



Community Development

Planning & Zoning, Building Inspections,
Business Licensing, and CDBG Administration

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, July 2, 2014** 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 THE AGENDA
(Items may be removed, continued to a later date, or addressed out of sequence)
3. APPROVAL OF MINUTES
 - A. May 7, 2014
 - B. June 4, 2014

SCHEDULED ITEMS:

4. Discussion and Possible Action on **SP 1406-0007**: A request by Michael Christensen, on behalf of Thackeray Company's, for Site Plan Approval for Phase 1 on an approved Mixed-Use Development on approximately 70 acres located at 1250 South State Street (TIN: 12-066-0071, 12-067-0139).
5. Discussion and Possible Action on **SP 1406-0002**: a request by Davis Medical Investments (Tanner Clinic) for Site Plan to consider additional parking area, located at 1550 South 1500 East (TIN: 09-022-0057, 09-022-0022). The property is approximately 1.09 acres and lies in the Commercial (C-1) zoning district.

PUBLIC HEARINGS:

6. Public Hearing, Discussion and Possible Action on **CUP 1406-0001**: A request by Emily Draney for a Conditional Use Permit for a home preschool, Caterpillar Cove Preschool, located at 103 South 525 West (TIN:12-589-0028), which lies in the R-1 Open (Residential) zoning district.
7. Public Hearing, Discussion and Possible Action on **FSP 1405-0003**: A request by Michael Christensen, on behalf of Thackeray Company's, for a Final Subdivision Plat review for Phase 1 on an approved Mixed-Use Development on approximately 70 acres located at 1250 South State Street (TIN: 12-066-0071, 12-067-0139).

8. Public Hearing, Discussion and Possible Action on **CUP 1406-0002**: a request by Davis Medical Investments (Tanner Clinic) for Conditional Use Permit for a Commercial Parking Facility, located at 1550 South 1500 East (TIN: 09-022-0057, 09-022-0022). The property is approximately 1.09 acres and lies in the Commercial (C-1) zoning district
9. Public Hearing, Discussion and Possible Action on **CUP 1406-0005**: a request by Kathy Armijo, on behalf of No Excuse For Abuse LLC, for Conditional Use Permit for a Behavior, drug, and alcohol treatment facility located at 370 South 500 East (TIN: 12-678-0209). The property is approximately 1.3 acres and lies in the Commercial (C-2) zoning district.
10. Public Hearing, Discussion and Possible Action on **ZTA 1406-0003**: a request by Robert Goupios for a Zoning Text Amendment to Title 11, Chapter 3 to propose amendments to the definition of "Parks and Open Space". This zoning text amendment would be effective across all residential zones.

DISCUSSION ITEMS

11. Discussion on **SP 1406-0004**: a request by Matt Robinson for Site Plan to consider an additional apartment building at Aspen Park Apartments located at 200 West 1700 South (TIN: 12-065-0165). The property is approximately 2.52 acres and lies in the Residential (R-3) zoning district.

COMMUNICATION ITEMS:

12. Staff Communications
13. Planning Commissioners' Minute

****PLANNING COMMISSION MEETING ADJOURNED****

Dated this 27th day of June, 2014

/s/Scott A. Hess, 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.

CLEARFIELD PLANNING COMMISSION MEETING

May 7, 2014

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

PRESENT: Norah Baron Commissioner
Becky Brooks Commissioner
Joel Gaerte Commissioner
Kathryn Murray Commissioner
Timothy Roper Commissioner
Robert Browning Alternate Commissioner
Robert Allen Alternate Commissioner
Michael Millard Alternate Commissioner
Michael LeBaron Council Liaison

STAFF PRESENT: Brian Brower City Attorney
JJ Allen Assistant City Manager
Scott Hess Development Services Manager
Christine Horrocks Building Permits Specialist

VISITORS: Stacy Horn, Michael Horn, Mary Gailey, Marshall McKinnon, Mark Rowley, Kathy Myers, Amber Huntsman, Brandon Thorpe, Sam Chelemes, Chris Chelemes, Teri Beames, Curits Beames

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF AGENDA

Commissioner Brooks moved to accept the agenda as written. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Murray, Roper and Browning. Voting NO: None.

APPROVAL OF MINUTES FROM APRIL 2, 2014 PLANNING COMMISSION MEETING

Commissioner Murray moved to approve the minutes from the April 2, 2014 meeting. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Murray, Roper and Browning. Voting NO: None.

DISCUSSION ON SP 1404-0004 REQUEST FOR SITE PLAN APPROVAL TO ADD AWNINGS TO EACH SIDE OF AN EXISTING BUILDING LOCATED AT BUILDING D-2, FREEPORT CENTER

Scott Hess had a photo that showed the location of the two awnings that would be added to an existing smaller building east of Building D-2. He said the building housed mechanical equipment to aid in steel processing and the awnings would keep the equipment and raw

materials from the weather and from rusting. Mr. Hess said the awnings were 2,000 square feet each, one on the north and one on the south of the building. He stated the expansion did not necessitate additional parking and the awning did not pose additional impact to storm water collection. Mr. Hess said the awnings were quite large, but were a minor change to the site overall. Clearfield City Code (11-18-3) Chapter 18, Design Standards, permitted deviation from strict compliance for minor structures and additions to existing buildings. He said there was no increased truck traffic. Mr. Hess stated the awnings were outside the pedestrian walkways and vehicular traffic areas. He said construction would be standard to the manufacturing zone. Mr. Hess requested an addition to the conditions of approval that the awnings would not hold any signage.

Commissioner Gaerte entered at 7:10 p.m.

Chair Peterson reminded the commissioners a second condition of approval should be added that stated the awnings were not designated to hold signage.

APPROVAL OF SP 1404-0004 SITE PLAN APPROVAL TO ADD AWNINGS TO EACH SIDE OF AN EXISTING BUILDING LOCATED AT BUILDING D-2, FREEPORT CENTER

Commissioner Murray moved to approve as conditioned, SP 1404-0004, Site Plan approval for Freeport Building D-2, building addition for two awnings based on discussion and findings in the staff report with the following conditions of approval:

- 1. The construction documents submitted for building permits shall be in substantial conformance with the documents submitted in this site plan approval, SP 1404-0004.**
- 2. The awnings are not dedicated to any signage.**

Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: None.

PUBLIC HEARING FOR PSP 1404-0006 A REQUEST FOR PRELIMINARY SUBDIVISION PLAN REVIEW AND APPROVAL FOR A MIXED-USE DEVELOPMENT AT 1250 SOUTH STATE STREET

Scott Hess stated preliminary plats were not recorded at the County and the plat acted as a master plan for the platting of the entire development. He said the subdivision ordinance allowed for large developments to be approved in phases. Mr. Hess said the final subdivision plat and future escrow accounts would be submitted in phases. He said Clearfield Station was in a MU (mixed-use) zone which required a guiding Master Development Plan (MDP) with the rezone of the property. Mr. Hess said the MDP was approved by Clearfield City Council on March 11, 2014. He stated the preliminary plat submitted was in substantial conformance with the approved MDP as well as the Master Development Agreement (MDA). Mr. Hess said the comments made were for clarification and not intended to delay or stop the recommended approval of the preliminary subdivision plat.

Mr. Hess said the staff report included review comments from North Davis Fire District (NDFD) and Public Works. The comments from NDFD referred to the location of the fire risers and the fire-fighting infrastructure. He said Public Works had requested ten foot public utility easements (PUE) be added around each lot. Mr. Hess suggested a condition of approval be added to require the PUE. He said the developer provided updated documents and the PUE were included. He said the city engineer stated in the review letter that he was comfortable with the preliminary site plan as it was drawn and said it was a reflection of the MDP and MDA. Mr. Hess said specifics would be worked out within each phase and site plan approval to assure the improvements were done within engineering standards.

Mr. Hess reviewed the conditions of approval. He suggested amending condition number two to include “and to the satisfaction of the Public Works Department.” He requested the addition of condition of approval number seven, “The addition of ten foot public utility easements shall be shown around the perimeter of each parcel as requested by the Public Works Department.”

Chair Peterson declared the public hearing open at 7:23 p.m.

PUBLIC COMMENT:

None

Commissioner Roper moved to close the public hearing at 7:24 p.m. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: None.

APPROVAL OF PSP 1404-0006 A PRELIMINARY SUBDIVISION PLAN REVIEW AND APPROVAL FOR A MIXED-USE DEVELOPMENT AT 1250 SOUTH STATE STREET

Commissioner Gaerte moved to approve PSP 1404-0006, Clearfield Station Preliminary Subdivision Plat located at 1250 South State Street (TIN: 12-066-0071, 12-067-0139) based on the discussion and findings in the staff report with the following conditions of approval:

- 1) The developer shall submit a final clean copy of the Preliminary Subdivision Plat documents correcting all errors and omissions indicated by staff reviews.**
- 2) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer and Public Works Department.**
- 3) The final Fire Infrastructure design shall meet North Davis Fire District standards and be to the satisfaction of the Fire Marshall.**
- 4) 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 and an escrow account shall be established prior to recordation of the Final Plat.**
- 5) No building permits shall be issued or construction of buildings or improvements may begin until after recordation of the final plat. Final plat recordation may come in phases for large tract development.**

- 6) All Final Subdivision Plat and Site Plan submittals shall be in substantial conformance with the approved Master Development Plan and Master Development Agreement.**
- 7) The addition of ten foot public utility easements shall be shown around the perimeter of each parcel as requested by the Public Works Department**

Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: None.

PUBLIC HEARING FOR MDP AMENDMENT 1404-0007 A REQUEST TO AMEND THE MASTER DEVELOPMENT PLAN PHASING PLAN FOR A MIXED-USE DEVELOPMENT AT 1250 SOUTH STATE STREET

Scott Hess said the request was to amend the Master Development Plan (MDP). He said due to the topography of the site, the project required a sewer lift station near the southwest corner of the property. He said that improvement would ideally not be installed until after the initial phases had been completed. Mr. Hess said the intention had been for the sewer in Phase 1 to be gravity drained connecting to 1000 East. He said the developer's engineer discovered in the development of the specific plans for culinary water, sanitary sewer, and storm water facilities that the sanitary sewer would not adequately gravity drain from all residential portions of the approved Phase 1B. He said the amendment the Planning Commission had been asked to consider, would do nothing more than trade residential buildings between the approved Phases 1B and 2B.

Mr. Hess said staff's opinion was that the requested changes to the phasing plan did not constitute a "material change". He said the findings for staff's opinion were based on the fact that the total number of residential units proposed in the revised phasing plan was exactly the same as in the approved phasing plan, and did not exceed the limit of 168 units imposed in section 4.1(b) of the Master Development Agreement (MDA) adopted by the Clearfield City Council on March 11, 2014. He said the finding was further supported by the fact that gravity draining sanitary sewer systems were the preference of the Clearfield City Public Works Department, and would lead to a more predictable and simplistic form of development for both the City and the Developer.

The proposed amendment to the MDP did not change any terms of the MDA, nor did it alter the ability to execute that agreement as written. As indicated in section 2 of the MDA, "in the event of a conflict between this MDA and the MDP, the MDA shall be controlling". In the case of this request, the MDA listed the total number of acceptable residential units for Phase 1B and the amendment request did not deviate from the MDA.

Chair Peterson declared the public hearing open at 7:29 p.m.

PUBLIC COMMENT:

None

Commissioner Murray moved to close the public hearing at 7:30 p.m. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: None.

RECOMMENDATION FOR MDP AMENDMENT 1404-0007 A REQUEST TO AMEND THE MASTER DEVELOPMENT PLAN PHASING PLAN FOR A MIXED-USE DEVELOPMENT AT 1250 SOUTH STATE STREET

Commissioner Murray moved to find that the proposed phasing plan modifications to the Clearfield Station MDP as set forth in the MDP Amendment 1404-0007 do not constitute a material change to the MDP, and to recommend approval of the amendment to the City Council based upon the discussion and findings in the staff report. Seconded by Commissioner Gaerte. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: None.

PUBLIC HEARING FOR ZTA 1404-0001 A ZONING TEXT AMENDMENT TO TITLE 11, C-1 AND C-2 COMMERCIAL PARKING REGULATIONS AND DEFINITION TO BETTER DEFINE COMMERCIAL PARKING LOTS

Scott Hess said Clearfield City Ordinance 2014-08 was passed and adopted on April 22, 2014. The ordinance enacted a temporary land use regulation regarding parking lots/facilities pursuant to Utah Code Ann. §10-9a-504 applicable to all of the commercially zoned properties located within the City's geographic boundaries. He said the City Council asked the parking ordinance within commercial zones be reviewed and language recommended that protected the City's remaining prime commercial property from being developed into parking lots that were not necessarily tied to a formal use. He said stand-alone parking in commercial zones would not be allowed, but parking must be an accessory use on the property subordinate to a primary use. Mr. Hess said current City Code allowed commercial parking facilities as a conditional use. He said the conditional use and the definition led staff to believe that the intent was for a commercial pay lot, but there were no specifics to verify that assumption. He said conditional uses which allowed a commercial parking lot that was not tied to a primary use or building was not desirable and did not promote the highest and best use of property for Clearfield's limited amount of remaining commercial properties.

Mr. Hess said the intent was to provide a fair amendment which best served the City's residents as well as protected both current and future business and property owners in Clearfield City by preventing the consumption of crucial remaining commercial properties for less than ideal uses. He said the following were the proposed ordinance changes:

1. Amend the definition of "Commercial Parking" to require these types of facilities to be pay lots. The potential definition could read as follows: "A garage or parking lot used for commercial purposes and open to the public for a fee where vehicles may be parked for not more than five days."
2. Amend the location of "Commercial Parking" to remove the use within C-1, C-2, C-R, D-R and B-1 Zones.

3. Add “Commercial Parking” as a use within the MU Zone. The area immediately surrounding the UTA Transit station may be one that is viable for a commercial pay lot in the future. Other MU projects may benefit from the same allowance depending on uses and site specifics within those projects in the future.
4. Amend the definition of “Parking Lot” to require the facility to be provided specifically for a primary use or building on the same property as the parking will be located, as well as require that the use be entirely located within Clearfield City.
5. Add “Parking Lot” as a use within the Permitted Uses of the PF zone for the case of parks, city buildings, or other city needs to assure that there is a legal established parking use within Public Facility Zones. The areas zoned PF are owned and maintained by Clearfield City.

He said the current zoning section of the General Plan discussed within each commercial zone that the goal was to expand and develop viable commercial properties to their highest and best use. He said limiting the ability to cover key commercial pieces of ground solely with surface parking met the intent and the language of the Clearfield City General Plan. Mr. Hess stated the findings that the proposed amendment was in accordance with the General Plan in that an amendment to the City Code was necessary and appropriate to protect limited prime commercially zone properties within the City. He said the changed conditions that required an amendment to the City Code at this time were both the limited remaining prime commercial land and concerns about neighboring cities with viable commercial properties that may be interested in utilizing Clearfield City properties as surface parking areas.

Chair Peterson declared the public hearing open at 7:40 p.m.

PUBLIC COMMENTS:

Marshall McKinnon with Tanner Clinic stated Tanner Clinic was on the border of Layton and Clearfield and about 44 percent of its patients were Clearfield residents. He said when Valerie Claussen was the City Planner conversation with the City began about property in Clearfield City that Tanner Clinic wanted to purchase for use as a parking lot. Mr. McKinnon said the buildings on the property had not been fully utilized since he had been at Tanner Clinic. He said Tanner Clinic would like to demolish the buildings and turn the parcel into a parking lot. Mr. McKinnon said the tax revenue from the buildings was minimal and desired Tanner Clinic be allowed to use the property for a parking lot.

Commissioner Brooks moved to continue the public hearing to the June 4, 2014 Planning Commission meeting. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: None.

Brian Brower, City Attorney, said Mr. McKinnon had met previously with staff. He said there were some ways staff could address that specific issue. He said that particular parcel may not be as an egregious type of situation as the one the City Council was trying to protect the City from in the enactment of the temporary land use regulation. He counseled it would be wise to consider

working the amendment so it encompassed all commercial parking in the City rather than trying to parcel off certain sections.

Commissioner Roper asked if the road between the parcels was the reason for not allowing the use. Scott Hess explained that Tanner Clinic was in Layton City and on the property in Clearfield the structures would be removed entirely which would leave a commercial parking facility as the primary use. Brian Brower said Clearfield City had a limited amount of prime commercial property left available for development and for parts of that property to be used as surface parking lots with no commercial use except in a neighboring city, was not in the best interest of citizens and not the highest and best use.

Chair Peterson was concerned with the definition on paid parking lots and the possible unintended consequences. Mr. Hess said the initial proposal was commercial parking was only allowed in MU projects which had extra controls in place. Mr. Brower said commercial parking would be allowed only in the MU Zone, and would not be a permitted or conditional use in other zones. Chair Peterson asked to have language that stated surface parking use was specifically tied to a commercial structure residing entirely in Clearfield.

Commissioner Brooks asked if there were other options for Tanner Clinic. Mr. Brower said staff could explore options to present at the next meeting. Commissioner Brooks agreed there was a need for additional parking at Tanner Clinic. Chair Peterson recommended staff tighten the language on commercial parking so it was restricted to the MU Zone and provide a clear definition that stated surface parking must be tied to a commercial structure and as an ancillary use only.

Commissioner Browning asked how the ordinance applied to park and ride lots. Scott Hess said park and ride lots were an existing legal non-conforming use. He said the City could take ownership of the property or put it in a PF Zone or the lots at Clearfield Station were in the MU Zone. Mr. Hess said there could potentially be unintended consequences. Chair Peterson asked to have identified undeveloped commercial properties that would be affected by the proposed ordinance change. Brian Brower said the Public Facilities Zone was established to provide areas for the location and establishment of facilities which were maintained in public and quasi-public ownership and use. He said there were other properties, not owned by the City that could be zoned PF. Commissioner Murray was concerned with the limited amount of public commercial property available for development. She said a prime source of revenue was sales tax and commercial property must be protected. She said development should be for Clearfield commercial development. She said the ordinance needed to benefit Clearfield City as a whole. Chair Peterson emphasized the ordinance affected all commercial zones Citywide and all undeveloped property needed protection.

PUBLIC HEARING FOR ZTA 1404-0002 A ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 5 TO PROPOSE STANDARDS FOR ADMINISTRATIVE SITE PLAN REVIEWS

Scott Hess said Clearfield City Code 11-5, Site Plan Review, regulated the review and approval of all site plans within the City. He reviewed the purpose of the site plan review. Mr. Hess stated

the proposed change to the Site Plan Review was to allow for an administrative site plan review for minor site plans or those that had a limited impact burden on City infrastructure and neighboring developments. He said the review procedure was well defined and codified and would provide the backbone for the administrative site plan reviews. He said it would allow applicants to move forward on minor projects without waiting for the monthly Planning Commission meeting. He said the current review body for all site plans was the Planning Commission and all callouts within the City Code needed to be changed to Land Use Authority. Mr. Hess stated Table 11.1 was amended to include an Administrative Site Plan level of review. He reviewed the changes to 11-5-3, Application Review Procedure. Mr. Hess told the commissioners because of the size of some buildings in Freeport Center, consideration might be made for a maximum square footage along with less than ten percent of the gross area of an existing building.

Chair Peterson declared the public hearing open at 8:08 p.m.

PUBLIC COMMENT

None

Commissioner Gaerte moved to continue the public hearing to the June 4, 2014 meeting. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: None.

Commissioner Brooks asked for more details about the expansions of multi-family residential. Chair Peterson said it should not include any additional living units and requested the definition be very specific for expansions of multi-family residential. There was discussion about the need for a second signature with an administrative approval. Chair Peterson said the guidelines needed to be clear with a punch list and business friendly. Mr. Hess said in addition to his review, the site plans were reviewed by the Building Official, the Public Works Department, the City Engineer, and the Fire District. He still wanted to obtain engineered plans and formalized site plans from the applicants. He wanted to have tight code language and asked the commissioners to email him ideas.

PUBLIC HEARING FOR ZTA 1404-0003 A ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 14 TO PROPOSE STANDARDS FOR GRAVEL PARKING AREAS WITHIN RESIDENTIAL ZONES

Scott Hess said in November 2009 the Clearfield City Land Use Ordinance was changed to require all off street parking be on an impermeable surface to be effective January 1, 2015. He said an article in the City newsletter generated significant public response. Mr. Hess said the Clearfield City Council requested staff consider alternatives that were not such a financial burden on the residents and that would allow gravel parking surfaces in some form to remain in the City Code. He said it was important that changes still protected the City against harmful impacts of poorly maintained gravel parking areas. Mr. Hess reviewed the proposed changes.

Chair Peterson declared the public hearing open at 8:34 p.m.

Scott Hess mentioned the zoning text amendment was for residential zones and did not include properties zoned A-1 (Agricultural).

PUBLIC COMMENT:

Curtis Beames said Clearfield City was holding its citizens to the same economic standards as the east side of Layton. Mr. Beames had four children that drive and needed parking for six vehicles. He said it was difficult economically to have concrete parking. Mr. Beames did not want to get rid of gravel parking.

Todd Evans sent an email which was read by Chair Peterson. Mr. Evans stated the ordinance was a burden to the residents and was concerned that it carried a criminal charge. He was opposed to burdening Clearfield City residents with the requirement of no gravel parking.

Brian Brower said the violation of the ordinance would be a Class C misdemeanor which was equivalent to a speeding ticket.

Commissioner Gaerte moved to continue the public hearing to the June 4, 2014 Planning Commission meeting. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Gaerte, Murray, Roper and Browning. Voting NO: None.

Commissioner Brooks said it was her understanding the concrete requirement was to be effective the end of 2014. She agreed the ordinance needed to be changed. Scott Hess said the request to change the ordinance was to lessen the burden on the residents with gravel driveways. He said the City was trying to be responsive to public concern. Commissioner Roper said there were 22 gravel driveways in his neighborhood. He said he was content with a gravel driveway that was maintained, looked nice, and had barriers to contain the gravel. Chair Peterson asked to have specific language that addressed the existing gravel driveways were grandfathered, but future primary driveways would be required to be hard surface. Commissioner Brooks liked the language in the West Valley City ordinance. Commissioner Browning asked if code enforcement would dig to make sure there was a weed barrier and four inches of gravel. He said some residents might throw gravel on the grass and call it a gravel driveway. Commissioner Baron said her neighborhood held a block party and she was asked about the ordinance. She said the majority of the residents were okay with changes. She said there were about 35 houses that would be required to remove the gravel driveway and some of those families would not be able economically to make the change.

Chair Peterson asked staff to address the existing gravel driveways with minimal impact. She suggested staff consider language similar to the West Valley City ordinance.

DISCUSSION ABOUT STANDARDS FOR ANIMAL KEEPING WITHIN AGRICULTURAL ZONES

Chair Peterson said this was a discussion item only and not a formal public hearing and no action would be taken this evening.

Scott Hess introduced Michael Horn and asked him to address the Planning Commission. Mr. Horn said current Clearfield City ordinance stated property in the A-1 (Agricultural Zone) up to one acre in size was allowed to have one animal unit and one fowl unit. He read the definition of an animal unit. Mr. Horn said he lived on an acre and thought the number of allowed animal units should be increased. He suggested “or” be changed to “and”. He also wanted the possibility of raising animals.

Commissioner Browning said the current ordinance worked for the majority of people. He preferred to look at the requirement of a conditional use permit (CUP). Commissioner Gaerte said he had heartache making a major change to the ordinance. He was concerned that residents moved to an area with the understanding that there would only be a few animals. He said neighbors would be affected by an increase in the number of allowed animals. Commissioner Gaerte was concerned with allowing a CUP because it would have to be approved. Commissioner Brooks said there were a limited number of agricultural lots left in the City and Clearfield hadn't been considered agricultural for a long time. She said the current ordinance allowed the number of animal units she was comfortable with. She said it would open the door for more code enforcement issues. She said it was fine how it was currently written. Commissioner Murray agreed with Commissioner Brooks that Clearfield City was not a rural community and it would open more problems. Commissioner Baron was open for a CUP. Commissioner Roper said it was a difficult issue and caution should be taken in allowing additional animals. He said the ordinance as it was now was fine. Chair Peterson said there was a split mix with the commissioners. She said there was a reasonable expectation of property owners in residential areas that it should act and function as residential areas. She said there were some commissioners that would consider a case by case review with a CUP or some other mechanism. Chair Peterson said she did not hear support for a zoning text amendment. JJ Allen, Assistant City Manager, stated a CUP validated the use and said the commissioners needed to ask what conditions could be placed to mitigate the use.

Scott Hess reviewed a summary of surrounding cities and the number of animals allowed. He told Mr. Horn he could apply for a zoning text amendment. Mr. Hess asked for direction on the item. Chair Peterson stated she didn't hear support from the group for a zoning text amendment. She had concerns with the use of a CUP and how it could be fairly mitigated. Chair Peterson said currently the Davis County animal control bill to the City was burdensome. She asked staff to review the point system for discussion at the next meeting.

STAFF REPORTS

Scott Hess said there would be an open meetings training on May 13, 2014 with the City Council. He said he could send out an email to determine if training prior to the June meeting would be a possibility.

Brian Brower said there were still pending matters on the conditional use permit on 1000 West. There was an appeal filed and the City Council would consider minutes from the appeal hearing and the findings conclusion. He said upon recommendation of staff, the City Council was to reverse the matter back to the Planning Commission, however, the applicant didn't want to come

to this meeting. Mr. Brower said the basis for the Council's decision would be given to the commissioners when that was available. He reminded the commissioners that because the matter was still pending to not discuss that matter with the public, the applicant, or surrounding property owners and especially among fellow commissioners.

PLANNING COMMISSIONERS' MINUTE

Commissioner Roper – Nothing

Commissioner Baron – Said she won't be at the June meeting.

Commissioner Murray – Nothing

Commissioner Brooks – Reminded the commissioners about "Take Pride in Clearfield" on May 17, 2014. She told the commissioners to get involved with a project.

Commissioner Gaerte – Said his house sold so he would be moving and this was his last meeting. He said he enjoyed the time on the Planning Commission and had learned a lot.

Commissioner Browning – Nothing

Councilmember LeBaron – Nothing

Chair Peterson – Said she was sad to see Commissioner Gaerte leave and appreciated the time he spent on the Commission.

There being no further business to come before the Planning Commission, **Commissioner Murray moved to adjourn at 9:31 P.M. Seconded by Commissioner Baron.**



Planning Commission

STAFF REPORT

AGENDA ITEM
#5

TO: Planning Commission

FROM: Scott A. Hess
Development Services Manager
scott.hess@clearfieldcity.org (801) 525-2785

MEETING DATE: July 2, 2014

SUBJECT: Discussion and Possible Action on **SP 1406-0002**: a request by Davis Medical Investments (Tanner Clinic) for Site Plan to consider additional parking area, located at 1550 South 1500 East (TIN: 09-022-0057, 09-022-0022). The property is approximately 1.09 acres and lies in the Commercial (C-1) zoning district.

RECOMMENDATIONS

Move to **approve SP 1406-0002**, a request by Davis Medical Investments (Tanner Clinic) for Site Plan to consider additional parking area, located at 1550 South 1500 East (TIN: 09-022-0057, 09-022-0022), based on discussion and findings in the staff report.

PROJECT SUMMARY

Project Information	
Project Name	Tanner Clinic Parking Lot Expansion
Site Location	1550 South 1500 East
Tax ID Number	09-022-0057, 09-022-0022
Applicant	Marshall McKinnon Tanner Clinic
Owner	Ralph Baughman Sun Burst Properties
Proposed Actions	Site Plan Approval
Current Zoning	C-1 (Commercial)
Land Use Classification	Commercial
Gross Site Area	1.09

Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	North Davis Management, Office Building	C-1 (Commercial)	Commercial
East	North Davis Hospital	Layton City	N/A
South	Tanner Clinic	Layton City	N/A
West	State of Utah, DFS	C-1 (Commercial)	Commercial

Vicinity Map



ANALYSIS

General Plan and Zoning

This project is proposed in the southeast corner of Clearfield. This area of the city is primarily developed with medical offices and support services for the adjacent Tanner Clinic and Davis Hospital. The property on this application is zoned C-1 Commercial, and Commercial Parking Facilities are a Conditional Use within the zone.

Clearfield City General Plan Land Use Guideline number 12 states that property in Clearfield City be developed at the highest and best use to maximize the value to the landowner and the City. In order to provide room for this Commercial Parking Facility it will require the removal of two existing office buildings.

Site Plan Review

DESIGN STANDARDS

Chapter 18 *Design Standards* of the Land Use Ordinance regulates new construction, and construction that requires a building permit. 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. The Tanner Clinic parking lot expansion will not generate a significant increase in traffic, it is not designed to accommodate major internal circulation roadways, and pedestrian needs are limited to the areas immediately surrounding the building. 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 Tanner Clinic, there is little guidance in the code for stand-alone parking facilities which encompass entire parcels. That being said, 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 Commercial Parking Facility. The following is a breakdown of the various requirements for parking lots:

- The parking is proposed to be asphalt which is an acceptable surface.
- The parking lot will be graded to facilitate proper drainage.
- 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.
- Parking lot islands are provided, but they do not meet the minimum number required. City Code 11-14-5F requires a parking lot island be placed at a minimum of every twelve (12) parking stalls. The design as presented has roughly 16 to 18 cars per row before providing a landscaped parking island. Staff would recommend that an additional landscaped parking island be provided to meet the minimum of City Code.

This item is included as a condition of approval.

LANDSCAPING

Minimum landscaping that needs to be provided is 10% or 4,748 square feet. The proposed site plan shows increased landscaping being provided at approximately 16% or 7,521 square feet of the total site. Minimum landscaping standards of 11-13-23 will also have to be demonstrated. The site plan shows a storm water detention facility as part of the required landscaping. Public Works and Engineering are reviewing the plan and the necessary infrastructure improvements.

This item is included as a condition of approval.

GARBAGE DUMPSTER

There is not a garbage dumpster shown on this site plan. Due to the use of these parcels being strictly parking, staff would not recommend permitting a garbage dumpster enclosure on this property.

This item is included as a condition of approval.

FENCING PLAN

Per City Code, walls and fences may be required around all property lines adjacent to residential zones or public rights-of-way. There is no immediately surrounding residential. No additional fencing is proposed by staff.

SIGN PACKAGE

Signage is not included as part of this Site Plan approval.

Fire Department Review

North Davis Fire District (NDFD) review will be provided as a separate written correspondence.

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:

Review Consideration		Staff Analysis
1)	<i>Traffic:</i> The effect of the site development plan on traffic conditions on abutting streets.	This site has adequate access from 1500 East. Staff does not foresee any traffic impacts from this site.
2)	<i>Vehicle; Pedestrian:</i> 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 to use the existing driveway and is not proposed to have any changes. There is a public sidewalk along 1500 East. Deteriorated or damaged sidewalk and concrete will need to be

		replaced or installed.
3)	<i>Off-Street Parking:</i> Compliance of off-street parking facilities with Chapter 14 of this Title.	It is estimated that this project will provide approximately 107 parking stalls. 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 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)	<i>Loading and Unloading Facilities:</i> The location, arrangement and dimensions of truck loading and unloading facilities.	The parking facility is not subject to an off-street loading space requirement.
5)	<i>Surfacing and Lighting; Parking:</i> The surfacing and lighting of off-street parking.	The proposal shows an existing Tanner Clinic light pole being moved to a landscaped island. Any additional surface lighting must meet city code. Administrative review of new lighting would be recommended.
6)	<i>Screen Planting:</i> The location, height and materials, of walls, fences, hedges and screen planting.	This site is not subject to screen plantings.
7)	<i>Landscaping:</i> The layout and appropriateness of landscaping.	A minimum of 10 percent landscaping is a requirement in the C-1 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 will be indicated at the time of the construction documents (the building permit submittal). Landscaping areas may be used jointly as storm detention facilities, but must be improved with landscaping and a viable irrigation system.
8)	<i>Drainage:</i> 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)	<i>Utility:</i> 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)	<i>Building Locations:</i> Consideration of building locations on the site, elevations and relation to surrounding	Does not apply to this request.

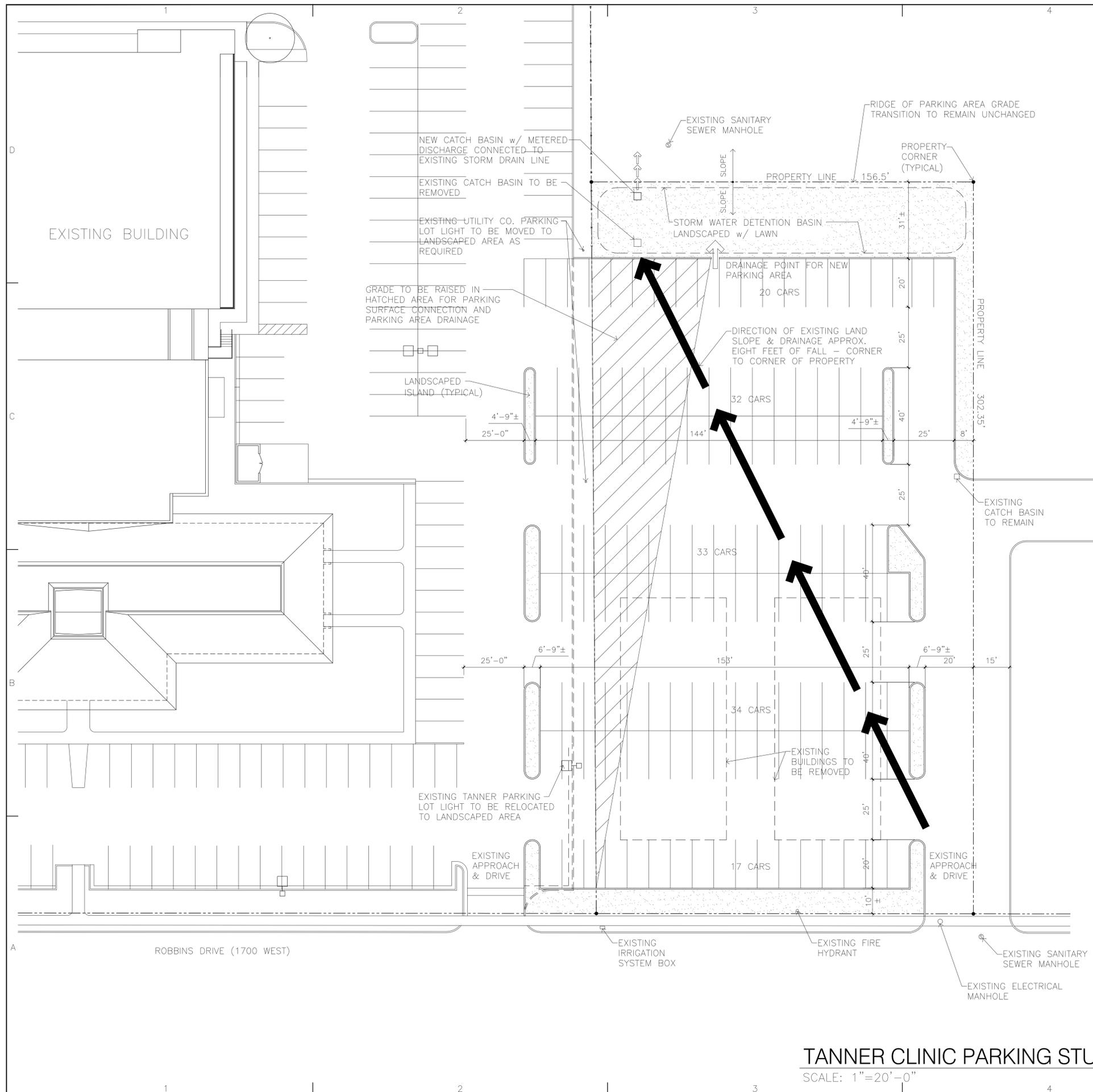
	areas (Ord. 84-06B, 9-11-1984)	
11)	<i>Exterior Design:</i> Consideration of exterior design in relation to adjoining structures and area character to assure compatibility with other structures in the neighborhood, existing or intended. (Ord. 84-08, 10-23-1984)	Does not apply to this request.
12)	<i>Signs:</i> 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.	Does not apply to this request.

CONDITIONS OF APPROVAL

- 1) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer and Public Works Director.
- 2) The final Fire Infrastructure design shall meet North Davis Fire District standards and be to the satisfaction of the Fire Marshall.
- 3) Landscaping islands shall be provided at a minimum of every 12 stalls and be designed to meet requirements within 11-14-5F.
- 4) Landscaping must be provided at 10% minimum. The storm detention facility may be included in the total landscaping calculation, but must be properly landscaped and irrigated per City Code 11-13-23.
- 5) No garbage dumpster or garbage dumpster enclosure may be kept on the property.

ATTACHMENTS

1. Site Plan dated June 10, 2014



LAND USE TABULATION:
TANNER CLINIC PARKING EXPANSION - CLEARFIELD SITE
 10 JUNE 2014

LAND USE TABULATION:
 SITE AREA: 47,302.125 SF 47,302.125 SF (1.09 ACRES)
 LANDSCAPING: 7,521.5 SF 39,780.625 SF
 (16% OF PARCEL AREA EXCLUDING NEW LANDSCAPE AREAS ON TANNER PARCEL)
 PARKING/ACCESS DRIVES: 39,780.625 SF 0.00
 (EXCLUDING PARKING ON TANNER PARCEL)

PARKING TABULATION:
 TOTAL NEW PARKING 136 CARS
 EXISTING PARKING LOST (29) CARS
 PARKING NET GAIN 107 CARS

LANDSCAPING DESCRIPTION:
 ALL LANDSCAPING AREAS WILL BE LAWN. TREES PROVIDED ALONG ROBBINS DRIVE IN COMPLIANCE WITH CITY ORDINANCES.

THE EXISTING TANNER CLINIC IRRIGATION SYSTEM WILL BE EXPANDED TO PROVIDE A SPRINKLER SYSTEM FOR NEW LAWN AREAS.

STORM DRAINAGE SYSTEM REQUIREMENTS:
 ESTIMATED DETENTION SYSTEM REQUIREMENTS: 11,286.0 CUBIC FEET
 PROPOSED DETENTION POND CAPACITY: 12,000.0 CUBIC FEET MINIMUM
 (150' x 30' x MAXIMUM 3-FEET DEPTH)

EXISTING UTILITIES MODIFICATION DESCRIPTION:
 ALL UTILITIES SERVING THE TWO EXISTING BUILDINGS TO BE DEMOLISHED WILL BE CAPPED AT METERS OR CONNECTION LOCATIONS ON PROPERTY LINES AND ABANDONED.

SITE LIGHTING DESCRIPTION:
 THE EXISTING PARKING AREA LIGHTS LOCATED ON THE TANNER PARCEL WILL BE LOCATED TO THE NEW LANDSCAPED AREAS ON THE TANNER PROPERTY.

NO NEW PARKING AREA LIGHTS WILL BE ADDED.

SITE GRADING DESCRIPTION:
 THE SITE WILL BE GRADED AFTER DEMOLITION OF EXISTING BUILDINGS, TREES, LANDSCAPING AND OTHER STRUCTURES TO ALLOW TRANSITION FROM THE PARKING AREA ON THE TANNER PARCEL TO THE NEW PARKING AREAS WITH A MAXIMUM SLOPE OF 5%.

SGPS Inc.
 ARCHITECTURE / PLANNING / CONSULTING
 1332 DUEHL CIRCLE
 TAYLORSVILLE, UTAH 84123
 Phone: (801)262-4464

CONSULTANTS

NEW PARKING:
TANNER CLINIC
 LAYTON, UTAH

MARK	DATE	DESCRIPTION

PROJECT NO: -
 DATE: 10 JUNE 2014
 CAD DWG FILE:
 DRAWN BY: ajs
 CHECKED BY: lks
 DESIGNED BY: lks
 COPYRIGHT:
 THIS PRINT AND ALL INFORMATION HEREON IS SUBJECT TO COPYRIGHT LAWS AND IS THE PROPERTY OF SGPS, INC. AND SHALL NOT BE USED ON ANY OTHER PROJECT WITHOUT WRITTEN PERMISSION OF THE ARCHITECT.

SHEET TITLE
 SITE PLAN

C101

TANNER CLINIC PARKING STUDY
 SCALE: 1"=20'-0"
 NORTH



Planning Commission

STAFF REPORT

AGENDA ITEM
#6

TO: Planning Commission

FROM: Scott A. Hess
Development Services Manager
scott.hess@clearfieldcity.org (801) 525-2785

MEETING DATE: July 2, 2014

SUBJECT: Public Hearing, Discussion and Possible Action on **CUP 1406-0001**: A request by Emily Draney for a Conditional Use Permit for a home preschool, Caterpillar Cove Preschool, located at 103 South 525 West (TIN:12-589-0028), which lies in the R-1 Open (Residential) zoning district.

RECOMMENDATION

Move to **approve as conditioned**, CUP 1406-0001, a Conditional Use Permit for a home preschool, Caterpillar Cove Preschool, located at 103 South 525 West (TIN:12-589-0028), based on the findings and discussion in the Staff Report.

PROJECT SUMMARY

Project Information	
Project Name	Caterpillar Cove Preschool
Site Location	103 South 525 West
Tax ID Number	12-589-0028
Applicant	Emilee Draney
Property Owner	Robert Vance Draney
Proposed Actions	Home Occupation Conditional Use Permit
Current Zoning	R-1-Open
Master Plan Land Use	Residential
Gross Site Area	0.23 Acres

Vicinity Map



Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	Single Family Residential	R-1-Open	Residential
East	Detention Facility – Autumn Ridge	R-1-Open	Residential
South	Single Family Residential	R-1-Open	Residential
West	Miya’s Farm – Agricultural	P-F	Residential

ANALYSIS

General Plan and Zoning

The property is currently zoned R-1-Open (Single-Family Residential) and General Planned Residential. There is a large agricultural parcel immediately west of this property that is currently farmed by Miya's Farm with the long term use being a large culinary water tank. No short term or long term changes are proposed within the General Plan for this area of Clearfield.

Conditional Use Permit Review

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 preschool facility is consistent with the City's Land Use Ordinance as this use is permitted with an approved CUP in the R-1-Open zoning district. The use is primarily operated during normal daytime business hours and does not generate objectionable noise, odors, dust or fumes that would make it incompatible with the adjacent residential uses. The applicant indicates that the facility is anticipated to care up to 22 children daily, with 11 children in the morning from 9:30-11:30 and 11 children in the afternoon from 12:30-3:00. Residential preschools are defined in City Code Chapter 3 *Definitions*, which states residential preschools consist of "educational guidance for no more than eleven (11) children per class, with no more than two (2) classes per day, for a maximum of four (4) hours per class." The preschool as proposed meets these requirements. The specific impacts that this use is anticipated to generate revolve around site circulation and fencing concerns on the property.

Parking, Circulation, and Access

The property is a single family residence with limited on-site parking. 525 West is a public street with ample on street parking in front of the home. The applicant has submitted a pick-up/drop off procedure that they will provide to participants of the preschool. They request that parents approach the home drive south and park on the west side of 525 West requiring that all vehicles face south. This will help alleviate congestion on both sides of the road. Along with this condition staff would recommend that the applicant established a staggered pick up/drop off schedule with parents in order to reduce the total number of cars stacked in front of the home at one time.

Outdoor Play Area and Proposed Fencing

The property has a large backyard that is improved with grass. Adults will monitor the children's outdoor play time. There are relatively few immediately adjacent residential homes, and staff does not see a noise impact at this location. There is currently no fence along the north side of the rear yard between the proposed location and their neighbor's property. There is a perimeter fence surrounding both residential properties. Staff would recommend fencing the north property line in order to mitigate any detrimental effects that a lack of fence would have on neighboring property owner.

Public Comment

No public comment has been received to date.

GENERAL STANDARDS

Conditional Use Permit Review

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

	General Standard	Staff Analysis
<p>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.</p>		
1)	<p><i>Equivalent to Permitted Use:</i> 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:</p> <ul style="list-style-type: none"> a. The health, safety, and welfare of the City and its present and future inhabitants and businesses; b. The prosperity of the City and its present and future inhabitants and businesses; c. The peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses; d. The tax base; e. Economy in governmental expenditures; f. The State's agricultural and other industries; g. The urban and nonurban development; h. Access to sunlight for solar energy devices; or i. Property values. 	<p>The requested preschool facility is proposed to be in an existing single-family subdivision, a use that is compatible with adjacent residential properties, once the impacts are property mitigated.</p>
2)	<p><i>Impact Burden:</i> 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.</p>	<p>Preschools have a unique traffic and circulation impact, as there is a tendency for peak uses in the morning and the late afternoon during rush hour times where the roads are also in much heavier use. The proposed drop off/pick up schedule is designed to mitigate these impacts. The applicant is encouraged to stagger drop off and pick up times in order to reduce any possible detrimental effects from increased traffic.</p>

3)	<p><i>Conform to the Objectives of the General Plan:</i> 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.</p>	<p>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 preschool facility in the R-1-Open zoning district. Conditions of approval are proposed to mitigate impact to the surrounding properties.</p>

CONDITIONS OF APPROVAL

- 1) This Conditional Use Permit is for a preschool located at 103 South 525 West.
 - a. The preschool shall meet the provisions of the Land Use Ordinance, of not more than eleven children per class, with no more than two classes per day, for a maximum of four hours per class.
 - b. The applicant will submit a drop off and pick up schedule with staggered times proposed in order to mitigate traffic flow problems. Approval of the final drop off/pick up schedule shall be handled through an administrative review and approval by Staff.
 - c. Participants of the preschool must drop children off from the west side of 525 West with all preschool traffic facing south.
 - d. A fence shall be installed along the north rear property line.
- 2) 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

None provided with this item.



Planning Commission

STAFF REPORT

AGENDA ITEM
#8

TO: Planning Commission

FROM: Scott A. Hess
Development Services Manager
scott.hess@clearfieldcity.org (801) 525-2785

MEETING DATE: July 2, 2014

SUBJECT: Public Hearing, Discussion and Possible Action on **CUP 1406-0002**: a request by Davis Medical Investments (Tanner Clinic) for Conditional Use Permit for a Commercial Parking Facility, located at 1550 South 1500 East (TIN: 09-022-0057, 09-022-0022). The property is approximately 1.09 acres and lies in the Commercial (C-1) zoning district

RECOMMENDATIONS

Move to **approve CUP 1406-0002**, a request by Davis Medical Investments (Tanner Clinic) for Conditional Use Permit for a Commercial Parking Facility, located at 1550 South 1500 East (TIN: 09-022-0057, 09-022-0022), based on discussion and findings in the staff report.

PROJECT SUMMARY

Project Information	
Project Name	Tanner Clinic Parking Lot Expansion
Site Location	1550 South 1500 East
Tax ID Number	09-022-0057, 09-022-0022
Applicant	Marshall McKinnon Tanner Clinic
Owner	Ralph Baughman Sun Burst Properties
Proposed Actions	Conditional Use Permit Approval
Current Zoning	C-1 (Commercial)
Land Use Classification	Commercial
Gross Site Area	1.09

Vicinity Map



ANALYSIS

Conditional Use Permit Review

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 imposed that mitigate or eliminate the detrimental impacts.

The request for a Conditional Use Permit (CUP) for a Commercial Parking Facility is consistent with the City's Land Use Ordinance as this use is permitted with an approved CUP in the C-1 zoning district. The location of the Parking Facility is in the southeast corner of Clearfield City immediately north of Tanner Clinic. The addition of parking will require the removal of two existing commercial structures. Staff can see the following potential impacts of Commercial Parking Facilities: traffic, noise, light, storm water impacts, reduction of tax base.

Impacts Analysis

Traffic – The proposed parking lot will service Tanner Clinic clientele. Tanner Clinic has a significant parking area developed currently, however customers for the clinic still have trouble finding parking at peak times. The addition of parking will help alleviate traffic congestion within the parking lot, and will help ease peak time congestion internally within the parking area. The proposed plan shows the use of an existing driveway access, and staff does not see any negative impacts generated from that access. No further mitigation measures are anticipated to be required.

Noise – The area is surrounded by office and hospital uses. The parking lot will be open and available 24 hours per day, but use of the parking lot will be typically normal daytime hours following the hospital’s schedule. No further mitigation measures are anticipated to be required.

Light – Tanner Clinic currently provides lighting for its surface parking. Surface parking lighting can be detrimental to residential properties, and may pose an impact on Chancellor Gardens Assisted Living Facility. Staff would recommend that all light fixtures be shielded to reduce impacts from glare on Chancellor Gardens and surrounding properties. Staff suggests that the lighting plan be allowed to go through administrative approval outside of this CUP request.

Storm Water Impacts – Surface parking increases the overall surface water drainage load on storm sewer infrastructure. Well maintained landscaping as well as a properly designed and installed storm water detention facility is the best mitigation for this impact. Site Plan documents and Construction documents for the landscaping areas and storm water detention facility must meet City Code and be to the satisfaction of the City Engineer and Public Works Director.

Reduction of Tax Base – This impact comes from the fact that the CUP request will necessitate the removal of existing buildings which have current tenants. The use of the existing buildings is primarily office, and staff believes that the overall tax collected on those buildings is minimal. This is a small impact to the residents of Clearfield City as a whole, but staff feels it is an important finding nonetheless. There are no mitigation measures that can be implemented in this case to alleviate the reduction in taxable building area.

Public Comment

No public comment has been received to date.

GENERAL STANDARDS

Conditional Use Permit Review

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

General Standard	Staff Analysis
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	

<p>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.</p>	
1)	<p><i>Equivalent to Permitted Use:</i> 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:</p> <ul style="list-style-type: none"> a. The health, safety, and welfare of the City and its present and future inhabitants and businesses; b. The prosperity of the City and its present and future inhabitants and businesses; c. The peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses; d. The tax base; e. Economy in governmental expenditures; f. The State's agricultural and other industries; g. The urban and nonurban development; h. Access to sunlight for solar energy devices; or i. Property values.
	<p>The requested Commercial Parking Facility is proposed to be located on a parcel that currently has two office buildings. Impacts that can be mitigated include reduction of light-glare, and proper detention of storm water from increased impervious surface. An impact that is unable to be mitigated is the slight reduction in overall tax base due to the removal of commercial buildings. This impact is minor to the citizens of Clearfield City as a whole, and staff does not see it as a reason to withhold CUP approval.</p>
2)	<p><i>Impact Burden:</i> 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.</p>
	<p>The existing site is conducive to handling the traffic and parking needs expected to be generated by the addition of parking areas. Impacts related to light and storm water collection should be financially borne by the applicant as to not constitute a burden on the municipality, surrounding neighbors, or adjacent land uses.</p>
3)	<p><i>Conform to the Objectives of the General Plan:</i> 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.</p>
	<p>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.</p>

CONDITIONS OF APPROVAL

- 1) This Conditional Use Permit is for a Commercial Parking Facility located at 1550 South 1500 East. This Conditional Use Permit approval is intended for the sole use of the applicant as it relates to this application.
- 2) 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.
- 3) Light glare should be mitigated through the use of proper fixtures to reduce impacts to surrounding property owners.
- 4) Storm water must be collected and detained in accordance with Clearfield City Codes and be designed and installed to the satisfaction of the City Engineer and Public Works Director.

ATTACHMENTS

None provided with this application.

TO: Planning Commission

FROM: Scott A. Hess, MPA
Development Services Manager
scott.hess@clearfieldcity.org (801) 525-2785

MEETING DATE: July 2, 2014

SUBJECT: Public Hearing, Discussion and Possible Action on **ZTA 1406-0003**: a request by Robert Goupios for a Zoning Text Amendment to Title 11, Chapter 3 to propose amendments to the definition of "Parks and Open Space". This zoning text amendment would be effective across all residential zones.

RECOMMENDATION

1. Hold Public Hearing as noticed, and close or continue public hearing to a date specific meeting.
2. Consider information provided by staff and applicant.
3. Planning Commission motion to the City Council for approval, denial, or approval with amendments.

ANALYSIS

Background

Mr. Goupios owns an existing commercial building located at 573 North 1000 West (TIN: 14-262-0001). The property is split zoned B-1 Buffer and R-1-8 Residential. The commercial building resides in a B-1 Buffer zone, and the parking area to the west of the building resides in an R-1-8 residential zone. The use of the western residentially zoned property as a parking area was approved through a site plan approval granted February 15, 2005, by the Clearfield City Planning Commission.

In February 2014 Mr. Goupios applied for a Conditional Use Permit for a daycare facility within the existing building. The application proposed using a portion of the residentially zoned property as the outdoor play area for the daycare use. Clearfield City Planning Commission approved the Conditional Use Permit application for this use, including the use of the outdoor playground on March 5, 2014. The item was appealed by Mr. and Mrs. Osborn on March 13, 2014. After re-examining the facts of the case it was found that the use of the open space on the residentially zoned property as the outdoor playground for a commercial daycare was not permitted by Clearfield City Zoning Ordinance. The Conditional Use Permit approval was overturned by the City Council acting as the Appeal Authority on April 15, 2014.

In order to facilitate the use of the commercial building as a daycare facility, Mr. Goupios has applied for a Zoning Text Amendment to amend the definition of Parks and Open Space. Parks and Open Space are listed as a permitted use in the R-1-8 zone. While this application is linked directly to a specific set of circumstances unique to this applicant, it is important for the Planning Commission to consider that the requested change to the definition within Title 11, Chapter 3 would be effective across all zoning designations that have "Parks and Open Space" listed as a permitted or conditional use. Staff does not typically endorse spot zoning, nor does staff recommend the writing of policies and definitions which are designed to exclusively benefit unique properties or parcels. Staff would recommend that the applicant lead the proposal as the burden to author and submit applications for amendments to the City's Code in order to facilitate private development projects rests with the applicant.

Proposed Ordinance Changes

In order to facilitate the use of a park or open space within a residential zone as the outdoor recreation portion of a commercial daycare, Mr. Goupios has applied for the following amendment to Title 11, Chapter 13, Section 3, "Open Space" definition.

Existing Definition:

OPEN SPACE: An area which is completely free and unobstructed from any building or structure. Landscaping, walkways, covered patios, light poles and other ornamental features shall not be considered obstructions for the purposes of this definition. Areas used for storm drainage shall not be eligible for inclusion in a required open space area. Utility corridors shall only be counted toward the open space requirement if improved as an accessible amenity to the project or the community as a whole. All open space shall be landscaped in accordance with the requirements of [chapter 13](#) of this title.

Add the following language:

"A park or open space may be used to satisfy outdoor recreation requirements for a daycare, on either the same or adjacent property as the daycare, which may be fenced and secured during daycare hours of operation."

General Plan

The Land Use Guidelines within the General Plan should provide guidance for development and land uses within Clearfield City. Guideline Number 5 states: "Transitions between differing land uses and intensities should be made gradually with compatible uses, particularly where natural or man-made buffers are not available. Adequate screening and buffering should be required to protect existing residential areas from more intense land uses." There is no doubt that a commercial daycare is a more intense use than standard permitted residential land uses. Planning Commission should consider whether there is a way to maintain adequate buffering between land uses can be provided in this case, and in other areas where parks or open spaces may become fenced and provided for the use of a daycare facility. As long as the ordinance can meet the criteria of the General Plan, then the amendment may be considered as following the General Plan Land Use Guidelines.

Public Comment

No public comment has been received to date. In order to provide adequate notice to affected entities, Clearfield City sent notice courtesy letters to property owners within 300 feet of the applicant address.

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:

Review Consideration		Staff Analysis
1)	The proposed amendment is in accordance with the General Plan and Map; or	The proposed ordinance language can be shown to meet the Land Use Guidelines of the General Plan only through the provision of adequate buffering and transitioning between uses of various intensities.
2)	Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.	The Appeal Authority's decision to deny the Conditional Use Permit application for a Commercial Daycare has caused the applicant to consider all possible means of facilitating his business on property owned by the applicant.

ATTACHMENTS

None provided for this item.



Planning Commission

STAFF REPORT

AGENDA ITEM
#11

TO: Planning Commission

FROM: Scott A. Hess, MPA
Development Services Manager
scott.hess@clearfieldcity.org (801) 525-2785

MEETING DATE: July 2, 2014

SUBJECT: Discussion on **SP 1406-0004**: a request by Matt Robinson for Site Plan to consider an additional apartment building at Aspen Park Apartments located at 200 West 1700 South (TIN: 12-065-0165). The property is approximately 2.52 acres and lies in the Residential (R-3) zoning district.

RECOMMENDATIONS

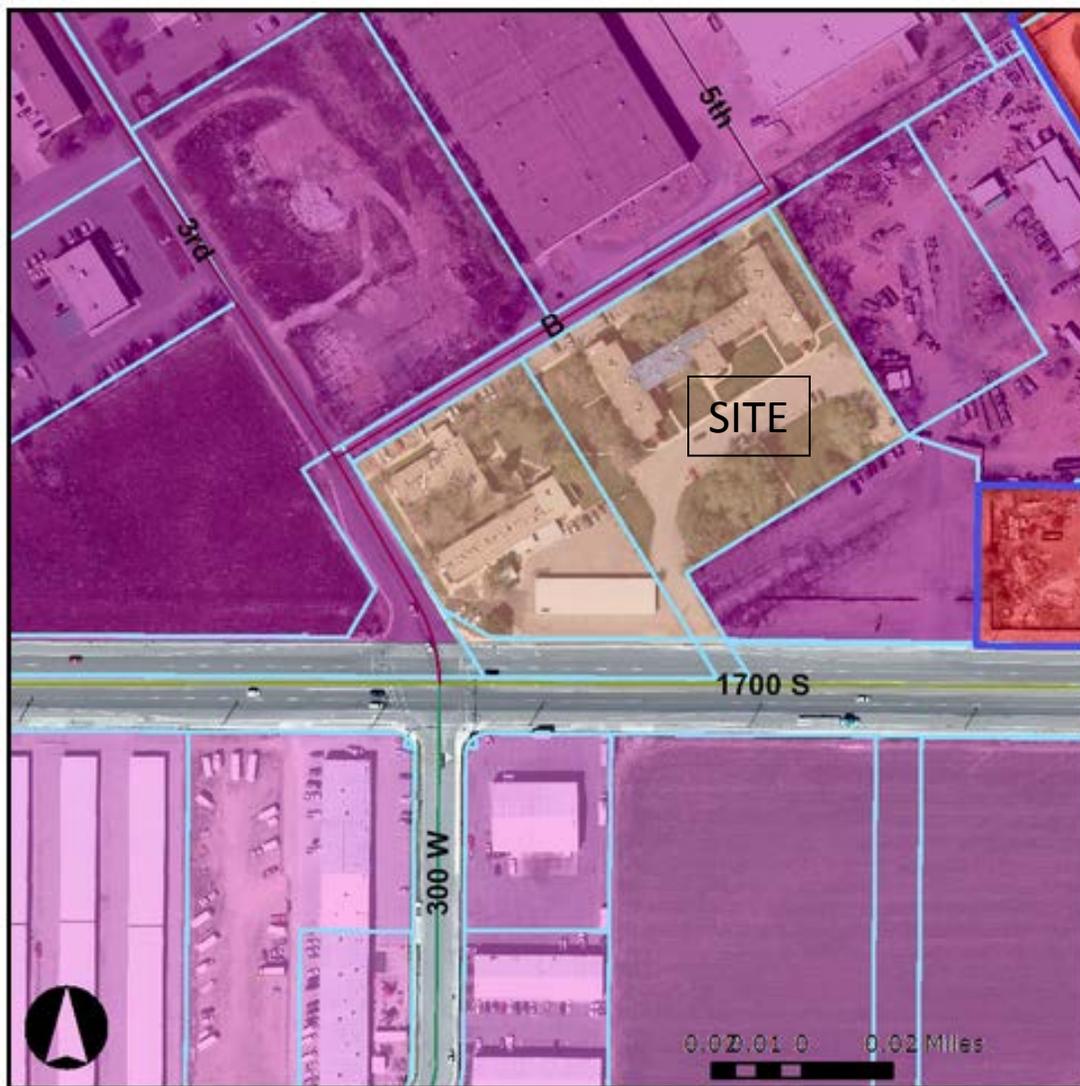
1. Hold meeting as noticed.
2. Consider information provided by the applicant
3. Provide feedback on **SP 1406-0004**, a request by Matt Robinson for Site Plan to consider an additional apartment building at Aspen Park Apartments located at 200 West 1700 South (TIN: 12-065-0165).

PROJECT SUMMARY

Project Information	
Project Name	Aspen Park Apartments
Site Location	200 West 1700 South
Tax ID Number	12-065-0165
Applicant and Property Owner	Matt Robinson
Property Owner	Matt Robinson / Bruce Decker
Proposed Actions	Site Plan Approval
Current Zoning	R-3 Multi-Family Residential
Master Plan Land Use	Commercial
Gross Site Area	2.52 acres

Development Standards:	Proposed	Required
Lot Size	2.52 acres	6,500 square feet
Lot Width	>65 feet	65 feet
Setbacks		
Front	25 feet	25 feet
Side	>10	10 feet
Rear	>30	30 feet
Landscaping	39%	25%
Parking Spaces	80 spaces, 24 covered	2.125 spaces per unit, 1 covered

Vicinity Map



Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	Manufacturing Building	M-1 (Industrial Zone)	Manufacturing
East	Storage Lot	M-1 (Industrial Zone)	Commercial
South	Commercial	C-2 (Commercial Zone)	Commercial
West	Garden Apartments	R-3 (Multi-Family Res Zone)	Commercial

ANALYSIS

The Aspen Park Apartments are a long standing multi-family housing building constructed in 1944. It has gone through a number of owners, and has been a site with multiple code enforcement violations over the years. In 2009 the property was taken over by a lending company and was renovated. The roof was replaced after many years of neglect. The 20 apartments within the building were also renovated and improved. The interior remodel consisted of paint and coverings, and was not a comprehensive change of walls, number of units, or anything structural.

The request for the Planning Commission’s consideration is the addition of a new residential building on this site. The applicant has met with the City and is in the process of improving their Site Plan and Improvement Plans to meet City Standards. The applicant is requesting that the Planning Commission provide feedback on the proposal, and is planning to bring forward more comprehensive plans for the August Planning Commission meeting.

Comprehensive Plan and Zoning

This project is subject to Site Plan approval due to the request to add additional units of residential to an existing site. The property is currently zoned R-3 which lists multi-family dwellings as a permitted use. The proposed building and use are consistent with current zoning. The General Plan limits new properties being rezoned to R-2 or R-3. Due to the current zoning on this property, there are no additional General Plan changes or requirements the project must meet.

Site Plan Review

DESIGN STANDARDS

Chapter 18 *Design Standards* of the Land Use Ordinance regulates new construction, and construction that requires a building permit. The chapter focuses on the use of quality materials for new and renovated structures. Staff would recommend that the applicant review Chapter 18, and make sure that selected exterior materials meet the intent of the City Code. Conformance with Chapter 18 will be confirmed with Building Permits.

Conformance with Chapter 18 would be required for both the existing structure as well as the newly proposed structure. The applicant has indicated that their desire is to paint the exterior of the existing building in order to improve its appearance.

Conformance with Chapter 18 Design Guidelines is included as a condition of approval.

SITE CIRCULATION and PARKING

City Code 11-14-3 requires that multi-family residential uses provide 2.125 spaces per unit with at least one unit covered. The Site Plan as it is proposed shows a total of 104 parking spaces with 24 covered, for a total of 40 residential units. Staff would recommend that the applicant bring the existing structure into compliance with the current code. This includes providing a minimum of 40 covered parking spaces for the residential units on the property. Also, the project will be required to provide landscaped parking lot islands a minimum of every 12 stalls along single and double rows as required in 11-14-5F. The plan as proposed has an adequate number of spaces even when amending it to add landscaped parking islands. An adequate number of spaces need to be provided as ADA compliant. Staff recommends including a pedestrian sidewalk along the access driveway connecting to 1700 South.

This item is included as a condition of approval.

LANDSCAPING

Minimum landscaping that needs to be provided is 27,442 square feet. The landscaping plan may include storm water detention areas. The proposed site plan shows increased landscaping being provided at approximately 39% of the total site. Minimum landscaping standards of 11-13-23 will also have to be demonstrated. The original site plan did not show any on-site detention facility. Public Works provided a red-lined drawing of existing infrastructure. The applicant is working with their engineer to provide on-site detention within the proposed landscaping areas.

This item is included as a condition of approval.

GARBAGE DUMPSTER

There is a garbage dumpster shown on the south east corner of the site plan drawing. Staff would encourage that the location of the dumpster not be visible from the 1700 South right-of-way. At a minimum per City Code any on-site dumpster must be screened from view within an approved enclosure.

This item is included as a condition of approval.

FENCING PLAN

Per City Code, walls and fences may be required around all multi-family projects. There is an existing fence on the east and south side of the property. No additional fencing has been proposed.

SIGN PACKAGE

Signage is not included as part of this Site Plan approval.

ENGINEERING REVIEW

Due to the preliminary nature of the Site Plan, there has not been an Engineering review of this site. Once the applicant has submitted revised drawings, staff will ask the City Engineer to review the plans. Potential items for Engineering review include addressing the on-site storm drainage, providing adequate landscaping, and indicating on the plans that deteriorated, damaged or missing surface improvements will be replaced or installed.

Engineering review and approval is included as a condition of approval.

OTHER AGENCY REVIEW

Fire Review

North Davis Fire District reviewed the preliminary plans. Deputy Chief John Taylor reviewed the initial site plan and indicated that the new structure would need to be sprinkled to meet fire code. The revised plans will be reviewed during the building permit phase to assure conformance.

UDOT

The site should not require additional permits or approvals from Utah Department of Transportation (UDOT) as they are using an already existing drive approach. Staff has not received any correspondence from UDOT indicating acknowledgment of a pending project on this site.

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:

Review Consideration		Staff Analysis
1)	<i>Traffic:</i> The effect of the site development plan on traffic conditions on abutting streets.	This site has adequate access from 1700 South. Staff does not foresee any traffic impacts from this site. Access on a State-owned road is controlled by UDOT and may be subject to additional approvals
2)	<i>Vehicle; Pedestrian:</i> 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 existing and not proposed to have any changes. There is a public sidewalk along 1700 South. Deteriorated or damaged sidewalk and concrete will need to be replaced or installed. A pedestrian walkway along the access road connecting to 1700 South should be installed for pedestrian access.
3)	<i>Off-Street Parking:</i> Compliance of off-street parking facilities with Chapter 14 of this Title.	It is estimated that approximately 104 parking stalls will be provided. 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 long and provide an adequate number of ADA compliant spaces. There should be at minimum 40 covered stalls. There should be landscaping islands provided at a minimum of every 12 stalls.

4)	<i>Loading and Unloading Facilities:</i> The location, arrangement and dimensions of truck loading and unloading facilities.	The new building on the site is not subject to an off-street loading space requirement.
5)	<i>Surfacing and Lighting; Parking:</i> The surfacing and lighting of off-street parking.	The proposal does not show any additional lighting; although the construction documents may include new lighting for both the parking lot and exterior on the building that must meet city code.
6)	<i>Screen Planting:</i> The location, height and materials, of walls, fences, hedges and screen planting.	This site is not subject to screen plantings.
7)	<i>Landscaping:</i> The layout and appropriateness of landscaping.	A minimum of 25 percent landscaping is a requirement in the R-3 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 will be indicated at the time of the construction documents (the building permit submittal). Landscaping areas may be used jointly as storm detention facilities, but must be improved with landscaping and a viable irrigation system.
8)	<i>Drainage:</i> The effect of the site development plan on City storm water drainage systems.	The applicant will demonstrate in the revised site plan submittal compliance with current City standards and mitigate the impact on the storm drain system.
9)	<i>Utility:</i> The effect of the site development plan on City utility systems.	The applicant will demonstrate in the revised site plan submittal compliance with current City standards and mitigate impact on the utilities system.
10)	<i>Building Locations:</i> Consideration of building locations on the site, elevations and relation to surrounding areas (Ord. 84-06B, 9-11-1984)	The site layout is two buildings located on the north and south portions of the parcel, with driveway access along the west side. Parking is proposed in between the two buildings as well as east of the new structure, and north of the existing building. The existing building location and the proposed building location are both compliant with the requirements of the R-3 zone.
11)	<i>Exterior Design:</i> 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)	<p><i>Signs:</i> 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.</p>	<p>A sign package review will be under separate review and approval.</p>

CONDITIONS OF APPROVAL

- 1) The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1406-0004; 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. The final building plans submitted shall meet building safety standards and be to the satisfaction of the City Building Official.
 - c. The final building plans shall meet the minimum standards for building materials as established in R-3 Zone 11-9E-13(F). The final building plans should be in substantial conformance with Chapter 18 Design Guidelines.
 - d. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. A minimum of 40 stalls must be covered, and landscaping islands shall be provided at a minimum of every 12 stalls. An adequate number of stalls must meet ADA standards.
 - e. Site circulation must be designed in such a manner that on site traffic flow is not impeded. Adequate paved markings and/or signage shall be provided and incorporated on the site. A sidewalk should be provided along the driveway access connecting to 1700 South.
 - f. New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.
 - g. A minimum of 25 percent landscaping shall be provided and meet the minimum standards set forth in 11-13-23.
 - h. 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.

- 2) The garbage dumpster must be screened.

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

- 4) Site access on a State-owned right-of-way is subject to Utah Department of Transportation review and approval.

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

ATTACHMENTS

1. Site Plan Set