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, November 2, 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. October 5, 2016

PUBLIC HEARINGS:

2. Public Hearing for CUP 1609-0003, a request by Ilgar Kassoumov, on behalf of CarSmart Auto Group, for an amended Conditional Use approval for a motor vehicles sales lot located at approximately 555 N. Main Street (TIN: 14-090-0001). The property is located in a C-2 zoning district and is approximately 0.38 acres in size.

3. Public Hearing for CUP 1609-0005 a request by Jeremy Wiseman, on behalf of Westgate Auto Sales LLC, for Conditional Use approval for a motor vehicles sales lot located at 447 N. Main (TIN: 14-090-0039). The property is located in a C-2 (Commercial) zoning district and is 0.183 acres in size.

4. Public Hearing, for ZTA 1609-0006, a request by Dave Clayton, on behalf of Auburn Manor Holding Company for a Zoning Text Amendment to City Code § 11-3-3 Definitions, § 11-11A-3 Conditional Uses, in the C-1 (commercial) zoning district to remove the terms “Nursing” or “Rest” homes and replace them with the term “Assisted Living Facilities” additionally, this request will consider amending City Code § 11-11A-6 Height Regulations in the C-1 (commercial) zoning district to increase the maximum height allowed in the zone from 35 feet to 55 feet. This amendment would be effective within the Land Use Code for Clearfield City, a document regulating the development of Clearfield City as a whole.

5. Public Hearing for GPA 1609-0006, a request by Dave Clayton, on behalf of Auburn Manor Holding Company to amend the Master Streets and Transportation Plan Map of the Clearfield City to remove a future minor local road, to accommodate future development of the property in the vicinity of 1450 S 1350 E. This amendment would be effective within the General Plan, a document guiding the development of Clearfield City as a whole.

6. 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 located in a C-2 zoning district and is approximately 0.44 acres in size.
SCHEDULED ITEMS:

7. Discussion and Possible Action on CUP 1609-0003, a request by Ilgar Kassoumov, on behalf of CarSmart Auto Group, for an amended Conditional Use approval for a motor vehicles sales lot located at approximately 555 N. Main Street (TIN: 14-090-0001). The property is located in a C-2 zoning district and is approximately 0.38 acres in size.

A. Discussion and Possible Action on SP 1609-0003, a request by Ilgar Kassoumov for an amended Site Plan approval for a motor vehicles sales lot located at approximately 555 N. Main Street (TIN: 14-090-0001). The property is located in a C-2 zoning district and is approximately 0.38 acres in size.

8. Discussion and Possible Action on CUP 1609-0005 a request Jeremy Wiseman, on behalf of Westgate Auto Sales LLC, for Conditional Use approval for a motor vehicles sales lot located at 447 N. Main (TIN: 14-090-0039). The property is located in a C-2 (Commercial) zoning district and is 0.183 acres in size.

9. Discussion and Possible Action on ZTA 1609-0006, a request by Dave Clayton, on behalf of Auburn Manor Holding Company for a Zoning Text Amendment to City Code § 11-3-3 Definitions, § 11-11A-3 Conditional Uses, in the C-1 (commercial) zoning district to remove the terms “Nursing” or “Rest” homes and replace them with the term “Assisted Living Facilities” additionally, this request will consider amending City Code § 11-11A-6 Height Regulations in the C-1 (commercial) zoning district to increase the maximum height allowed in the zone from 35 feet to 55 feet. This amendment would be effective within the Land Use Code for Clearfield City as a whole.

10. Discussion and Possible Action on GPA 1609-0006, a request by Dave Clayton, on behalf of Auburn Manor Holding Company to amend the Master Streets and Transportation Plan Map of the Clearfield City to remove a future minor local road, to accommodate future development of the property in the vicinity of 1450 S 1350 E. This amendment would be effective within the General Plan, a document guiding the development of Clearfield City as a whole.

DISCUSSION ITEMS:

11. Next year’s meeting schedule (2017).
   A. Discussion and consideration of a change to the PC meeting time to 6 pm for 2017.
   B. Dates for each meeting outlined

12. Accessory Building revisited
   A. City Council has requested that staff re-evaluate proposed changes to accessory building regulations within the City.

COMMUNICATION AND TRAINING:

13. PC Training – Non Conforming Use, Non-Complying Structures
14. Upcoming Land Use 101 Training - Saturday, November 12, from 9am to 1pm. (LUAU)
15. Staff Communications – Planning Commissioner Appointee
   A. Mayor will be appointing an alternate to replace Amy Mabey to finish out the remainder of her term (2/2021). Appointee will be asked to attend Council Meeting on November 22 for formal appointment by the Mayor. Mayor will also appoint new alternate to
allow for up to 3 alternates for the commission.

16. Planning Commissioners’ Minute

**PLANNING COMMISSION MEETING ADJOURNED**

Dated this 27th day of October, 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: November 2, 2016

SUBJECT: Public Hearing, Discussion and Possible Action on CUP 1609-0003, a request by Ilgar Kassoumov, on behalf of CarSmart Auto Group, for an amended Conditional Use approval for a motor vehicles sales lot located at approximately 555 N. Main Street (TIN: 14-591-0001). The property is located in a C-2 zoning district and is approximately 0.38 acres in size.

Discussion and Possible Action on SP 1609-0003, a request by Ilgar Kassoumov, on behalf of CarSmart Auto Group, for an amended Site Plan approval for a motor vehicles sales lot located at approximately 555 N. Main Street (TIN: 14-591-0001). The property is located in a C-2 zoning district and is approximately 0.38 acres in size.

RECOMMENDATIONS
Move to approve as conditioned CUP 1609-0003, a request by Ilgar Kassoumov, on behalf of CarSmart Auto Group, for an amended Conditional Use approval for a motor vehicles sales lot located at approximately 555 N. Main Street (TIN: 14-591-0001), based on the discussion and findings in the Staff Report.

Move to approve as conditioned SP 1609-0003, a request by Ilgar Kassoumov, on behalf of CarSmart Auto Group, for an amended Site Plan approval for a motor vehicles sales lot located at approximately 555 N. Main Street (TIN: 14-591-0001), based on the discussion and findings in the Staff Report.

BACKGROUND
An approval for this business was given by the Planning Commission at their meeting on November of 2015. Following that approval, the applicant has acquired additional property for the purpose of increasing sales inventory for their motor vehicles sales lot. The applicant has received approval from the Council to amend the existing subdivision and parcel boundaries to combine the three parcels into a single lot that is approximately 0.38 acres (16,552 SF) in size. Given these changes to the lot area, it is required that the applicant apply for and receive approval from the Planning Commission for an amendment to the previously granted Conditional Use Permit and Site Plan for the expanded site.
# PROJECT SUMMARY

<table>
<thead>
<tr>
<th>Project Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project Name</strong></td>
</tr>
<tr>
<td><strong>Site Location</strong></td>
</tr>
<tr>
<td><strong>Tax ID Number</strong></td>
</tr>
<tr>
<td><strong>Applicant and Property Owner</strong></td>
</tr>
<tr>
<td><strong>Proposed Actions</strong></td>
</tr>
<tr>
<td><strong>Current Zoning</strong></td>
</tr>
<tr>
<td><strong>Master Plan Land Use</strong></td>
</tr>
<tr>
<td><strong>Gross Site Area</strong></td>
</tr>
</tbody>
</table>

---

**Vicinity Map**
ANALYSIS

Comprehensive Plan and Zoning
This project is subject to Site Plan approval as the use is proposed to expand following the assembly and combination of additional parcels. The proposed use requires a Conditional Use permit (CUP) in the zone and the application for the Conditional Use has been made at this time to amend the previous approval to expand the use. Site Plan approval will be considered in this report, but a separate motion must be made for the site plan decision. The site must provide parking and at least 10% landscaping, which has been proposed. The General Plan has this site listed as Commercial for the foreseeable future; zoning on the property is also commercial.

Conditional Use Permit Review
The request is for an amended Conditional Use Permit for a motor vehicles sales lot in the Commercial (C-2) zoning district. The site has been used as motor vehicles sales lot for the last year. The application provides the City with the opportunity to mitigate the impacts of the use on adjacent and neighboring properties and to evaluate the impacts of this type of use in the area.

The proposal includes parking spaces for employees and customers. There is space along Main Street for the sales inventory to be stored and displayed. The site is accessed by the driveway entrance on the east side of the property, directly from Main Street. Conditions of approval are intended to mitigate the impacts of a motor vehicles sales lot that would otherwise make the use incompatible with either the nearby residential or commercial properties. The applicant has obtained and provided proof of access for the property from Utah Department of Transportation (UDOT), since Main Street is a UDOT road.

Motor vehicles sales can be one of the more intense uses allowed by a CUP in the Commercial (C-2) zoning district. The previous approval allowed the car lot on approximately 0.183 acres. The additional property allows for the potential increased viability of the lot, from an economic stand point for this use, as well as increasing the attractiveness for future, retail on this site.

A condition of approval addressing the amount of inventory permitted for the site (and prohibiting on-street parking) is appropriate and would mitigate the impact on adjacent property owners. The previous approval and conditions allowed no more than eight (8) cars for sales inventory. This also allowed for one customer stall, as well as an ADA stall. Staff would recommend no more than 20 stalls for customer, employees and sales inventory be allowed at any time on the site. Any more than this and the property may no longer function as intended. Each vehicle must be displayed in an area consistent with parking

---

<table>
<thead>
<tr>
<th>Surrounding Properties and Uses:</th>
<th>Current Zoning District</th>
<th>Comprehensive Plan Land Use Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>C-2 (Commercial Zone)</td>
<td>Commercial</td>
</tr>
<tr>
<td>East</td>
<td>C-2 (Commercial Zone)</td>
<td>Commercial</td>
</tr>
<tr>
<td>South</td>
<td>C-2 (Commercial Zone)</td>
<td>Commercial</td>
</tr>
<tr>
<td>West</td>
<td>C-2 (Commercial Zone)</td>
<td>Commercial</td>
</tr>
</tbody>
</table>
standards as described in title 11-14-2(B), as amended. One parking space shall be assumed to be one hundred eighty (180) square feet (dimensions of 9’x20’). Ten percent (10%) of total surface parking may be developed as "compact parking spaces" with the parking stall dimensions of eight feet six inches by eighteen feet (8’6” x 18’). The applicant would be allowed, no more than two stalls that meet this regulation. The current site plan shows 20 stalls. The southeastern-most stall near the corner does not meet minimum requirements would not be useable as a parking stall. It is required that the applicant leave this area open and that it cannot be occupied with any vehicle. This stall would also violate the Clear Vision section of the code (11-13-10) and therefore cannot be used for anything, other than landscaping.

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>
</tr>
</thead>
<tbody>
<tr>
<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>
<td></td>
</tr>
<tr>
<td>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:</td>
<td></td>
</tr>
<tr>
<td>a. The health, safety, and welfare of the City and its present and future inhabitants and businesses;</td>
<td></td>
</tr>
<tr>
<td>b. The prosperity of the City and its present and future inhabitants and businesses;</td>
<td></td>
</tr>
<tr>
<td>c. The peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses;</td>
<td></td>
</tr>
<tr>
<td>d. The tax base;</td>
<td></td>
</tr>
<tr>
<td>e. Economy in governmental expenditures;</td>
<td></td>
</tr>
<tr>
<td>f. The State’s agricultural and other industries;</td>
<td></td>
</tr>
<tr>
<td>g. The urban and nonurban development;</td>
<td></td>
</tr>
<tr>
<td>h. Access to sunlight for solar energy devices;</td>
<td>As conditioned, the motor vehicles sales lot can be compatible with adjacent properties and equivalent to permitted uses in the C-2 zoning district.</td>
</tr>
</tbody>
</table>
i. Property values.

### 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 on adjacent properties. Mitigation measures include the amount of inventory, the location (parking) of inventory to be contained on-site.

### 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 – CONDITIONAL USE PERMIT

1) This Conditional Use Permit CUP 1609-0003 is granted to CarSmart Auto Group for motor vehicles sales, located at 555 N. Main St (TIN: 14-519-0001).

2) No more than 20 total parking stalls (for customers, employees and inventory) shall be allowed. 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 drive lanes and circulation flow at all times.

3) Off-site parking for the purposes of inventory and customers shall be prohibited. Applicant will provide appropriate area for all inventory and customer parking as required in 11-14-2(B), as amended.

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

## CONDITIONS OF APPROVAL – SITE PLAN

1) The Documents submitted for building permits shall be in substantial conformance with the those submitted in Site Plan application SP 1609-0003, located at 555 N. Main St (TIN: 14-519-0001); however, they will also include and address the following:

   a. Applicant will provide revised, scaled drawings for final review. Landscape plan detail as well as site dimensions and detail shall be provided for review and approval.

   b. Any 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. A minimum of one parking stall must meet ADA standards.
d. Site circulation must be designed in such a manner that Main Street is not affected. No backing onto any public right of way will be allowed. No parking shall obstruct any drive approach.

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

f. A minimum of 10% of the site shall be landscaped and shall meet the minimum standards set forth in 11-13-23. Landscaping must be maintained as shown in the approved drawings. Any dead trees or shrubs must be replaced.

g. Proposed signage must meet Title 11, Chapter 15 standards. Signs are not included as part of this Site Plan approval. Separate review and approval for any signage is required.

2) Snow removal and commercial waste removal services are required. If a garbage dumpster is desired, it must be behind screening as required by Clearfield City Code 11-18-4(C)(2).

3) Clearfield Code 11-14-5(G) states that “parking lot design shall plan for a snow stacking area to accommodate the stacking volume of a four inch (4”) snow base over the entire parking lot.”

4) Applicant shall maintain property frontage along a public sidewalk and remove all weeds and noxious vegetation from such property to the curb line of the street and to keep the sidewalks along such property free from litter, snow, ice or obstructions.

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

6) 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 of permits from UDOT (Utah Department of Transportation).

7) Failure to meet all requirements here in within six months of approval will necessitate the revocation of any license for the business operation on the site.

8) 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

A. Site Plan
TO: Planning Commission

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

MEETING DATE: November 2, 2016

SUBJECT: Public Hearing, Discussion and Possible Action on CUP 1609-0005, a request by Jeremy Wiseman, for a conditional use permit for a motor vehicle sales lot, located at 447 N Main St. (TIN: 14-090-0039). The property is approximately 0.18 acres and located in the C-2 (commercial) zoning district.

RECOMMENDATIONS
Move to approve as conditioned CUP 1609-0005, a request by Jeremy Wiseman for a conditional use permit for a motor vehicles sales lot, located at 447 North Main (TIN: 14-090-0039), based on the findings and discussion in the Staff Report.

PROJECT SUMMARY

<table>
<thead>
<tr>
<th>Project Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
</tr>
<tr>
<td>Site Location</td>
</tr>
<tr>
<td>Tax ID Number</td>
</tr>
<tr>
<td>Applicant and Business Owner</td>
</tr>
<tr>
<td>Property Owner</td>
</tr>
<tr>
<td>Proposed Actions</td>
</tr>
<tr>
<td>Current Zoning</td>
</tr>
<tr>
<td>General Plan &amp; Land Use</td>
</tr>
<tr>
<td>Gross Site Area</td>
</tr>
<tr>
<td>Surrounding Properties and Uses:</td>
</tr>
<tr>
<td>---------------------------------</td>
</tr>
<tr>
<td>North</td>
</tr>
<tr>
<td>East</td>
</tr>
<tr>
<td>South</td>
</tr>
<tr>
<td>West</td>
</tr>
</tbody>
</table>
ANALYSIS

General Plan and Zoning
The parcel is approximately 0.183 acres in size (7,841 SF) located at 447 N Main, and has an existing commercial building and surface parking area. It 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 currently zoned and shown in the general plan as commercial uses. Adjacent properties are developed and being used for both commercial and residential purposes. The Future Land Use Map in the City’s General Plan shows this parcel as commercial for the foreseeable future.

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 and the previous business obtained a business license prior to the changes in the zoning ordinance requiring a CUP for this type of use. A new business license for the site was recently submitted. Issuance for a business license requires planning’s review and approval. The application provides the City the opportunity to mitigate the impact of the use on adjacent and neighboring properties.

Motor vehicle sales can be one of the more intense uses permitted by CUP in the C-2 (commercial) zoning district, and the size of this lot intensifies the use even more. This specific proposal is for a motor vehicle sales lot on 0.183 acres (7,841 SF). A condition of approval addressing the amount of inventory permitted and that it must be contained on-site (and prohibiting on-street parking) is appropriate and would mitigate the impact on adjacent property owners.

Paved roads around this area have a width of about 27 feet where more recently approved paved roads are approximately 41 in width. Motor vehicle sales will have customers that will want to test drive the vehicles that they are considering purchasing. To reduce the impact to residentially zoned and developed properties in the immediate vicinity, the condition of approval prohibiting test driving in these neighborhoods is appropriate as it is a reasonable condition for this use at this location and mitigates a possible nuisance factor that would otherwise impact the neighboring property owners.

PARKING & INVENTORY
The proposal is for a motor vehicle sales lot within an existing commercial building on an improved parcel. The proposed site will be used for the display and sale of inventory only. There are approximately 16 spaces provided for inventory (not including the parking ramp area). Customer and employee parking will be provided on the adjacent lot to the south. Applicant has proposed a cross access and shared parking agreement between the property in question and the property directly to the south. This document shall be recorded prior to issuance of a business license. There is not direct access to South Villa Drive. The site is proposed to be accessed by the driveway on the south side of the property from Main Street between Insta- Cash & Pawn and the proposed motor vehicle sales lot.

The proposed plan shows two customer and two employee parking spaces located on the property to the south along the rear fence line of the residential lot. The proposed parking is sufficient for the use. Allowing the parking access to be provided off-site is permissible under Clearfield City Code 11-14-7(B). The site plan is thus in conformance with the code relating to off-street parking and the sales inventory. 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. However, should this proposal fail to move forward any future applicant for this location would be required to submit for site plan as well as any other required land use approvals. Any lighting on the site must be consistent with Clearfield City Code; 11-13-17 and must be installed as a permanent fixture to the site. Temporary lights or lighting shall not be permitted.

The site plan includes the location for customer, employee and vehicle sales inventory. As stated above, customer and employee parking will be shared with an adjacent property and inventory for the lot will be provided on the lot at 447 N. Main Street. All stalls must meet Clearfield City Code 11-14 pertaining to size and design. All stalls must meet size requirements to be useable for the parking of any inventory. The site plan indicates allowable areas for inventory. This may not be increased or changed without approval from the planning commission.

The applicant has proposed some landscaping to be included on the site to soften the impact of the site. The applicant has proposed an amount of landscaping (10%), including the appropriate number of shrubs and trees consistent with 11-13-23. Additionally, the applicant will be removing all overgrown weeds and spontaneous plants and replace them with shrubs and trees consistent with Clearfield City Code 11-13-23. Since the site has previously been a car lot, staff is not requiring additional landscaping, but rather, requiring that existing improvement be brought up to a condition that is acceptable for the downtown area of the City.

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>
</tr>
</thead>
<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>
<td></td>
</tr>
<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>
</tr>
<tr>
<td>a. The health, safety, and welfare of the City and its present and future inhabitants and businesses;</td>
<td></td>
</tr>
<tr>
<td>b. The prosperity of the City and its</td>
<td></td>
</tr>
<tr>
<td>As conditioned, the motor vehicle sales use can be compatible with adjacent properties and equivalent to permitted uses in the C-2 zoning district.</td>
<td></td>
</tr>
</tbody>
</table>
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.

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 for Westgate Auto Sales, located at 447 North Main Street.

2) No more than sixteen (16) 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) Delivery of inventory must be conducted on private property and is not permissible on any public street or right of way, adjacent to the property.

4) Applicant will provide 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.

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) Any other businesses proposed to be located on 447 North Main, prior to obtaining a business license, shall require review and approval by the Planning Commission.

10) The test drive routes are prohibited from using adjacent residential roads, including but not limited to Villa Drive and Lakeview.

11) Use of Villa Drive or Main Street to deliver, remove, or transport cars shall be prohibited.

12) 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.

13) 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. Applicant Site Plan
2. Cross Access and Shared Parking Agreement
/// No parking will be marked.
O = Utah sage shrub - xeriscape total landscape = 798 sf
X = Current trees are Ash and Elm trees
Landscaping will be covered with volcanic rock
* Flex space car size dependent
= onsite drain to sewer drains to south.
Cross Access/Common Driveway/Cross Parking Agreement

This cross access/common driveway/cross parking agreement (the “Agreement”) is hereby made on this date August 15th, 2016: between MJC Holdings LLC, a Utah Limited Liability Corporation (location) LJ and Robert Cummings Trustees of Utah Parcel No. 140710079., legal description: A PART OF THE SE 1/4 SEC 35-T5N-R2W, SLM; BEG AT A PT ON THE W LINE OF HWY 91, SD PT BEING S 00°01'34" W 723.16 FT & N 89°55'46" W 54.15 FT FR THE NE COR OF THE SE 1/4 OF THE SE 1/4 OF SEC 35-T5N-R2W, SLM; SD PT ALSO BEING THE TRUE PT OF BEG & LOC N 00°01'34" E 601.04 FT & N 89°55'46" W 54.15 FT FR THE INTERSECTION MONU OF MAIN & 300 NORTH STREET MARKING THE SE COR OF SD SEC 35; & RUN TH S 00°04'00" W (S 00°04'00" W) A DIST OF 54.16 FT; TH N 89°55'46" W (N 89°55'46" W) A DIST OF 164.00 FT; TH N 00°04'00" E (N 00°04'00" E); A DIST OF 126.16 (127.16) FT; TH S 89°55'46" E (S 89°55'46" E); A DIST OF 164.00 FT; TH S 00°04'00" W (S 00°04'00" W) A DIST OF 73.00 FT TO THE TRUE POB. CONT. 0.48 ACRES

Recitals

A. MJC Holdings is the owner of real property located at 447 North Main Clearfield, Utah. ALL OF LOT 39, CLEARFIELD VILLA. CONT. 0.183 ACRES.

B. CUMMINGS, L J & ROBERT - TRUSTEES 1050 EAST BRIGHAM RD APT 72 ST GEORGE, UT 84790-8450 is the owner of real property located at: A PART OF THE SE 1/4 SEC 35-T5N-R2W, SLM; BEG AT A PT ON THE W LINE OF HWY 91, SD PT BEING S 00°01'34" W 723.16 FT & N 89°55'46" W 54.15 FT FR THE NE COR OF THE SE 1/4 OF THE SE 1/4 OF SEC 35-T5N-R2W, SLM; SD PT ALSO BEING THE TRUE PT OF BEG & LOC N 00°01'34" E 601.04 FT & N 89°55'46" W 54.15 FT FR THE INTERSECTION MONU OF MAIN & 300 NORTH STREET MARKING THE SE COR OF SD SEC 35; & RUN TH S 00°04'00" W (S 00°04'00" W) A DIST OF 54.16 FT; TH N 89°55'46" W (N 89°55'46" W) A DIST OF 164.00 FT; TH N 00°04'00" E (N 00°04'00" E); A DIST OF 126.16 (127.16) FT; TH S 89°55'46" E (S 89°55'46" E); A DIST OF 164.00 FT; TH S 00°04'00" W (S 00°04'00" W) A DIST OF 73.00 FT TO THE TRUE POB. CONT. 0.48 ACRES

C. The parties to this agreement desire to create/grant a perpetual easement on, over, upon and across portions of each property for purposes of vehicular and pedestrian ingress and egress to and from, and non exclusive parking rights, and for all other purposes expressly contemplated by this agreement.

D. The parties agree that these mutual easements will be defined, at a minimum, by the designated areas in exhibit A “Easement Area” (property layout) for both 447 North Main, ALL OF LOT 39, CLEARFIELD VILLA. CONT. 0.183 ACRES and A PART OF THE SE 1/4 SEC 35-T5N-R2W, SLM; BEG AT A PT ON THE W LINE OF HWY 91, SD PT BEING S 00°01'34" W 723.16 FT & N 89°55'46" W 54.15 FT FR THE NE COR OF THE SE 1/4 OF THE SE 1/4 OF SEC 35-T5N-R2W, SLM; SD PT ALSO BEING THE TRUE PT OF BEG & LOC N 00°01'34" E 601.04 FT & N 89°55'46" W 54.15 FT FR THE INTERSECTION MONU OF MAIN & 300 NORTH STREET MARKING THE SE COR OF SD SEC 35; & RUN TH S 00°04'00" W (S 00°04'00" W) A DIST OF 54.16 FT; TH N 89°55'46" W (N 89°55'46" W) A DIST OF 164.00 FT; TH N 00°04'00" E (N 00°04'00" E); A DIST OF 126.16 (127.16) FT; TH S 89°55'46" E (S 89°55'46" E); A DIST OF 164.00
1. Granting of Easement

1.1 Cross Access Easement

The interested parties representing the parcels described herein hereby grant and convey perpetual, non exclusive, mutual cross access easements for the purposes of vehicular and pedestrian ingress on, over, upon and across the areas defined in the Easement Areas.

1.2 Common Driveway Easement

The interested parties representing the parcels described herein hereby grant and convey perpetual, non exclusive, mutual cross access easements for the purposes of vehicular and pedestrian ingress on, over, upon and across the areas defined in the Easement Areas.

1.3 Cross Parking Easement

The interested parties representing the parcels described herein hereby grant and convey perpetual, non exclusive, mutual cross parking easements for use of all parking spaces within the areas defined in the “Easement Area” exhibit A.

2. Maintenance

2.1 Maintenance of the “Easement Area”. Each party, at its sole cost and expense, shall maintain and keep the easements areas in a commercially reasonable condition and state of repair. In the event one of the owners fails to participate in their share of the cost in keeping the “Easement Area” in a commercially reasonable condition and state of repair, the cost will fall to MJC Holdings LLC.

3. Mutual Indemnities

3.1 Indemnity, each party held by this agreement will indemnify, defend, and hold harmless the other for, from, and against any and all claims suffered or incurred in connection with any alleged bodily injury or property damage arising out of use or enjoyment of the “Easement Area”, unless caused by negligence or willful misconduct.

4. Run with the Land

4.1 The covenants, conditions, restrictions, easements, and the other provisions of this Agreement shall run with and be appurtenant to each portion of the parcels described herein, and shall be binding upon each portion of parcel described herein and the Owner(s) thereof and all successors in title to any portion of said parcels during their respective ownership.
5. Modification

5.1 The terms and conditions of this Agreement may be abrogated, modified, rescinded or amended in whole or in part only by written instrument executed by all the then Owners of either parcel (and their mortgagees), and recorded with the County Recorder of Weber County, Utah.

IN WITNESS WHEREOF, this Agreement has been made as of the effective date.

LJ Cummings and Robert Cummings as joint tenants of A PART OF THE SE 1/4 SEC 35-T5N-R2W, SLM; BEG AT A PT ON THE W LINE OF HWY 91, SD PT BEING S 00^01'34" W 723.16 FT & N 89^55'46" W 54.15 FT FR THE NE COR OF THE SE 1/4 OF THE SE 1/4 OF SEC 35-T5N-R2W, SLM; SD PT ALSO BEING THE TRUE PT OF BEG & LOC N 00^01'34" E 601.04 FT & N 89^55'46" W 54.15 FT FR THE INTERSECTION MONU OF MAIN & 300 NORTH STREET MARKING THE SE COR OF SD SEC 35; & RUN TH S 00^04'00" W (S 00^04'00" W) A DIST OF 54.16 FT; TH N 89^55'46" W (N 89^55'46" W) A DIST OF 164.00 FT; TH N 00^04'00" E (N 00^04'00" E); A DIST OF 126.16 (127.16) FT; TH S 89^55'46" E (S 89^55'46" E); A DIST OF 164.00 FT; TH S 00^04'00" W (S 00^04'00" W) A DIST OF 73.00 FT TO THE TRUE POB. CONT. 0.48 ACRES

X____________________
LJ Cummings

X____________________
Robert Cummings

MJC Holdings LLC owner of 447 North Main, ALL OF LOT 39, CLEARFIELD VILLA. CONT. 0.183 ACRES

X____________________
Mark Cummings Managing Member MJC Holdings LLC

COUNTY OF ____________
STATE OF UTAH

On the ___ day of __________, 20__, personally appeared before me the foregoing instrument who duly acknowledged before me that he executed the same.

________________________________________
Notary Public
TO: Planning Commission

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

MEETING DATE: November 2, 2016

SUBJECT: Public Hearing, Discussion and Possible Action on ZTA 1609-0006, a request by Dave Clayton, on behalf of Auburn Manor Holding Company for a Zoning Text Amendment to City Code § 11-3-3 Definitions, § 11-11A-3 Conditional Uses, in the C-1 (commercial) zoning district to remove the terms “Nursing” or “Rest” homes and replace them with the term “Assisted Living Facilities” additionally, this request will consider amending City Code § 11-11A-6 Height Regulations in the C-1 (commercial) zoning district to increase the maximum height allowed in the zone from 35 feet to 55 feet. This amendment would be effective within the Land Use Code for Clearfield City, a document regulating the development of Clearfield City as a whole.

RECOMMENDATION
Move to recommend, to the City Council, denial of ZTA 1609-0006 a request by Dave Clayton, on behalf of Auburn Manor Holding Company for a Zoning Text Amendment to City Code § 11-3-3 Definitions, § 11-11A-3 Conditional Uses, in the C-1 (commercial) zoning district to remove the terms “Nursing” or “Rest” homes and replace them with the term “Assisted Living Facilities” additionally, this request will consider amending City Code § 11-11A-6 Height Regulations in the C-1 (commercial) zoning district to increase the maximum height allowed in the zone from 35 feet to 55 feet, based on the discussion and findings in the Staff Report.

ANALYSIS
Within the area of 1450 South and 1500 East is the Rocky Mountain Care of Clearfield (“RMCC”). The RMCC was given site plan approval in 1975, and received approval in 2008 for an expansion. Staff has been unable to find records related to the original approval. It appears the 2008 expansion of the project was approved under a conditional use permit (CUP) approved by the planning commission. The area in question has long been considered, by the owner, as the location that will complete their “Health Care Campus.” The owners of the RMCC have discussed with the City a desire to develop the approximate 6.4 acres of property west of the existing RMCC facility. In the past, the City has expressed concerns specific to multi-unit dwelling products and has been hesitant to allow them to progress, given the number of apartment style buildings that care currently in the City.

The applicant discussed their requests with City staff and Council in a City Council Work Session that occurred on Tuesday, August 16, 2016. Subsequent to the August 16th Work Session, and after the applicant made a detailed presentation, that resulted in discussions between the applicant, staff, and
Council, he has requested changes through a Zoning Text Amendment, that allow them to accomplish their proposed development. This request allows the Planning Commission and then Council to consider the formal request in the appropriate setting. The applicant has proposed text to amend section §11-11A-6 to remove “Nursing and Rest home” and include “Assisted Living Facilities.” Additionally, the applicant is requesting a change to the text concerning the allowable height in the C-1 zone. Proposed changes could also have impact on §11-3-3, as the applicant has requested the removal of uses that are currently defined in out code.

Although staff has recommended denial of the above request, staff believes it would be important to encourage is a discussion with the applicant regarding the height. Staff would recommend the Planning Commission discuss modifications to the request that could be included with in the City’s Land Use Ordinance in order to permit the proposed use, along with other requests, on all the C-1 zoned property in the City. Although the applicant has suggested “Nursing or Rest homes” are obsolete in their inclusion, staff does not feel removing them improves the overall uses allowed in the C-1 zone, and that adding the requested use would be more advantageous.

Use Request:
“We suggest that the term rest homes be stricken and replaced with the term Assisted Living Facilities. In Utah Code Annotated (UCA) R432-1 and R432-2 the term "rest home" is no longer found and does not exist as a legal entity per definition. Utah Code Annotated R432 sets parameters for the provision of care services to 2 or more non-related individuals…The traditional "rest home" concept is not a licensure category nor does it fit well into any proscribed licensure category. If a traditional "rest home" were to be established, it would be in violation of Utah Code Annotated. We believe that it would be reasonable to delete the "rest home" reference from the C-1 Zoning Standard. Additionally, Chancellor Gardens has set a precedent for the provision of Assisted Living Services within the zone; we request that consideration be given to making a modification of the C-1 Zoning Standard to allow Assisted Living as a Conditional Use within the zone.”

Height Request:
“The C-1 Zoning Standard in section 11-11A-6 sets a main structure height maximum at 35’ while making provision of going higher with conditional permission. For our project we need to have 3 floors in order to achieve the ratio of units to amenities such that the project can be "Class A" quality. We can achieve 3 floors within 35’ by creating a flat roofed box type structure without much exterior appeal. However, because our client is willing to invest heavily in creating a real asset to the Clearfield Community, we strongly believe that it would make sense to make it possible for this to happen. Besides our project, we believe that Clearfield could compete more effectively with other nearby cities by allowing a maximum allowable height in the C-1 zone of 55’. It's no longer financially possible to create a 2 level Class A building. Even a 3 level Class A structure with 14’ floor to floor allowance is now quite difficult to achieve.”

Proposed Changes
Title 11, Chapter 3-3 DEFINITIONS (PROPOSED LANGUAGE TO BE REMOVED)

“NURSING OR REST HOME: A building or structure, or portion thereof, in which people are cared for or live in a supervised environment, having physical or mental limitations because of health or age. The occupants are not capable of responding to an emergency situation without physical assistance from staff. This definition shall not include any building or structure which meets the definition of a "group home for the elderly", "group home for persons with a disability", or "detention or rehabilitation facility".”
Title 11, Chapter 11A-3 CONDITIONAL USES (PROPOSED AMENDMENT INCLUDED)

The following buildings, structures, and uses of land shall be allowed in the C-1 commercial zone upon compliance with the requirements set forth in this code and upon obtaining a conditional use permit as specified in chapter 4 of this title:

Behavior, drug, or alcohol treatment facilities.
Churches.
Colleges and universities.
Convalescent facilities.
Daycare facilities.
Hospitals.
Nursing or rest homes.
Assisted Living Facilities
Preschools, commercial.
Public uses.
Schools.
Specialized schools.
Vocational and technical training facilities.

Title 11, Chapter 11A-6 HEIGHT REGULATIONS (PROPOSED AMENDMENT INCLUDED)
No main building shall be erected to a height greater than thirty-five feet (35') fifty-five feet (55') without first obtaining a conditional use permit in accordance with the provisions of chapter 4 of this title. All new structures exceeding two (2) stories in height shall be served with elevators or escalators, in addition to the stairways otherwise required by law. No accessory building shall exceed twenty feet (20') in height or the maximum height of the main building, whichever is lower. (Ord. 2010-10, 6-22-2010)

Public Comment
No public comment has been received to date.

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>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed amendment is in accordance with the General Plan and Map; or</td>
<td>The proposed text amendment is not consistent with the goals and policies of the Land Use Element of the City’s General Plan. The concern with the proposal for staff is the height related to adjacent residential properties, where c-1 zoning is found.</td>
</tr>
<tr>
<td>2) Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.</td>
<td>The request is being made to allow for greater height and more uses within the C-1 zone. The applicant feels these changes will be beneficial to not only their project, but other projects on similarly zoned parcels. Staff is not supportive of the 55 foot height request, but would encourage a discussion</td>
</tr>
</tbody>
</table>
with the Commission on what may be an acceptable height for this zone. Changes to the title may also affect 11-3-3 for define terms.

ATTACHMENT

1. Conceptual site plan
2. Applicant request letter
#1: The existing City Water Mainline is shown to be rerouted around the proposed new structure. Full grants of access and or easement for the water line are to be recorded by the owner to the city and or district.

#2: The portion of the owner's parcel upon which the existing undedicated roadway (1350 East) is to be deeded to the city by the owner.
2. A 24" X 36" Engineers Site Plan showing the property of the proposed project including an existing paved but undedicated roadway on private property known as 1350 East and also a General Plan proposed extension of that undedicated roadway running northward to connect to the cul-de-sac 1300 South. Please note that this plan also shows an existing City Water Main Line running through the Owner's property to the cul-de-sac 1300 South and a Sewer Main Line running partially through the property. It is interesting to note that neither the Water Main Line or the Sewer Main Line are currently allowed, protected or accessible by any recorded rights of access or easement.

3. A 24" X 36" Architectural Site Plan showing the proposed development of the 6.4 acres to become part of a larger 10.2-acre Health Care Campus. This plan shows a new Assisted Retirement Living structure with facilities intended to serve individual patients and also couples, where at least one spouse is in need of Assisted Living Services. The structure also provides a specialized wing for Individuals or couples who may need specialized Alzheimer's/Dementia Assisted Living Services.

Please look for the following notations on the Architectural site plan:

#1. The existing City Water Main Line is shown to be rerouted around the proposed new structure. Full grants of access and or easement for the Water Line are to be recorded by the Owner to the City and or District.

#2. That portion of the Owners parcel upon which the undedicated roadway, (1350 East) currently sits is to be deeded to the City by the Owner.

Zoning Land Use Text Amendment Request

We respectfully request that the Commission consider changing the text of the C-1 Zoning standard as follows:

Section 11-11A-3: Conditional Uses:

- Nursing or rest homes

DESIGN BUILD • MEDICAL FACILITIES • COMMERCIAL/RESIDENTIAL

645 NORTH 100 EAST, FARMINGTON, UTAH 84025

(801) 550-0633

BILL@ACMARCHITECTS.COM
We suggest that the term rest homes be stricken and replaced with the term Assisted Living Facilities.

Rationale: In Utah Code Annotated R432-1 and R432-2 the term "rest home" is no longer found and does not exist as a legal entity per definition. Utah Code Annotated R 432 sets parameters for the provision of care services to 2 or more non-related individuals as follows:

1. A person may legally care for one non related individual in a home setting without acquiring a license for the provision of that care through the Utah State Department of Health.

2. Small HealthCare Facility, Type N. A licensed nurse or physician may provide nursing care for 2 to 3 non-related individuals in a home setting upon acquiring a Small HealthCare Facility License, Type N.

3. Small HealthCare Facility. 4 to 16 individuals may be cared for by a professional staff in a licensed Small HealthCare Facility, however this must meet the Licensure requirements for a Nursing Home or Assisted Living Licensure if the patients need more than one aid to evacuate in the event of an emergency. These are typically not geriatric care providers but rather are often "recovery" units associated with outpatient surgery centers.

4. Limited Capacity Assisted Living Facility. A Limited Capacity Assisted Living Facility can have 2 to 5 residents needing assistance in the activities of daily living in a home setting. Nursing services can be provided on a limited basis. If individuals that need assistance by an aid are cared for, then the structure must meet the standards of an I-Occupancy.

5. Small Assisted Living Facility. A Small Assisted Living Facility is licensed to provide assistance in the activities of daily living to 6 to 16 patients. A Small Assisted Living Facility must meet I-2 Occupancy standards as defined by the International Building Code (current Utah adopted code year: 2015) if residents needing assistance by an aid in order to evacuate during an emergency are admitted. Some licensed nursing is allowed.

6. Large Assisted Living Facility. A Large Assisted Living Facility provides assistance in the activities of daily living for 17 or more
patients under the supervision of professional nurses. Large Assisted Living Facilities must be constructed per I-2 Occupancy standards as defined by the International Building Code (current Utah adopted code year: 2015). Patients incapable of self preservation without the assistance/direction of an aid are cared for in this licensure category. All Assisted Living Facilities providing Alzheimer's/Dementia care fall within this licensure category.

So per the Utah Code Annotated (UCA), if someone cares for more than one non-related individual, that care must be provided under the auspices of one of the licensure categories above or the standard Nursing Home licensure categories. The traditional "rest home" concept is not a licensure category nor does it fit well into any proscribed licensure category. If a traditional "rest home" were to be established, it would be in violation of UCA. We believe that it would be reasonable to delete the "rest home" reference from the C-1 Zoning Standard.

Because Chancellor Gardens has set a precedent for the provision of Assisted Living Services within the zone, we request that consideration be given to making a modification of the C-1 Zoning Standard to allow Assisted Living as a Conditional Use within the zone.

- Structure Height Limitations

The C-1 Zoning Standard in section 11-11A-6 sets a main structure height maximum at 35' while making provision of going higher with conditional permission. For our project we need to have 3 floors in order to achieve the ratio of units to amenities such that the project can be "Class A" quality. We can achieve 3 floors within 35' by creating a flat roofed box type structure without much exterior appeal. However, because our client is willing to invest heavily in creating a real asset to the Clearfield Community, we strongly believe that it would make sense to make it possible for this to happen.
(As a side note:) Besides our project, we believe that Clearfield could compete more effectively with other nearby cities by allowing a maximum allowable height in the C-1 zone of 55'. It's no longer financially possible to create a 2 level Class A building. Even a 3 level Class A structure with 14’ floor to floor allowance is now quite difficult to achieve.

Thanks you again for taking time with us. Please let us know as soon as you can if there are any additional items that we should provide. At the time of presentation, we will also have projectable graphics, fly around, etc. We would like to be able to come in advance of the meeting to make sure that our equipment can work with your projector.

Sincerely,

William Terburg,
Utah Corporate Nominee,
Auburn Manor Holding Company

cc. Martin, Rob VanLeempt, David Clayton

Inclusions:

1---Clearfield City Land Use Development Application

1---Check for application fee $1550

5---8-1/2" X 11" Master Street Plan enlarged
TO: Planning Commission

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

MEETING DATE: November 2, 2016

SUBJECT: Public Hearing, Discussion and Possible Action on GPA 1609-0006, a request by Dave Clayton, on behalf of Auburn Manor Holding Company to amend the Master Streets and Transportation Plan Map of the Clearfield City to remove a future minor local road, to accommodate future development of the property in the vicinity of 1450 South 1350 East. This amendment would be effective within the General Plan, a document guiding the development of Clearfield City as a whole.

RECOMMENDATION

Move to recommend to the City Council approval of GPA 1609-0006 as proposed, an amendment to the General Plan, Master Street Plan to delete the future extension of 1350 east from the map.

ANALYSIS

Background
Clearfield City’s Master Streets Plan provides guidance on the location of existing road facilities that are planned to be upgraded; as well as indicates the general location and type of facility for new roads that will be constructed as they are necessary through the development process. Bill Terburg and more recently David Clayton, representing the property owner have been working with City for some time to entitle 6.4 acres of land in the area of 1350 East and 1450 South for the purpose of developing an Assisted Living Facility. The property is shown below, and presents an issue for the property owner, with the future development of 1350 East from 1450 South, north to 1300 South. In a previous public hearing, in 2008 Mr. Terburg stated that residential community as well as the dental office did not want the road to connect from 1450 South to 1300 South. The owner of the dental office signed an agreement to relinquish their rights to 1350 East as well. Impacts to public infrastructure and service were not considered at this meeting in 2008. The request from the applicant is that 1350 East from 1450 South to 130 South be removed from the Master Streets plan, to allow for the development of an assisted living facility, to be a part of a campus style in conjunction with the Rocky Mountain Care facility to the east.

GPA Request/Zoning Text Amendment Changes
The southeast area of Clearfield City near 1350 East and 1450 South is an area that includes a couple of large parcels that have long been considered locations for future development. Within this area is Rocky Mountain Care of Clearfield ("RMCC") that was given site plan approval in 1975, and received approval in 2008 for an expansion. Staff has not been able to locate the records regarding the original approval of RMCC. It appears the 2008 expansion was approved under a conditional use permit (CUP) that was
reviewed and approved by the planning commission. The area to be considered for a GPA has long been considered by the owner as a viable site for an assisted living facility, to be a part of the existing Rocky Mountain Care Facility. The owners of the RMCC have discussed with the City a desire to develop approximately 6.4 acres of adjacent property west of the existing RMCC facility. In the past, the City has expressed concerns about multi-dwelling developments and has been hesitant to allow them to proceed. However, at the direction of the Council, and in conjunction with this request, the applicant has submitted a zoning text amendment that, if approved, would allow them to proceed with the desired development.

A recent application for a zoning text amendment with a preliminary site plan in this immediate area has brought up previous concerns with the future alignment for 1350 East road. The applicant has also requested a text amendment to the C-1 (commercial) zoning district to remove “Nursing” or “Rest homes” and include “Assisted Living Facilities.” This text amendment also includes a proposal to increase the height of any main building in the C-1 zone from 35’ feet to 55’ feet. The applicant contends that due to the street connection required by the Master Streets Plan and the restrictions in the C-1 zone, the property has limited development potential. The requested changes would allow for the development of this parcel and other similarly zoned parcels in the City.
City Staff Discussion
Clearfield City staff has met with the City Engineer and Public Works officials to discuss the potential impacts to City infrastructure, should the request be approved. The request to remove this road from the Master Streets Plan will accommodate the property owner’s future development, if the text amendment is also approved. Local traffic can and already utilize 1250 East and 1500 East to access 1300 South from 1450 South and vice versa. The connection of 1350 East would not have a substantial impact, as local traffic is already utilizing existing roads. The future connection would provide a through route for those visiting in the area and thus is not critical to local traffic.

Public Works concerns
Concerns for this project were identified and discussed with City Public Works and Engineering. Approval to remove this future road will require a great deal of expense, by the developer, to move and relocated lines and will affect the available volumes (water service) for this area. Staff has discussed this with Engineering and Public works, and although there may be an impact, the City’s ability to provide service will not be below acceptable levels. If the future street is removed from the plan, the City would have to address the issues of running public infrastructure (a water line) through the middle of a private development. Long-term maintenance concerns for the water line were at the forefront of this discussion. Additionally, the routing of the water line through private property would require private agreements and easements for the maintenance of utility lines across the property. An easement for the water line on private property would be required, and would allow the City maintain repair the line, as need arises. An easement can protect the City from liability, but it’s not an ideal situation for the City. Having a dedicated right of way for the water line would be the best situation.

Public Comment
No public comment has been received to date.

FINDINGS

General Plan Map Amendment
Clearfield Land Use Ordinance Section 11-6-4 establishes the procedure to review a Petition for Change to General Plan or General Plan Maps. The procedure and staff’s evaluation are outlined below:

<table>
<thead>
<tr>
<th>Review Consideration</th>
<th>Staff Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Designation of the specific text or map amendment desired.</td>
<td>Staff has provided an excerpt of the current Master Streets Plan along with a recommendation for the removal of a line (1350 E) on the map.</td>
</tr>
<tr>
<td>2) Reason and Justification for such change.</td>
<td>The Master Planned 1350 East road cuts through properties owned by Auburn Manor Holding Company, who is requesting removal of this future road to accommodate the development of that property. Staff feels that the General Plan and Master Streets Plan should be grounded in reality and promotes the highest and best use of the property.</td>
</tr>
<tr>
<td>3) A draft of the proposed text or map amendment.</td>
<td>GIS mapping staff complete all map amendments. Should the Planning Commission recommend the amendment, and the City Council accepts the change the maps will be corrected and reprinted.</td>
</tr>
<tr>
<td>4)</td>
<td>An accurate property map showing all areas to be included in the amendment and all properties immediately adjacent to the proposed amendment area.</td>
</tr>
</tbody>
</table>

**FINDINGS**

1. Property Plat  
2. Applicant request letter
$650 is to cover the application fee for the Land Use Ordinance Amendment.

**General Plan Amendment Request**

We respectfully request that the Planning Commission consider our proposal that the existing General Plan be modified with respect to our Clients Property at 1450 South and 1375 West in the following ways:

The current General Plan shows the undedicated roadway 1350 West to be extended northward to join with the existing cul-de-sac 1300 South. 1350 West is currently paved approximately 300 ft. but "dead ends". We request that the future extension of 1350 West past the existing paved portion be eliminated from the General Plan. As part of this request, the Owner proposes to deed, (at no cost), that portion of his property upon which the paved portion of 1350 West is situated to the City so that the roadway can become a dedicated City street. (The Owner would also benefit in no longer having to pay property taxes on the 1/4 acre that the paved portion of the roadway sits upon.)

Our client also proposes to deed or grant an access or right of way so that the existing City Water Main running through his 6.4-acre property can be accessed and maintained. In conjunction with the granting of these rights, our client requests that he be allowed to relocate the Water Main along the proposed fire lanes serving the new facility. Access and or Rights of Way would be granted for the re-routed Water Main

The following submittals demonstrate the existing situation and proposed changes as described above:

1. An exhibit featuring (2) 8-1/2" X 11" sheets representing the existing City of Clearfield Master Streets Plan with our notes added.
2. A 24" X 36" Engineers Site Plan showing the property of the proposed project including an existing paved but undedicated roadway on private property known as 1350 East and also a General Plan proposed extension of that undedicated roadway running northward to connect to the cul-de-sac 1300 South. Please note that this plan also shows an existing City Water Main Line running through the Owner's property to the cul-de-sac 1300 South and a Sewer Main Line running partially through the property. It is interesting to note that neither the Water Main Line or the Sewer Main Line are currently allowed, protected or accessible by any recorded rights of access or easement.

3. A 24" X 36" Architectural Site Plan showing the proposed development of the 6.4 acres to become part of a larger 10.2-acre Health Care Campus. This plan shows a new Assisted Retirement Living structure with facilities intended to serve individual patients and also couples, where at least one spouse is in need of Assisted Living Services. The structure also provides a specialized wing for Individuals or couples who may need specialized Alzheimer's/Dementia Assisted Living Services.

Please look for the following notations on the Architectural site plan:

#1. The existing City Water Main Line is shown to be rerouted around the proposed new structure. Full grants of access and or easement for the Water Line are to be recorded by the Owner to the City and or District.

#2. That portion of the Owners parcel upon which the undedicated roadway, (1350 East) currently sits is to be deeded to the City by the Owner.

Zoning Land Use Text Amendment Request

We respectfully request that the Commission consider changing the text of the C-1 Zoning standard as follows:

Section 11-11A-3: Conditional Uses:

- Nursing or rest homes

DESIGN BUILD • MEDICAL FACILITIES • COMMERCIAL/RESIDENTIAL

645 NORTH 100 EAST, FARMINGTON, UTAH 84025

(801) 550-0633

BILL@ACMARCHITECTS.COM