-003-0037). The property is approximately 0.658 acres and lies in the C-2 (Commercial) zoning district.

FSP 1511-0006 a request by Anita White, for a Final Subdivision Plat approval located at 591 S. State Street (TIN: 12-003-0037). The property is approximately 0.658 acres and lies in the C-2 (Commercial) zoning district.

RECOMMENDATIONS

Move to approve as conditioned, PSP 1511-0006: A request by Anita White, for a Preliminary Subdivision Plat approval located at 591 S. State Street (TIN: 12-003-0037), based on the discussion and findings in the Staff Report.

Move to recommend to the City Council approval as conditioned, FSP 1511-0006: A request by Anita White, for a Final Subdivision Plat approval located at 591 S. State Street (TIN: 12-003-0037), based on the discussion and findings in the Staff Report.

PROJECT SUMMARY

<table>
<thead>
<tr>
<th>Project Information</th>
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<tbody>
<tr>
<td>Project Name</td>
<td>White Subdivisions</td>
</tr>
<tr>
<td>Site Location</td>
<td>591 S State Street</td>
</tr>
<tr>
<td>Tax ID Number</td>
<td>12-003-0037</td>
</tr>
<tr>
<td>Applicant</td>
<td>Anita White</td>
</tr>
<tr>
<td>Owner</td>
<td>Anita White</td>
</tr>
<tr>
<td>Proposed Actions</td>
<td>Two lot commercial subdivision</td>
</tr>
<tr>
<td>Current Zoning</td>
<td>C-2 (Commercial)</td>
</tr>
<tr>
<td>Land Use Classification</td>
<td>Commercial</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>0.658 acres</td>
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</table>
ANALYSIS

Background
Anita White submitted a request for a two lot subdivision located at 591 S. State Street, (TIN: 12-003-0037). The parcel currently has two uses on the property with three buildings. There is a commercial building located on the southern portion of the property closes to State Street and the northern portion of the property is occupied with Ms. White’s home and garage.
The plat and property were established, according to Davis County records, in 1981. The property is a legal lot of record, but requires subdivision approval in order to allow it to be divided into two separate parcels. Staff has spoken with the Clearfield City utilities and they have provided confirmation that there is only one connection for this property. The owner/applicant will be required to obtain a separate connection for each lot included in the subdivision proposal.

Due to the simplistic nature of the plat, the Preliminary Subdivision Plat and Final Subdivision Plat are identical. The items will run together with Conditions of Approval being identical for both items.

There is no sidewalk along the eastern boundary of the property. The sidewalk has been installed on the property to the north and continues into the residential area. Staff has considered these and other improvements and is recommending the applicant sign an agreement to defer these improvements. Since the property is not seeing any construction with this proposal, staff felt it appropriate to require the improvements, at such time that the property is redeveloped.

Staff has contacted Pinnacle Engineering and has requested improvement plans that will meet the requirements stated in the Engineer’s letter. The intent of this drawing is to provide information on existing utility locations, and future improvements particular to sidewalk in the area. Due to the lack of sidewalk on the east side of the property, staff would be supportive of the property owner signing an improvement agreement to defer the installation of improvements at a future date. The request to subdivide does not increase impacts to drainage, but rather organizes the property into two separate lots. Public Works has done an initial review of the property, and Staff feels that the improvement drawings can be reviewed and approved between Planning Commission and City Council reviews.

Comprehensive Plan and Zoning
The future land use map shows the parcels are master planned commercial. The zoning is C-2 (Commercial). There is no documentation or adopted Ordinance that indicates the property has ever been rezoned to any other use.

Regardless of its zoning, however, the property may be subdivided with its existing zoning, subject to meeting the commercial standards. The proposal meets the minimum C-2 zoning standards. The purposes for which this property is being reviewed as a subdivision does not require a rezone approval since the applicant is subdividing in order to participate in a financial strategy to keep and maintain her home. The residential and commercial building will remain on their respective lots, if the subdivision is approved.

Subdivision Plat Approval
The City Engineer has reviewed the plat, and is anticipating improvement drawings detailing sidewalk, curb, and gutter improvements along 500 E, along with estimate for said improvements. Planning has performed a review of the plat, and has determined that the lots contain the necessary square footage and meet all requirements listed in the C-2 Zone.

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) Applicant shall provide proof of separate wet and dry utility connections for each lot in the proposed subdivision.

3) Pursuant to the Subdivision Ordinance 12-4-5, 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.

4) An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to recordation of the Final Plat, or a signed and executed Improvement Agreement for all required improvements including, detention areas, calculations and installation of sidewalk, curb, and gutter improvements that shall be required at the time new construction is proposed for either lot.

5) 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. White Preliminary Subdivision Plat
2. White Final Subdivision Plat
TO: Planning Commission  
FROM: Spencer W. Brimley  
       Development Services Manager  
       Spencer.Brimley@clearfieldcity.org  
       (801) 525-2785  
MEETING DATE: February 3, 2016  
SUBJECT: Public Hearing Discussion and Possible Action on ZTA 1509-0006, a proposed amendment to the Clearfield Land Use Ordinance Title 11 for Pawn and Secondhand Establishments.

RECOMMENDATION
Move to recommend approval of ZTA 1509-0006, a request by Clearfield City for a proposed text amendment to the Clearfield City Land Use Ordinance Title 11 Chapter 13 for Pawn and Secondhand Businesses, based on findings and discussion in the Starr Report.

ANALYSIS

History
October 2014 – New pawn business is approved by Planning Commission. Residents attend public hearing to voice concerns over the location of a new pawn business adjacent to residential as well as concerns of an increase in crime and negative impacts to the neighborhood.

September 2015 – The City Council, in response to comments from the October 2014 hearing, passes Ordinance 2015-17. This enacts a temporary land use regulation prohibiting for six months the approval of new applications for Pawn and Secondhand Businesses pursuant to Utah Code Annotated 10-9a-504. Council directs staff to perform necessary research regarding concerns with Pawn and Secondhand Businesses.

November 2015 – Staff presents to the Planning Commission information pertaining to increased regulation of Pawn and Secondhand Business. The Planning Commission requests that staff perform additional analysis regarding the issue before bringing it back to the Commission for further discussion.

January 2016 – Staff holds work meeting with Planning Commission pertaining to concerns that were presented by the Commission at the November 2015 meeting. Staff proposed to bring proposal to the Planning Commission for recommendation to the Council at the February 2016 meeting.
Research and Analysis
Pawn and secondhand businesses, outside of the C-2 zone, are not permitted as a conditional use or as a permitted use within the City. Staff's review of ordinances from several municipalities within Utah provides a broader framework and context for the regulation of these types of businesses. The ordinances serve as a guide for consistent application of regulations for pawn and secondhand businesses. Staff was also able to locate and review regulations for several municipalities outside of the State who have implemented regulations to further mitigate perceived or potential impacts of these types of businesses.

In addition, Staff obtained information from Clearfield City Police Department ("CPD") to evaluate impacts from the current pawnshops within the City. After a careful review of the CPD data, staff concludes there is no significant disproportionate burden on the CPD, and that there is a good working relationship between the current pawnshops and the CPD. It appears that Clearfield City does not currently have a “problem” with pawn or secondhand businesses (except perhaps perception).

This is not to say that the failure to regulate the location of future pawn and secondhand business may not become an issue for the City in the future. The academic and secondary legal research studied by staff established support for the position that over time, and without any attention or regulation, negative impacts can go unnoticed and cause a long-term negative economic impact, which may be mitigated by taking timely and appropriate measures. Staff believes that amending the City’s Land Use Ordinance to be more consistent with regulations both locally and nationally can eliminate clustering and minimize or avoid the associated long-term negative economic impacts.

The State of Utah’s regulations are different for Pawn and Secondhand Businesses and Non-Depository Lending Establishments ("NDLEs"). However, from a municipal perspective the nature and operation of these businesses is quite similar and should be regulated in the same manner at the local level. Both pawn shops and NDLEs operate as lending institutions, providing non-traditional loans to those who may not qualify for traditional financing. These uses serve as an alternative means for an individual to obtain cash. From a local perspective there is little difference other than what they are making loans on and the terms associated with each loan. Staff believes it is consistent for pawn shops and NDLEs to be regulated similarly, within Clearfield City.

Records indicate there are approximately 10 non-depository lending establishments and three pawn and secondhand businesses located within the city limits. The proposed changes, include a separation requirement of this specific use from the same type of business use and a separation from other specified uses. This is to discourage clustering of these uses, which is not a land use development pattern that is supported by the City’s General Plan (see “Master Plan” discussion below). If the proposed regulation is accepted by the Planning Commission adopted by the Council, it would limit the number of additional pawnshops within the City to no more than three (3). This number takes into consideration the likelihood that all other pawnshops, currently in operation would remain. Additionally, the regulation would regulate the distance that a pawn shop could be to NDLE within the City.

Master Plan
The proposed changes conform to the City’s General Plan, specifically the Land Use Guidelines which include “improving the image of the community and fostering a positive, healthy living environment” and “increasing the livability and aesthetics of the City.” A revision to the Land Use Ordinance that improves effectiveness of the regulation of uses is consistent with these
guidelines. It is also consistent with the policy under the Land Use Element which states, “Continue to update the City’s Land Use Ordinance as necessary to maintain consistency with this General Plan.”

**Proposed changes**
Consistent with the approach taken by other municipalities, staff recommends that the Planning Commission recommend regulating the proximity of pawn or secondhand businesses to other pawn or businesses identified as non-depository lending establishments, as defined in Clearfield City Code. The purpose of the new regulation would be to avoid clustering of this type of use (together with NDLEs) within the City. Given this information, staff is proposing to amend the supplementary regulations (Title 11 Chapter 13) of the Clearfield City Land Use Ordinance as outlined below.

**DRAFT ORDINANCE LANGUAGE: 11-13-35 – Pawn and Secondhand Businesses**

A. Pawn and Secondhand Businesses:

1. No pawn or secondhand business shall be located within one mile (5,280 feet) of any other pawn or secondhand business. The distance shall be measured in a straight line between the closest property lines of the lots upon which they are located.
2. A pawn or secondhand business shall not be located within eight hundred eighty feet (880') from any non-depository lending establishment.

It is anticipated that as the City strives to adopt development standards that encourage positively perceived development patterns, encourage long-term residency, and contribute to a healthier economy for the Community, that the goals of both the General Plan and the Strategic Plan are better accomplished.

**FINDINGS**

**Zoning Ordinance Text Amendment**
Clearfield Land Use Ordinance Section 11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. The findings and staff’s evaluation are outlined below:

<table>
<thead>
<tr>
<th>Review Consideration</th>
<th>Staff Analysis</th>
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<tbody>
<tr>
<td>1) The proposed amendment is in accordance with the General Plan and Map; or</td>
<td>A stated policy of the Land Use Element is to “Continue to update the City’s Land Use Ordinance as necessary to maintain consistency with this General Plan”. Land Use Guidelines include improving aesthetics and community image. The proposal to enact a distance requirement between all pawn or secondhand businesses and NDLEs to reduce clustering and mitigate future negative economic impacts caused by the clustering of these specific businesses accomplishes the purposes outlined in the City’s General Plan.</td>
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### 2)

| Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title. | N/A |

**Attachments:**

1. Clearfield Police Call data
2. Pawn/NDLE graphics
Clearfield City Police Department
Calls for Service Comparison Report

Prepared for the Development Services Department

The following information was obtained from the Clearfield Police Department Crystal Reports. The reports reflect the number of calls for service recorded in Spillman (department records management system). The reports reflect the number of calls for service from January 1, 2014 to October 31, 2015.

Pawn Shops

American Pawn (two locations – same owner) 683 S State & 699 S State
Total calls for service: 13
Calls associated with criminal activity: 4

Pawn Depot
Total calls for service: 3
Calls associated with criminal activity: 1

Instant Cash and Pawn
Total calls for service: 4
Calls associated with criminal activity: 2

Payday Lending (or similar businesses)

Loyal Loans
Total calls for service: 4
Calls associated with criminal activity: 2

QC Financial
Total calls for service: 13
Calls associated with criminal activity: 1

Security Finance
Total calls for service: 5
Calls associated with criminal activity: 3

Titlemax of Utah
Total calls for service: 3
Calls associated with criminal activity: 1
USA Cash Services
Total calls for service: 8
Calls associated with criminal activity: 3

Utah Title Loans Inc.
Total calls for service: 3
Calls associated with criminal activity: 0

Grocery Stores

Kent’s Market
Total calls for service: 130
Calls associated with criminal activity: 35

Winegars
Total calls for service: 63
Calls associated with criminal activity: 30

Thrift Stores

Dollar General
Total calls for service: 47
Calls associated with criminal activity: 22

Family Dollar
Total calls for service: 18
Calls associated with criminal activity: 6

Convenience Stores

7-Eleven (712 S State)
Total calls for service: 45
Calls associated with criminal activity: 16

7-Eleven (976 W 1700 S)
Total calls for service: 25
Calls associated with criminal activity: 6

Conoco (641 N Main)
Total calls for service: 43
Calls associated with criminal activity: 21
Falcon Landing (680 N Main)
Total calls for service: 22
Calls associated with criminal activity: 7

Freeport Chevron (1716 S Main)
Total calls for service: 47
Calls associated with criminal activity: 13

JP’s Texaco (1350 E 700 S)
Total calls for service: 38
Calls associated with criminal activity: 4

RB’s One Stop (14 E 1700 S)
Total calls for service: 25
Calls associated with criminal activity: 3

Shell (310 N Main)
Total calls for service: 18
Calls associated with criminal activity: 9

Maverik (390 E 1700 S)
Total calls for service: 73
Calls associated with criminal activity: 29

Maverik (709 S State)
Total calls for service: 110
Calls associated with criminal activity: 31

Maverik (985 W 300 N)
Total calls for service: 87
Calls associated with criminal activity: 28

Maverik (1510 E 700 S)
Total calls for service: 56
Calls associated with criminal activity: 25