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, January 6, 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. December 2, 2015

3. ELECTIONS FOR A CHAIR and VICE-CHAIR FOR THE 2016 YEAR

4. APPROVAL OF 2016 MEETING SCHEDULE

PUBLIC HEARINGS:
5. Public Hearing on FSP 1512-0003, a request by Syracuse City for an amendment to the Ninigret Field Subdivision Plat, for a 1.02 acre parcel. The site is located in the vicinity of the Clearfield and Syracuse city limits, approximately 700 South and 1360 West (TIN: 12-766-0004). The property is in the A-1 (Agricultural) zoning district.

6. Public Hearing on CUP 1512-0002, a request by Matt Gertge, on behalf of Let them Be Kids Daycare Center, for Conditional Use Approval for the expansion of an existing daycare facility, including a gymnasium, located on an adjacent parcel at approximately 800 West 1600 South (TIN: 12-391-0014). The property is located in the C-2 zoning district and is approximately 3.61 acres in size (though in the process of being subdivided).

SCHEDULED ITEMS:
7. Discussion and Possible Action on FSP 1512-0003, a request by Syracuse City for an amendment to the Ninigret Field Subdivision Plat, for a 1.02 acre parcel. The site is located in the vicinity of the Clearfield and Syracuse city limits, at approximately 700 South and 1360 West (TIN: 12-766-0004). The property is in the A-1 (Agricultural) zoning district.

8. Discussion and Possible Action on SP 1512-0003, a request by Syracuse City for site plan approval for a trailhead on a 1.02 acre parcel. The site is located in the vicinity of the Clearfield and Syracuse city limits, at approximately 700 South and 1360 West (TIN: 12-766-0004). The property is in the A-1 (Agricultural) zoning district.
9. Discussion and Possible Action on **CUP 1512-0002**, a request by Matt Gertge, on behalf of Let them Be Kids Daycare Center, for Conditional Use Approval for the expansion of an existing daycare facility, including a gymnasium, located on an adjacent parcel at approximately 800 West 1600 South (TIN: 12-391-0014). The property is located in the C-2 zoning district and is approximately 3.61 acres in size (though in the process of being subdivided).

10. Discussion and Possible Action on **SP 1512-0002**, a request by Matt Gertge, on behalf of Let them Be Kids Daycare Center, for Site Plan Approval, for the expansion of an existing daycare facility, including a gymnasium, located on an adjacent parcel at approximately 800 W 1600 S (TIN: 12-391-0014). The property is located in the C-2 zoning district and is approximately 3.61 acres in size (though in the process of being subdivided).

**DISCUSSION ITEMS**
11. Zoning Text Amendments for Pawnshop and Secondhand Business *(Continued from November 4, 2015 Mtg.)*

**COMMUNICATION ITEMS:**
12. Staff Communications

13. Planning Commissioners’ Minute

**PLANNING COMMISSION MEETING ADJOURNED**

Dated this 4th day of January, 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.
Planning Commission Schedule

- Regular meetings of the Planning Commission will be held once a month, typically the first Wednesday of each month or at the request of the Chair when necessary and after properly noticed. All noticed official meetings are open to the public.

- Staff has prepared a draft of the dates for 2016.

  - January 6, 2016
  - February 3, 2016
  - March 2, 2016
  - April 6, 2016
  - May 4, 2016
  - June 1, 2016
  - July 6, 2016
  - August 3, 2016
  - September 7, 2016
  - October 5, 2016
  - November 2, 2016
  - December 7, 2016
TO: Planning Commission

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

MEETING DATE: January 6, 2016

SUBJECT: Public Hearing, Discussion and Possible Action on Public Hearing on FSP 1512-0003, a request by Syracuse City for an amendment to the Ninigret Field Subdivision Plat, for a 1.02 acre parcel. The site is located in the vicinity of the Clearfield and Syracuse city limits, at approximately 700 South and 1360 West (TIN: 12-766-0004). The property is in the A-1 (Agricultural) zoning district.

RECOMMENDATIONS
Move to recommend to the City Council approval of FSP 1512-0003, a request by Syracuse City for an amendment to the Ninigret Field Subdivision Plat, for a 1.02 acre parcel. The site is located in the vicinity of the Clearfield and Syracuse city limits, at approximately 700 South and 1360 West (TIN: 12-766-0004). The property is in the A-1 (Agricultural) zoning district, based on the discussion and findings provided in the Staff Report.

PROJECT SUMMARY

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<td>North</td>
<td>Syracuse City</td>
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ANALYSIS

Background
The request is for an amendment to an existing plat for the creation of one parcel of land located on the Clearfield and Syracuse municipal boundary. The parcel is within Clearfield City and is proposed to be approximately 1.02 acres in size. The parcel under consideration is part of a larger subdivision located in Syracuse City limits. The site was illegally subdivided (by recording a deed) at some point prior to this request. The parcel consisted of 1.73 acres prior to the illegal split creating the two parcels that exist at this time and are shown on the property plat. The site plan being considered does not change any lot lines, but staff feels that an application for new entitlements on this property provides a trigger for correcting the illegal lot split. This application for an amended plat will resolve the parcel division and allow for the approval of the new 1.02 acre parcel and 0.71 acre parcel as legal lots.
Comprehensive Plan and Zoning
The future land use map shows the parcels are master planned industrial. The zoning is A-1 (Agriculture). There is no documentation or adopted Ordinance that indicates the property has ever been rezoned to any other use. The property was previously a railroad right-of-way.

Regardless of its zoning, however, the property may be subdivided with its existing zoning, subject to meeting the agricultural standards. The proposal meets the minimum A-1 zoning standards. The purposes for which this property is being reviewed as a subdivision does not require a rezone approval since it is consistent with the uses allowed in the A-1 zone.

Subdivision Plat Approval
The proposed parcels meet minimum lot size requirements in the A-1 zoning districts. An Engineering review was completed and determined the request meets minimum City standards. The parcel is subject to Site Plan approval for the intended use, park and open space. Impacts on the City’s infrastructure and services, setbacks, and other development standards will be reviewed and ensured through the Site Plan approval process and subsequent permits and other required drawings. The applicant will be required to either establish an escrow account or install the necessary improvements along the frontage, as well as replacing any missing or damaged areas, prior to final plat recordation.

Public Comment
No public comment has been received to date.

CONDITIONS OF APPROVAL

1) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer, by meeting the requirements set forth in the letter dated December 8, 2015.

2) 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. An Escrow agreement will be subject to approval by the City Engineer and City Attorney.

3) Site will be maintained by property owner, in accordance with Clearfield City code.

4) Deteriorated or damaged sidewalk and concrete will need to be replaced or installed.

5) Installation of required improvements or an escrow account shall be established prior to recordation of the Final Plat as outlined in 12-4-6.

ATTACHMENTS

1. Current property plat
2. Ninigret Field Amended Plat
TO: Planning Commission

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

MEETING DATE: January 6, 2016

SUBJECT Discussion and Possible Action on SP 1512-0003, a request by Syracuse City for site plan approval for a trailhead on a 1.02 acre parcel. The site is located in the vicinity of the Clearfield and Syracuse city limits, at approximately 700 South and 1360 West (TIN: 12-766-0004). The property is in the A-1 (Agricultural) zoning district.

RECOMMENDATIONS
Move to approve SP 1512-0003, a request by Syracuse City for site plan approval for a trailhead on a 1.02 acre parcel. The site is located in the vicinity of the Clearfield and Syracuse city limits, at approximately 700 South and 1360 West (TIN: 12-766-0004), based on discussion and findings in the staff report.

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**ANALYSIS**

**General Plan and Zoning**
The request is for a site plan to accommodate a trailhead, known as the Monterrey Trailhead. The lot will be approximately 1.02 acres in size and be integrated into the adjacent residential subdivision development that is located in Syracuse City limits. Installation of this trailhead and parking area will not require the removal of any structures.

**Site Plan Review**
Title 11, Chapter 18, Section F of the Design Guidelines regulates Parking and Circulation. This portion of the guidelines provides direction on parking lot design. While the trailhead may increase foot traffic to the area, it is not designed to accommodate major internal circulation roadways, and pedestrian needs are limited to the areas immediately surrounding the residential area and the trailhead site. Staff's opinion is that the request generally meets the intent of Chapter 18, and does not require any specific conditions.

SITE CIRCULATION and PARKING
Chapter 14 Parking and Loading of the Land Use Ordinance regulates parking facilities. The general intent of that chapter is to provide direction on the number of spaces required by different uses. In this case the primary use of the land is solely parking. Though the parking will serve the trailhead, the code does still provide design guidance.

City Code 11-14-5 Parking Area and Parking Lot Requirements provide the basic design considerations that Staff can use when analyzing the request for a Park and Open space use. The following is a breakdown of the various requirements for the intended use:

- The parking is proposed to be asphalt which is an acceptable surface.
- The parking lot will be graded to facilitate proper drainage.
- Lighting for the parking area shall be arranged to reflect light away from adjoining premises and residential districts.
- There is a proposed storm water detention facility which is designed to connect to existing underground infrastructure.
- The parking stalls are of adequate size and placement, and driving lanes between parking rows meet code.
- An area for snow storage will need to be shown on the site plan to accommodate the stacking volume of four inch (4”) base over the entirety of the parking lot.

LANDSCAPING
Minimum landscaping must be provided of no less than 10% or 4,443 square feet of the site. The proposed site plan does not indicate a landscaping percentage, however, based on a look at the site it would seem the applicant has provided at least the 10% requirement. Any integration of the storm water detention facility into the required landscaping will require the review and approval of Public Works and Engineering regarding the necessary infrastructure improvements. Landscaping for the site may include xeriscape, grass, native shrubs and plants and trees. The applicant will be required to provide plant counts consistent with 11-13-23 of the Clearfield City Code. No artificial or synthetic substitutions will be permissible for any landscape elements. All plants, trees and other landscaping must be watered by an automatic irrigation system.

Chapter 18 Design Standards of the Land Use Ordinance regulates new construction, and construction that requires a building permit. Title 11, Chapter 18, Section D of the Design Guidelines regulates Parking and Circulation. This portion of the guidelines provides direction on installation of landscaping as included below:

- Landscaping shall be integrated into the design, placement, and enhancement of pedestrian plazas, sitting areas, walkways, flagpoles, and signs. This may be accomplished by giving special attention to any plantings immediately adjacent to
pedestrian areas and walkways. This landscaping shall not overgrow or impede pedestrian areas, but rather allow for detail and aesthetics more amenable to pedestrians.

- Drought resistant shrubs and trees are encouraged wherever possible in conjunction with efficient low water use irrigation systems.

- All proposed plants and landscape materials shall be consistent with (but not uniform) and of a similar scale with existing natural landscape, neighboring landscape, and adjacent streetscape areas where appropriate. Drought tolerant plant materials are encouraged. Landscaping improvements may also include berming, contouring, rocks, and boulders.

- The size and spacing of landscape elements shall be consistent and establish a coordinated relationship to any existing or proposed streetscape plantings. The size and spacing of landscape elements shall also be of appropriate scale and character to all proposed site structures and features.

**GARBAGE DUMPSTER**
There is not a garbage dumpster shown on this site plan. Due to the use of these parcels being strictly trailhead and parking, staff would not recommend permitting a garbage dumpster enclosure on this property. However, a trash can shall be required for the site.

**FENCING PLAN**
Per City Code, walls and fences may be required around all property lines adjacent to residential zones or public rights-of-way. However, the A-1 zone does not require fencing around the perimeter. Not requiring fencing will also allow for connectivity to the adjacent residential areas.

**SIGN PACKAGE**
Signage is not included as part of this Site Plan approval. Permits will be required for any signage a prescribed in the 11-15 of the Clearfield City Code.

**Fire Department Review**
The North Davis Fire District has completed their review and has no concerns with proceeding forward. They will require final approval following the submission of revised drawings.

**Public Works Review / Engineering Review**
The Public Works Director and City Engineer review will be provided as a separate written correspondence.

**Public Comment**
No public comment has been received for this item.

**REVIEW CONSIDERATIONS**

**Site Plan Review**
Clearfield Land Use Ordinance Section 11-5-3 establishes the review considerations the Planning Commission shall make to approve Site Plans. The findings and staff’s evaluation are outlined below:
<table>
<thead>
<tr>
<th>Review Consideration</th>
<th>Staff Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1)</strong> <strong>Traffic:</strong> The effect of the site development plan on traffic conditions on abutting streets.</td>
<td>This site has adequate access from 700 South. Staff does not foresee any traffic impacts from this site.</td>
</tr>
<tr>
<td><strong>2)</strong> <strong>Vehicle; Pedestrian:</strong> The layout of the site with respect to locations and dimension of vehicular and pedestrian entrances, exits, drives and walkways.</td>
<td>The driveway to the site is proposed to use the existing driveway and is not proposed to have any changes. There is a public sidewalk along 700 South. Deteriorated or damaged sidewalk and concrete will need to be replaced or installed.</td>
</tr>
<tr>
<td><strong>3)</strong> <strong>Off-Street Parking:</strong> Compliance of off-street parking facilities with Chapter 14 of this Title.</td>
<td>It is estimated that this project will provide approximately 9 parking stalls; one of these stalls will be handicap accessible. Parking must meet minimums for the zone. The size of the stalls will need to meet code standards of 9 feet wide by 20 feet.</td>
</tr>
<tr>
<td><strong>4)</strong> <strong>Loading and Unloading Facilities:</strong> The location, arrangement and dimensions of truck loading and unloading facilities.</td>
<td>The parking facility is not subject to an off-street loading space requirement.</td>
</tr>
<tr>
<td><strong>5)</strong> <strong>Surfacing and Lighting; Parking:</strong> The surfacing and lighting of off-street parking.</td>
<td>The proposal shows an existing light pole at the entrance of the parking lot that is proposed to be relocated. Any additional surface lighting must meet city code. Administrative review of new lighting would be recommended.</td>
</tr>
<tr>
<td><strong>6)</strong> <strong>Screen Planting:</strong> The location, height and materials, of walls, fences, hedges and screen planting.</td>
<td>This site is not subject to screen plantings.</td>
</tr>
<tr>
<td><strong>7)</strong> <strong>Landscaping:</strong> The layout and appropriateness of landscaping.</td>
<td>A minimum of 10 percent landscaping is a requirement in the zoning district. The construction drawings will need to demonstrate this standard is met and the provisions of 11-13-23 for the minimum number of trees and shrubs. The appropriate number of trees and shrubs must be indicated on the approved plans. Landscaping areas may be used jointly as storm detention facilities, but must be improved with landscaping and any vegetation must be watered with a viable irrigation system.</td>
</tr>
<tr>
<td><strong>8)</strong> <strong>Drainage:</strong> The effect of the site development plan on City storm water drainage systems.</td>
<td>The applicant will demonstrate in the construction documents compliance with current City standards and mitigate the impact on the storm drain system.</td>
</tr>
<tr>
<td>9)</td>
<td><strong>Utility:</strong> The effect of the site development plan on City utility systems.</td>
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<tr>
<td>10)</td>
<td><strong>Building Locations:</strong> Consideration of building locations on the site, elevations and relation to surrounding areas (Ord. 84-06B, 9-11-1984)</td>
</tr>
<tr>
<td>11)</td>
<td><strong>Exterior Design:</strong> Consideration of exterior design in relation to adjoining structures and area character to assure compatibility with other structures in the neighborhood, existing or intended. (Ord. 84-08, 10-23-1984)</td>
</tr>
<tr>
<td>12)</td>
<td><strong>Signs:</strong> Compliance of signs with Chapter 15 of this Title and particular consideration to the location of signs upon the site, their effect upon parking, ingress and egress, the effects upon neighboring properties and the general harmony of signs with the character of the neighborhood, existing or intended.</td>
</tr>
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**CONDITIONS OF APPROVAL**

1) Site Plan approval is subject to North Davis Fire District review and approval.
2) Site Plan approval is subject to Engineering review and approval.
3) Pursuant to Land Use Ordinance 11-13-23(B), (C) and (D), prior to issuing a building permit, the applicant must either bond or establish an escrow account to guarantee the installation of landscaping improvements.
4) Landscaping islands shall be provided at a minimum of every 12 stalls and be designed to meet requirements within 11-14-5F.
5) Landscaping must be provided at 10% minimum. Any storm detention facility may be included in the total landscaping calculation, but must be properly landscaped and irrigated per City Code 11-13-23.
6) No garbage dumpster or garbage dumpster enclosure may be kept on the property, but a trash can shall be required for the development.
7) Site will be maintained in accordance with Clearfield City code. Property owner is responsible for the maintenance and up keep of the property and will be responsible for the keeping the site clean and safe.
8) Site Plan approval is subject to obtaining any necessary permits or approvals including but not limited to a subdivision plat approval.

9) 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/Landscaping Plan
TO: Planning Commission

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

MEETING DATE: January 1, 2016

SUBJECT: Public Hearing, Discussion and Possible Action on CUP 1512-0002, a request by Matt Gertge, on behalf of Let Them Be Kids Daycare Center, for Conditional Use Approval for the expansion of an existing daycare facility, including a gymnasium, located on an adjacent parcel at approximately 800 West 1600 South (TIN: 12-391-0014). The property is located in the C-2 zoning district and is approximately 3.61 acres in size (though in the process of being subdivided).

Discussion and Possible Action on SP 1512-0002, a request by Matt Gertge, on behalf of Let Them Be Kids Daycare Center, for Site Plan Approval for the expansion of an existing daycare facility, including a gymnasium, located on an adjacent parcel at approximately 800 West 1600 South (TIN: 12-391-0014). The property is located in the C-2 zoning district and is approximately 3.61 acres in size (though in the process of being subdivided).

RECOMMENDATIONS

Move to approve as conditioned, CUP 1512-0002, a request by Matt Gertge, on behalf of Let Them Be Kids Daycare Center, for Conditional Use Approval for the amended site plan of an existing daycare facility, including a gymnasium, located on an adjacent parcel at approximately 800 West 1600 South (TIN: 12-391-0014), based on the findings and discussion in the Staff Report.

Move to approve as conditioned, SP 1512-0002, a request by Matt Gertge, on behalf of Let Them Be Kids Daycare Center, for Site Plan Approval for the expansion of an existing daycare facility, including a gymnasium, located on an adjacent parcel at approximately 800 West 1600 South (TIN: 12-391-0014), based on the findings and discussion in the Staff Report.
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<td><strong>Current Master Plan</strong></td>
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<td><strong>Gross Site Area</strong></td>
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### Vicinity Map

**APPROXIMATE SITE**

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<td>North Agricultural property A-1 (Agricultural) Residential</td>
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<tr>
<td>East Rocky Mountain Power line Corridor A-1 (Agricultural) Manufacturing</td>
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The parcel is approximately 3.61 acres located at approximately 800 West 1600 South, just east of the existing daycare facility for Let Them Be Kids. The existing structure will remain with the proposed structure being developed on an adjacent parcel, currently being sought for subdivision. The proposed development of a daycare facility is consistent with the zoning on the property as a conditional use. The owner of the property has submitted a subdivision plat, which has been recommended for approval by the Planning Commission, and will be heard by the City Council on January 12, 2016 for final approval.

This application is to amend the previously granted approval for this daycare facility. Additionally, as a separate item, a Site Plan is to be considered by the Planning Commission for decision. The property is currently zoned C-2 (Commercial) and shown on the future land use map as Commercial. The subject property is surrounded by properties that are currently zoned agricultural and commercial. The future land use map shows these parcels as residential and commercial respectively. Clearfield City’s General Plan shows this site as commercial for the foreseeable future.

Conditional Use Permit Review
The request is for a Conditional Use Permit (CUP) for a daycare facility. The purpose of the CUP is to allow a land use that, because of its unique characteristics or potential impact 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.

The request for a Conditional Use Permit (CUP) for a commercial daycare facility is consistent with the City’s Land Use Ordinance as this use is permitted with an approved CUP in the C-2 zoning district. The proposal is for a single building totaling approximately 22,504 square feet with the ground floor area totaling 15,657 SF and the second floor making up the difference with 6,847 SF. Conditions of approval are intended to mitigate the impacts of this use that would otherwise make the use incompatible with either the nearby residential or commercial properties. Following the completed subdivision there is a proposal under consideration for multi-family residential to be developed on the southern 1.88 acres of this parcel.

The current request is for a daycare facility to be operated entirely on property zoned C-2. The daycare’s State-required open space will be located on the north side of the existing building. Fencing is required to be installed on the open space area as well as the entire perimeter of the property, excluding the southernmost property line that fronts on to the street.
The daycare use is expected to be operated during normal daytime business hours and staff does not expect the use to generate objectionable noise, odors, dust or fumes that would make it incompatible with the adjacent uses, particularly with the future residential use to the south. Certification from the State of Utah’s review of the location, to validate the number of children that can be cared for at this facility, is required.

Outdoor Play Area and Proposed Fencing
A new outdoor play area is proposed to be located north of the proposed building (all within C-2 zoned property). Staff is requiring additional detail and information about this area and what play amenities will be provided. The area will be surrounded by a six foot high solid vinyl fence, located along the play area and perimeter of the property. A security gate could be located at the northwest corner of the play area, and should remain locked during normal business hours. The design of outdoor play areas is to be approved by the State of Utah. Written confirmation of acceptance of the new outdoor play area is required.

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>
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<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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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

The requested daycare facility is proposed as an expansion of an existing facility, with an outdoor play area to be provided on property zoned C-2. This is a use that is compatible with adjacent properties, once the impacts are properly mitigated.
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.

Daycare centers have a unique traffic and circulation impact, as there is a tendency for peak uses in the morning and the evening during rush hour times where the roads are also in much heavier use.

The site has been designed and should be striped to accommodate potential traffic flow, and mitigate the impact on adjacent properties and roads as much as possible.

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. It is a daycare facility in the C-2 zoning district. Conditions of approval are proposed to mitigate impact to the surrounding properties.

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**ANALYSIS – SITE PLAN**

**Design Standards**
Chapter 18 of Title 11 has been adopted and applied by the City to ensure that all new development within the city is of exceptional quality and expresses attractive architectural and site design standards consistent with its particular use and location. The provisions in this chapter are meant to supplement the objectives of other chapters in this title which also impose certain design standards or requirements that are zone specific.

The structure as it is proposed is a two-story commercial building. The exterior of the building is a combination of different colored hardie board with a red field brick banding along the lower section of the building and a brown brick accent on columns, piers and caps. In staff’s opinion, the building as it is proposed is in compliance with Chapter 18 Design Standards.

**Parking, Circulation, and Access**
The Site Plan that was approved with the existing facility provided 13 stalls with one (1) ADA accessible stall. The new site proposes 35 stalls with no ADA accessible stalls. The applicant will need to provide appropriate ADA accessible stalls for the new building. For this particular development it is required that the applicant provide at least 2 more stalls on the site for a total of 3 ADA stalls between the two parcels. The totality of parking for the use will be 48 parking spaces. Additionally, since the parking crosses over parcel lines staff is requesting a cross access agreement be established and recorded to allow for future access should ownership of the properties change.
Currently, there is one proposed, two-way, drive approach that provides access to 1600 South for the new building. The two (2) existing drive approaches are west of the proposed building and have been used for the existing facility. Because the site plan does not show dimensions for these approaches, staff would like to see revised plans with all dimensions for the entire facility, both existing and new. City Code requires a minimum of 16 feet for one-way traffic and 30 feet for two-way traffic. There is no indication on the site for drop off and pick up. This must be provided to the city and also should be provided to the parents to limit the number of cars entering the parking lot at any one time. Short term parking or waiting on the street will not be allowed.

**Landscaping**
The plans for the site and the landscaping include all improved areas surrounding the structure that are not parking areas. The calculation shown on the Site Plan is 34% of the property provided in landscaping. This exceeds the 10% requirement. A detailed drawing of the landscaping materials, plant list, and irrigation plan must be submitted for review and approval.

**Garbage Dumpster**
The new site does not show a dumpster. Currently there is a dumpster on the site of the existing facility, but this dumpster is not screened and will be required to be screened from view from a public right of way and any residential uses. Additionally a dumpster must be shown on the new site and will be required to be screened.

**Fencing Plan**
Per City Code, walls and fences may be required around all property lines adjacent to residential zones or public rights-of-way. The applicant has proposed a fence around the property. As proposed staff believes it will provide sufficient screening and separation.

**Sign Package**
Proposed signage must meet Title 11, Chapter 15 standards. Signs are not included as part of this approval. Separate review and approval will be required for any and all signage.

**Public Comment**
No public comment has been received to date.

**REVIEW CONSIDERATIONS**

**Site Plan Review**
Clearfield Land Use Ordinance Section 11-5-3 establishes the review considerations the Planning Commission shall make to approve Site Plans. The findings and staff’s evaluation are outlined below:

<table>
<thead>
<tr>
<th>Review Consideration</th>
<th>Staff Analysis</th>
</tr>
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<tbody>
<tr>
<td>1) Traffic: The effect of the site development plan on traffic conditions on abutting streets.</td>
<td>The site has adequate access from 1600 S. The proposal will be on the north side of the cul-de-sac and should not allow for any on street parking or waiting.</td>
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| **2)** | **Vehicle; Pedestrian:** The layout of the site with respect to locations and dimension of vehicular and pedestrian entrances, exits, drives and walkways.  

The driveway to the site is proposed through the cul-de-sac. There are no changes proposed to the existing drive approaches. There is a public sidewalk along 1600 South. Deteriorated or damaged sidewalk and concrete will need to be replaced or installed. |
| **3)** | **Off-Street Parking:** Compliance of off-street parking facilities with Chapter 14 of this Title.  

It is estimated that the new project will have 35 stalls. These, in conjunction with the existing 13 stalls should provide sufficient parking for the use. The size of the stalls will need to meet code standards of 9 feet wide by 20 feet long and provide an adequate number of ADA compliant spaces. There should be landscaping islands which meet minimum code standards which should be provided at a minimum of every 12 stalls. |
| **4)** | **Loading and Unloading Facilities:** The location, arrangement and dimensions of truck loading and unloading facilities.  

The facility is not subject to an off-street loading space requirement. |
| **5)** | **Surfacing and Lighting; Parking:** The surfacing and lighting of off-street parking.  

The proposal shows existing light poles. Any additional surface lighting must meet city code. Administrative review of new lighting would be recommended. |
| **6)** | **Screen Planting:** The location, height and materials, of walls, fences, hedges and screen planting.  

Screen plantings are not required with this application. |
| **7)** | **Landscaping:** The layout and appropriateness of landscaping.  

A minimum of 10 percent landscaping is a requirement in the C-2 zoning district. The construction drawings will need to demonstrate this standard is met and the provisions of 11-13-23 for the minimum number of trees and shrubs. Landscaping areas may be used jointly as storm detention facilities, but must be improved with landscaping and a viable irrigation system. |
| **8)** | **Drainage:** The effect of the site development plan on City storm water drainage systems.  

The applicant will demonstrate in the construction documents compliance with current City standards and mitigate the impact on the storm drain system. |
| **9)** | **Utility:** The effect of the site development plan on City utility systems.  

The applicant will demonstrate in the construction documents compliance with current City standards and mitigate impact on the utilities system. |
| 10) | **Building Locations:** Consideration of building locations on the site, elevations and relation to surrounding areas (Ord. 84-06B, 9-11-1984) | Drive access is along the south side of the project. Parking is proposed along the west and south sides, with a few stalls on the east. The proposed building location is compliant with the requirements of the C-2 zone. |
| 11) | **Exterior Design:** Consideration of exterior design in relation to adjoining structures and area character to assure compatibility with other structures in the neighborhood, existing or intended. (Ord. 84-08, 10-23-1984) | The project is subject to the Chapter 18 Design Standards should the Commission determine further improvements are required, these should be included as Conditions of Approval. |
| 12) | **Signs:** Compliance of signs with Chapter 15 of this Title and particular consideration to the location of signs upon the site, their effect upon parking, ingress and egress, the effects upon neighboring properties and the general harmony of signs with the character of the neighborhood, existing or intended. | A sign package review will be under separate review and approval. |

**CONDITIONS OF APPROVAL - CUP**

1) This Conditional Use Permit is for Let Them Be Kids Daycare center located at approximately 800 W 1600 S.

2) Written approval from the State of Utah shall be provided regarding the use and configuration of the open space located on the site within the C-2 zone. The outdoor play area shall be fully fenced, and located entirely within the C-2 zone.

3) Applicant will provide cross access agreement between the two parcels for the purpose of sharing parking and allowing vehicular egress. Directions for drop off and pick up configuration shall be provided in striping and way finding signs.

4) No fewer than 48 stalls shall be available for parking for the use. Applicant will provide ADA accessible stalls for new site building, for a total of three (3) for the entire site.

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.
CONDITIONS OF APPROVAL – SITE PLAN

1) The Documents submitted for building permits shall be in substantial conformance with the documents submitted in Site Plan approval SP 1512-0002; however, they will also include and address the following:

a. The final engineering design (construction drawings) submitted for site improvements shall meet City standards and be to the satisfaction of the City Engineer.

b. Any final building plans submitted shall meet building safety standards and be to the satisfaction of the City Building Official.

c. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. No less than 48 stalls are allowed and a minimum of three (3) parking stall must meet ADA standards.

d. Site circulation must be designed in such a manner that 1600 South is not negatively affected or blocked. Adequate paved markings and/or signage shall be provided and incorporated on the site. Parking areas shall be properly surfaced with concrete, asphalt, or masonry pavers, maintained in good condition, and kept free of weeds, dust, trash, and debris.

e. Applicant will provide a designated walkway between buildings, within the parking lot. It shall be striped appropriately for pedestrians walking between buildings.

f. Applicant will provide drop-off and pick-up circulation plan and schedule. No parking or waiting is allowed in the cul-de-sac or along 1600 S or 900 W. All vehicle pick-up and drop-off shall be provided within the parking lot and shall not impact sidewalks or public streets.

g. New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.

h. A minimum of 10% landscaping shall be provided and meet the minimum standards set forth in 11-13-23. Landscaping must be maintained as shown in the approved drawings.

i. Proposed signage must meet Title 11, Chapter 15 standards. Signs are not included as part of this approval. Separate review and approval will be required for any and all signs.

2) Commercial waste services are required. Garbage dumpster must be screened as required by Clearfield City Code 11-11B-12.

3) Site Plan approval is subject to North Davis Fire District review and approval.

4) Site Plan approval is subject to Engineering review and approval.

5) Site Plan approval is subject to obtaining any necessary permits or approvals including but not limited to a Conditional Use Permit from Clearfield City, as well as any approvals or permits from the State of Utah.
6) Pursuant to Land Use Ordinance 11-13-23(B), (C) and (D), prior to issuing a building permit, the applicant must either bond, or establish an escrow account, to guarantee the installation of landscaping improvements.

7) 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
2. Landscape Plan
3. Building Elevations
4. Color Scheme/Board
RED FIELD BRICK
ACCENT BRICK @ COLUMNS, PIERS AND CAPS
HARDIE SIDING MAIN FIELD TIMBER BARK
HARDIE SIDING TRIM NAVAJO BEIGE
HARDIE SIDING DORMERS MOUNTAIN SAGE
DARK BRONZE WINDOW FRAMES
LET THEM BE KIDS DAYCARE FACILITY
800 W. 1600 S CLEARFIELD UT
TO: Planning Commission

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

MEETING DATE: January 6, 2016

SUBJECT: Discussion on ZTA 1509-0006, a proposed amendment to the Clearfield Land Use Ordinance Title 11 for Pawn and Secondhand Establishments. (Continued from November 4, 2015 Mtg.)

RECOMMENDATION

Conclude discussion on item ZTA 1509-0006, a proposed text amendment to the Clearfield City Land Use Ordinance for Pawn and Secondhand Businesses. Staff is requesting information and direction from the Planning Commission regarding changes to the current code for the regulation of Pawn and Secondhand Businesses.

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.

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 it may not become an issue for the City in the future. The research supports the notion that over time without any attention or regulation, negative impacts can go unnoticed and cause long-term issues, which may have been mitigated by taking timely and appropriate measures. Staff believes that amending the City’s Land Use Ordinance would be more consistent with regulations locally and nationally. In addition, these changes help to mitigate potential negative impacts and any clustering of this use within the City in the future.

The State of Utah’s regulations are different for Pawn and Secondhand Businesses and Non-Depository Lending Establishments. 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. Typically these businesses are making loans to individuals who cannot qualify for traditional financing and are seeking alternative means 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, for discussion, 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).

Proposed changes
Consistent with the approach taken by other municipalities, staff would recommend that the Planning Commission consider regulating the proximity of pawn or secondhand businesses to other pawnshops or businesses identified as non-depository lending establishments. 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.

B. Establishments With Active License on March 1, 2016: The following shall only apply to pawn or secondhand businesses that had an active business license on March 1, 2016, in Clearfield City:

1. Termination Of Business License: If any such business fails to renew its Clearfield City business license or vacates its premises, then the business and use is deemed terminated. Businesses which were legally and lawfully in place in the city prior to March 1, 2016, which do not meet the new zoning and separation requirements shall be considered nonconforming and will be subject to the provisions of chapter 17 of this title.

2. Relocation Of Existing Business: Any such business legally and lawfully existing in the city before March 1, 2016, shall only be allowed to relocate to a new site that meets the zoning and separation requirements outlined in this section. The nonconforming status of the prior site is deemed to have been terminated.

Master Plan
These 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.”

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>
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</tr>
</thead>
<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 certain requirements to reduce clustering and mitigate future</td>
</tr>
<tr>
<td>2)</td>
<td>Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.</td>
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**Staff recommendation:**

1. Conclude discussion on this item and prepare for a hearing and action on this item at the February 2016 Planning Commission meeting. Staff will take the Planning Commission’s recommendation from that meeting and forward it on to the City Council for consideration before the temporary land use regulation expires in March.