

CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
July 20, 2021 - POLICY SESSION

Meetings of the City Council of Clearfield City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207 as amended. In such circumstances, contact will be established and maintained via electronic means and the meetings will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings

Executive Conference Room
55 South State Street
Third Floor
Clearfield, Utah

6:00 P.M. WORK SESSION

Discussion on the Request to Rezone the Properties (City Cemetery) Located at Approximately 1050 South State Street (TIN's: 12-067-0094, 12-067-0093, 12-067-0066, 12-067-0064, and 12-067-0063) from R-2 (Residential) to PF (Public Facilities)

Discussion on Zoning Text Amendments to Title 11, Chapter 11, Article D, Section 11(A); Title 11, Chapter 13, Section 23, Paragraphs A1, A2, and C; and, Title 11 Chapter 14, Section 7, Paragraphs F and G, that would Modify Landscaping Standards to Address Development in the Manufacturing Zone (M-1)

Discussion on the Java Espresso Development Agreement for the Proposed Drive-through Beverage Establishment to be Located at 585 North Main Street (TIN: 14- 530-0002)

*****ADJOURN AS THE CITY COUNCIL*****

Dated this 15th day of July, 2021.

/s/Nancy R. Dean, City Recorder

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 these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving 48 hours notice.



Planning Commission

STAFF REPORT

AGENDA ITEM
#2

TO: Clearfield City Planning Commission

FROM: Brad McIlrath, Senior Planner
brad.mcilrath@clearfieldcity.org
(801) 525-2784

MEETING DATE: Wednesday, July 7th, 2021

SUBJECT: Public Hearing, Discussion and Possible Action on **RZN 2021-060036**, a zoning map amendment request by Clearfield City to rezone the subject properties from R-2 (Residential) to P-F (Public Facilities). **Location:** 1050 S. State Street (TIN's: 12-067-0094, 12-067-0093, 12-067-0066, 12-067-0064, & 12-067-0063). **Project Area:** 8.273. (Legislative Action).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation of **APPROVAL** of **RZN 2021-060036** to the Clearfield City Council, a zoning map amendment by Clearfield City to rezone the properties located at 1050 S. State Street (TIN: 12-067-0094, 12-067-0093, 12-067-0066, 12-067-006, & 12-067-0063) from R-2 (Residential) to P-F (Public Facilities).

This recommendation is based on the findings and discussion of the staff report; however, as the advisory body to the Clearfield City Council, the Planning Commission should make recommendation on its own based upon careful consideration and analysis of the request.

PLANNING COMMISSION RECOMMENDATION OPTIONS:

After careful consideration and analysis of the information presented, as the advisory body to the Clearfield City Council, the Planning Commission moves as follows:

1. **Move to recommend Approval of RZN 2021-060036** to the Clearfield City Council, a zoning map amendment by Clearfield City to rezone the properties located at 1050 S. State Street (TIN: 12-067-0094, 12-067-0093, 12-067-0066, 12-067-006, & 12-067-0063) from R-2 (Residential) to P-F (Public Facilities).
2. **Move to recommend Denial of RZN 2021-060036** to the Clearfield City Council, a zoning map amendment by Clearfield City to rezone the properties located at 1050 S. State Street (TIN: 12-067-0094, 12-067-0093, 12-067-0066, 12-067-006, & 12-067-0063) from R-2 (Residential) to P-F (Public Facilities).
3. **Move to Table RZN 2021-060036** to request additional time to consider the request.

BACKGROUND & ANALYSIS

The subject properties encompass the entirety of the Clearfield City Cemetery, as well as an Aaron's Mortuary and Crematory located near the center of the cemetery. With the current zoning designation of R-2, the mortuary and crematory is a legal non-conforming use, and as such, would not be able to expand due to the legal limitations placed on non-conforming uses and structures. In addition to this site

and use non-conformity, the City has plans for the expansion of the cemetery to the west to formally develop all the associated parcels as the cemetery. By rezoning the parcels to P-F, the mortuary and crematory would be a legal conforming use. Additionally, Clearfield City sees the rezone as a vital component for the future growth and long-term establishment of the cemetery.

The Clearfield City General Plan states, "The P-F Public Facilities Zone is appropriate for such uses as churches, schools, public buildings, open space, parks, public utilities, public owned property and other related uses..." The table on page 8 of the General Plan indicates the appropriate zoning classifications for the different land use categories. The P-F (Public Facilities) Zone is in the only appropriate zone classification identified for public uses. The General Plan Future Land Use Map includes public uses within the residential classification color.

Public Comment

A property notice was posted on June 25th, 2021, with mailed notices also sent that same day. As of the date of this report, the owners of the mortuary and crematory have expressed opposition to the rezone. They have expressed that they would like the property to remain in the R-2 Zone to provide future development opportunities.

LAND USE ORDINANCE OR ZONING MAP AMENDMENT ANALYSIS

As outlined in Section 11-6-3 of the Clearfield City Land Use Ordinance, the Planning Commission shall review the petition to change the land use title or zoning map and provide recommendation to the City Council. The Planning Commission may recommend adoption of the proposed amendment when it finds that the proposed amendment is in accordance with one of the two considerations listed in the table below.

Review Consideration	Staff Analysis
<i>The proposed amendment is in accordance with the General Plan and Map; or</i>	The requested amendment is consistent with the goals the General Plan and Map as the appropriate zone for the current and future cemetery use of the properties.
<i>Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.</i>	With a high need for residential development, it is important to rezone any city-owned properties that are not intended for residential development. The cemetery is a long-standing use that is anticipated to reach capacity in the near future for the current cemetery area. As such, there is a need to expand that is supported by the City Council. The rezone of the subject properties to the P-F Zone is intended to further establish this area for the future expansion of the cemetery and associated uses, while eliminating the possibility for residential development on the subject parcels.

GENERAL PLAN ANALYSIS

The Clearfield City General Plan outlines the overall community vision and provides land use guidelines located in Chapter 2 - Land Use Element, which should be followed throughout the City. Chapter 3 – Transportation, addresses goals and policies to ensure balance between future transportation needs that

come with future land use development. The following three sections are an analysis of the land use guidelines, the applicable land use goal and policy, and transportation aspects of the General Plan.

Land Use Guideline	Staff Analysis
1. <i>The identity of Clearfield City should be strengthened by land uses which improve the image of the community and foster a positive, healthy living environment conducive to long-term residency.</i>	Rezoning these properties will further establish this area for the Clearfield City Cemetery and preserve the area for that use for current and future residents. Proposed improvements following the rezone will improve the image of the community.
2. <i>The relationship of planned uses should reflect consideration of existing development, environmental conditions, service and transportation needs, and fiscal impacts.</i>	As Clearfield continues to grow, the need to have a well-established and well-maintained cemetery increases. City-owned properties envisioned for the future use in the cemetery should be preserved for future generations.
3. <i>Redevelopment should emphasize the reuse of developed areas and existing community resources in such a way as to increase the livability and aesthetics of the City.</i>	The expansion/redevelopment of the cemetery following the rezoning will capitalize on the existing community resource and will increase the livability and aesthetics of the City.
4. <i>The Land Use Plan should provide for a full range and mix of land uses including residential, commercial, manufacturing, and public use areas.</i>	Not applicable.
5. <i>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 design should be provided to protect existing residential areas from more intense land uses.</i>	The inclusion of all the properties for the cemetery, including the Aaron's Mortuary and Crematory properties is essential to ensure compatible land uses within the cemetery boundary.
6. <i>Development approval should be tied to the construction of culinary water, sewer, storm drainage, and circulation systems.</i>	Not applicable.

7. <i>Density increases should be considered only after adequate infrastructure and resource availability have been sufficiently demonstrated.</i>	Not applicable.
8. <i>An interconnecting public open space system should be provided, including pedestrian linkages, recreational areas, natural areas, on-road cycling facilities, and drainage ways.</i>	The rezone of this property would not impede connections or linkages with the current public open space system. The future expansion and improvement of the cemetery will provide additional connections and areas for passive/quite recreation.
9. <i>Commercial and manufacturing uses should be highly accessible, clustered near the center of their service areas, and developed in harmony with the uses and character of surrounding districts.</i>	Not applicable.
10. <i>The Land Use Plan should promote and encourage land use patterns that provide a high quality of life to all and offer choice in mobility and transportation.</i>	Not applicable.
11. <i>The remaining vacant properties in the City should be developed at their highest and best use to maximize their value to the landowner and the City.</i>	The remaining city-owned vacant land on the west end of the cemetery should be preserved and developed as part of the cemetery. With a growing population, the City will need future space for the burial of residents and non-residents that can be appropriately located and buffered from higher intensity uses.
12. <i>The quality and usefulness of parks and open space should be maximized. Open spaces that are small, inaccessible, difficult to maintain, or encumbered by utilities, drainage basins, or excessive slopes should not be encouraged.</i>	By rezoning these properties and expanding the cemetery to the west, these open space properties will be maximized.
13. <i>Manufacturing and industrial activities should be limited to those areas already zoned for such uses.</i>	Not applicable.

<i>14. Properties registered with the County or State for agricultural or industrial protection should be recognized by the City to allow such land uses.</i>	Not applicable.
<i>15. Land use decisions should be based on a comprehensive understanding of their effects on the environment and surrounding areas.</i>	Preservation of the cemetery land to the west and the currently used land is important for the future growth and well-being of the city. Future residential uses within the current cemetery boundary would be detrimental to the purpose of the cemetery to be a place of thought and remembrance.

FINDINGS AND CONCLUSION

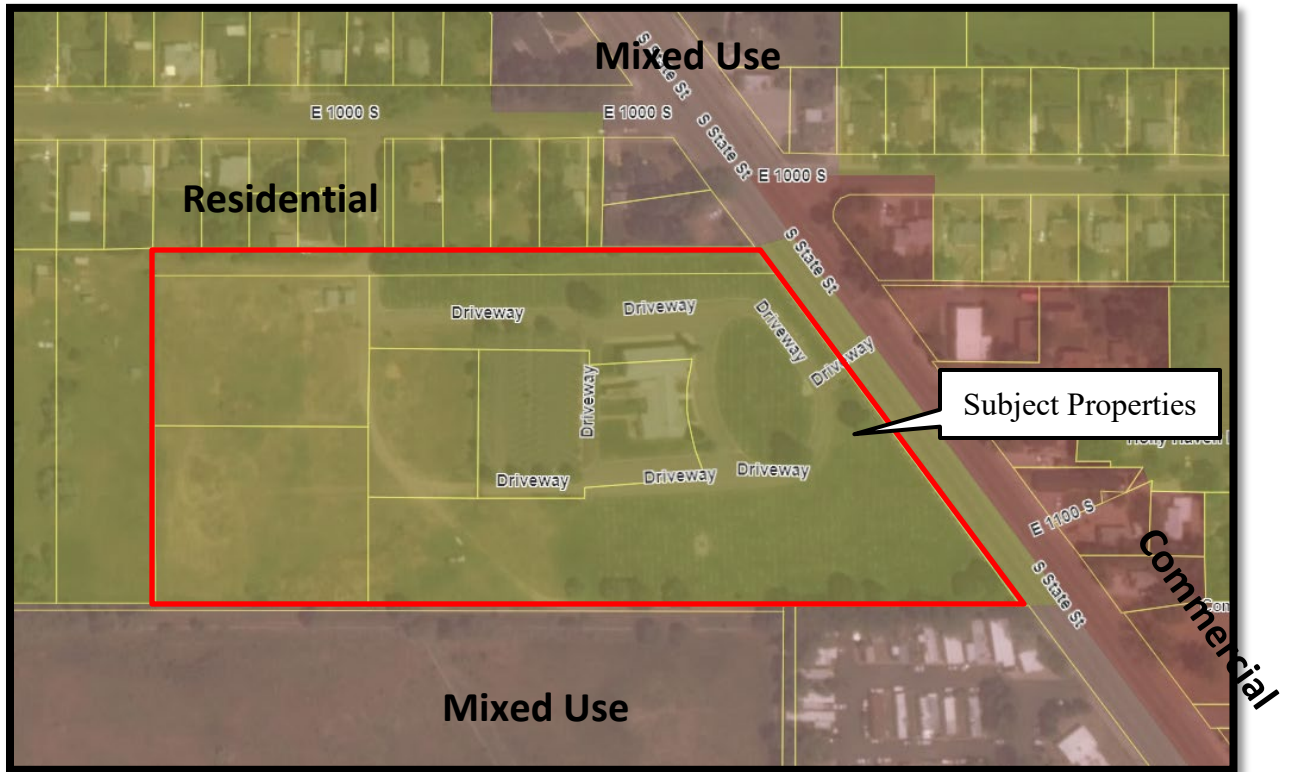
Based on the analysis of this request and the Clearfield City General Plan, staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to the Clearfield City Council for the proposed zoning map amendment. This recommendation is based on the analysis of the staff report and the following findings:

1. The proposed zoning map amendment is consistent with the land use guidelines, goals, and objectives of the Clearfield City General Plan.
2. Development of this property with residential uses is inconsistent with the current and future use of the properties for the cemetery.
3. Preservation of open spaces and the cemetery land is vital for current and future residents.

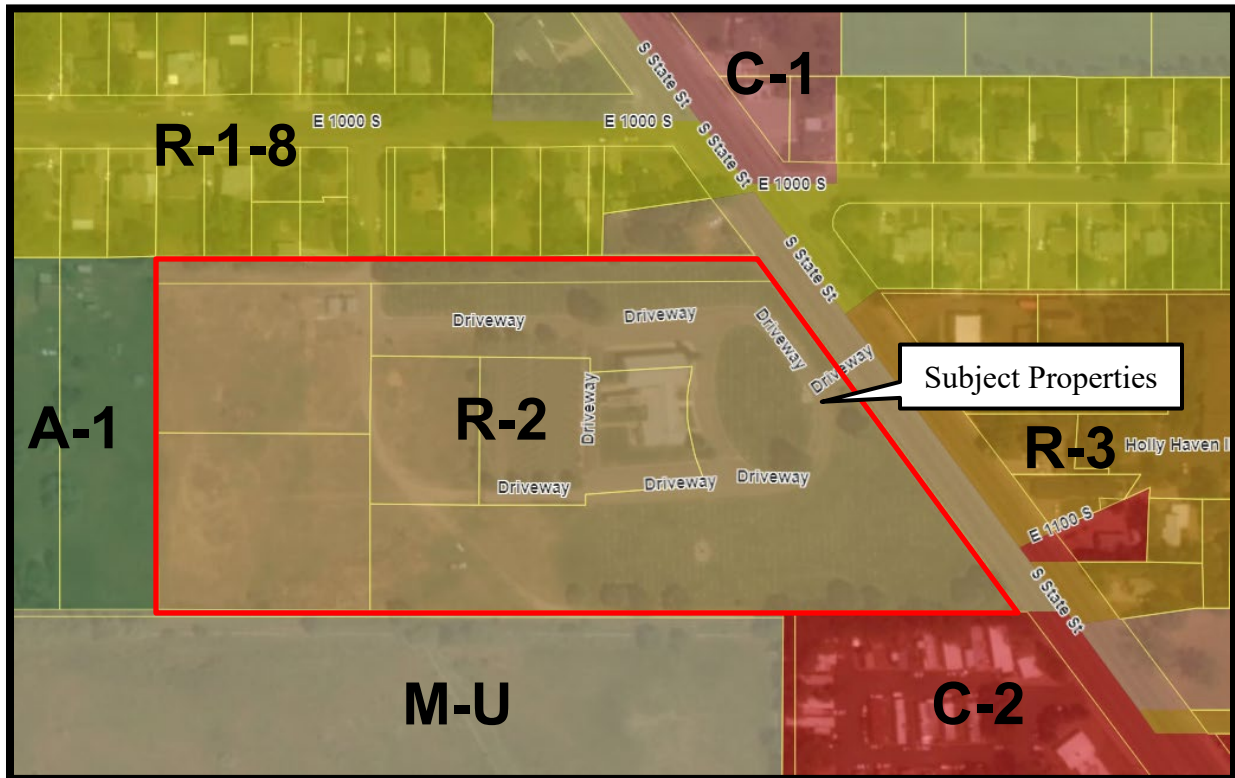
ATTACHMENTS

1. General Plan Map
2. Current Zoning Map

GENERAL PLAN



CURRENT ZONING





Planning Commission

STAFF REPORT

AGENDA ITEM
#3

TO: Clearfield City Planning Commission

FROM: Brad McIlrath, Senior Planner
brad.mcilrath@clearfieldcity.org
801-525-2784

MEETING DATE: Wednesday, July 7th, 2021

SUBJECT: Public Hearing, Discussion and Possible Action on **ZTA 2021-060037**, a zoning text amendment request by Clearfield City to modify landscaping standards to address industrial development in the city. **Subject Code References:** Manufacturing Zone (M-1): Section 11-11D-11A; Landscaping Standards and Requirements: Sections 11-13-23 A1, A2, & C; and Off-Street Parking and Loading: Sections 11-14-7 F & G. **(Legislative Action).**

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation of **APPROVAL** for **ZTA 2021-060037** to the City Council, for the proposed zoning text amendments to landscaping standards found in Sections 11-11D-11A, 11-13-23 A1, A2, & C, and 11-14-7 F & G of the Clearfield Municipal Code.

This recommendation is based upon the information and findings outlined in this report. As the advisory body to the Clearfield City Council, the Planning Commission may forward a recommendation of approval, denial, or move to table the decision as presented below in the Planning Commission Recommendation Options.

PLANNING COMMISSION RECOMMENDATION OPTIONS

Following careful consideration of the information included in this report, the Planning Commission may choose to forward the following recommendations:

1. **Move to recommend Approval of ZTA 2021-060037** to the City Council, for the proposed zoning text amendments to landscaping standards found in Sections 11-11D-11A, 11-13-23 A1, A2, & C, and 11-14-7 F & G of the Clearfield Municipal Code.
2. **Move to recommend Denial of ZTA 2021-060037** to the City Council, for the proposed zoning text amendments to landscaping standards found in Sections 11-11D-11A, 11-13-23 A1, A2, & C, and 11-14-7 F & G of the Clearfield Municipal Code.
3. **Move to Table ZTA 2021-060037** to request additional information for consideration.

The Planning Commission may also make a recommendation that is different than those listed above such as a modified recommendation of approval.

BACKGROUND & ANALYSIS

Some time ago, Staff began to contemplate the need to amend the current landscaping standards for industrial developments (and others) within the City to increase water conservation, while balancing the need to ensure adequate beautification of developments. Ongoing drought conditions have caused a declaration of a State of

Emergency which is a present issue to all Utah residents, but a growing problem that Cities and State officials have been aware of for many years.

The development of the Lifetime Products Distribution Facility, coupled with the current drought conditions, and likely future drought conditions, have made addressing landscape standards an urgent need for the City and for Lifetime Products. Both parties have met with representatives from Weber Basin Water to review the proposed landscaping design for the facility. These meetings and numerous discussions resulted in the attached proposed text amendment that is intended to ensure the beautification of properties, reduce the demand on water resources, and require more sustainable aesthetic, and efficient landscaping.

In addition to the proposed landscape standard amendments within the Land Use Title of the City Code, with specific applicability to properties in the M-1 zone, Staff is also proposing several additional related amendments that are intended to result in the ability of the City to more efficiently manage and enforce the landscaping standards of the code.

The proposed changes are outlined below with additional information for each change.

1. Manufacturing Zone (M-1) Percentage Change

Based upon previous applications and review of other municipal landscaping standards for industrial zones, Staff recommends that the minimum required landscaping and open space for properties in the M-1 (Manufacturing) Zone be reduced from ten percent (10%) to five percent (5%). This change will help avoid the need to have a development agreement for reductions in percentages that we have seen in the past and provide more emphasis for landscaping in industrial properties where it provides the highest benefit to beautification as well as functionality of the site. The proposed change would be reflected in the land use ordinance as follows:

ARTICLE D. MANUFACTURING ZONE (M-1)

11-11D-11: OTHER REQUIREMENTS:

A. Landscaping And Open Space: A minimum of five percent (5%) ~~ten percent (10%)~~ of the total lot or parcel area shall be provided as landscaped open space. All landscaping shall comply with the provisions of chapter 13 of this title.

2. Landscaping Standards and Requirements for Industrial Properties

To have more water efficient landscaping designs, Staff proposes the following changes to the quantities of trees and shrubs required for industrial properties. The proposed change would be reflected in the land use ordinance as follows:

11-13-23: LANDSCAPING STANDARDS AND REQUIREMENTS:

A. Landscaping Standards:

1. All open space required by this title shall be landscaped with a minimum of one tree for every five hundred (500) square feet of landscaped area. For industrially zoned properties, a minimum of one tree for every one thousand (1,000) square feet of landscaped area is required. All new deciduous trees required by this title shall have a minimum trunk size of two inches (2") in caliper measured eight inches (8") above the soil line. All new evergreen trees required by this title shall have a minimum size of six feet (6') in height. All trees to be installed on public property or on property to be maintained by the city shall be subject to approval by the city arborist or designee.

2. All open space required by this title shall be landscaped with a minimum of one shrub for every three hundred (300) square feet of landscaped area. For industrially zoned properties, a minimum of one shrub for every six hundred (600) square feet of landscaped area is required. All new shrubs

required by this title shall be a minimum of one-gallon containerized stock plant that will attain a height of at least two feet (2').

3. Bonding for Landscaping

Due to enforcement challenges with the current bonding requirements for landscaping improvements, Staff recommends that the following changes be made to clearly indicate when a bond would be used to guarantee landscaping improvements. Only in the cases of inclement weather and for a period no greater than six months may a developer/builder bond for landscaping improvements. In every other circumstance, the developer/builder (as currently stated in the code) must install landscaping prior to being granted occupancy for the building. If the landscaping is not installed, and there is no evidence of inclement weather, occupancy will not be granted for the building until the improvements have been completed. Inclement weather typically includes late autumn, winter, or early spring conditions and may also include conditions of severe drought or shortage of water supply due to weather conditions. The proposed change would be reflected in the land use ordinance as follows:

11-13-23: LANDSCAPING STANDARDS AND REQUIREMENTS:

C. Bond/~~Escrow~~ Required: In cases of inclement weather and in order to ensure that all required landscaping is installed in an acceptable manner, the developer shall post a separate cash bond with the city ~~recorder~~ or establish an escrow account with an appropriate financial institution. The cash bond or escrow account shall be subject to approval by the city engineer and shall be in an amount equal to one hundred twenty five percent (125%) of the estimated costs of construction and installation, as determined by the City, of all required landscaping, parks, playgrounds, recreation facilities, fences, walls, and other amenities shown on the final landscape plan or site plan, as applicable.

4. Exemption for Single-Family Dwellings

In the landscaping standards and requirements section of the code, the completion of landscaping improvements is outlined based upon the type of use. Landscaping timelines for nonresidential uses, single-family dwellings, and for two-family and multiple-family dwellings are established. In Section 11-13-23 H, an exemption is provided for the completion and installation of private landscaping for single-family dwellings. Staff recommends that this exemption be modified to address the completion of improvements, as the code already establishes a timeline standard for the completion and installation of landscaping for front yards, side yards, and rear yards for single-family dwellings. The code would be modified as proposed below to exempt single-family dwellings from the irrigation system requirements and bonding requirements. The proposed change would be reflected in the land use ordinance as follows:

11-13-23: LANDSCAPING STANDARDS AND REQUIREMENTS:

H. Exempt: Except as otherwise specified, subsections C, D, E, and F of this section shall not pertain to the completion or installation of private landscaping on individual building lots for single-family dwellings. Single-family dwellings shall comply with all other applicable landscaping standards specified herein.

5. Off-Street Parking and Loading; Interior Parking Lot Landscaping & Perimeter Parking Lot Landscaping

The Off-Street Parking and Loading chapter of the land use title includes standards for parking lot perimeter landscaping and landscaping islands. As the chapter is currently constituted, it refers to all of the standards under the heading of "Landscaped parking lot islands." To provide more clarification of these standards, Staff recommends that this section of the chapter be amended to separate parking lot landscaping standards into two sections: 1. Interior Parking Lot Landscaping; and 2. Perimeter Parking Lot Landscaping. The code currently requires that parking lot islands have a minimum width of five feet (5'). To promote more water efficient

landscaping islands, Staff proposes increasing the width of islands to a minimum of nine feet (9') which is the same width of most parking stalls. Wider parking lot islands are more water efficient because they reduce over-spraying of irrigation systems, and provide a larger root system area for the landscaping materials. Additionally, to address industrial development needs for snow removal as well as water efficient landscaping, Staff recommends that a standard be added that exempts industrial properties from the requirement to have interior parking lot islands. With these changes some of the lettering for other subsections are updated. The proposed changes would be reflecting in the land use ordinance as follows:

11-14-7: OFF STREET PARKING AND LOADING:

F. Interior Parking Lot Landscaping: ~~Parking Lot Islands: Landscaped parking lot islands shall be provided as follows:~~

1. On doubled rows of parking stalls, there shall be a forty-foot (40') long by ~~nine five-foot (9')~~ wide landscaped island on each end of the rows, plus a forty foot (40') long by ~~nine five foot (95')~~ wide landscaped island to be placed at a minimum of every twelve (12) parking stalls. Each island on doubled parking rows shall include a minimum of two (2) deciduous trees, having a minimum trunk size of two inches (2") in caliper measured eight inches (8") above the soil line. Other landscaping installed in the island shall include shrubbery and an acceptable ground cover. No hard surface improvements such as concrete or asphalt are allowed within any landscape islands. (Ord. 2009-41, 11-24-2009)
2. On single rows of parking there shall be a twenty-foot (20') long by ~~nine five-foot (95')~~ wide landscaped island a minimum of every twelve (12) stalls. In situations where the parking stall allows a portion of the vehicle to extend over landscaping ("nose over landscaping"), the island planter may be allowed to be no less than eighteen feet (18') in length. Islands on a single parking row shall have a minimum of one deciduous tree having a minimum trunk size of two inches (2") in caliper measured eight inches (8") above the soil line. Other landscaping installed in the island shall include shrubbery and an acceptable ground cover. No hard surface improvements such as concrete or asphalt are allowed within any landscaped islands. (Ord. 2015-19, 12-8-2015)
3. Landscaped islands at the ends of parking rows shall be placed and shaped in such a manner as to help direct traffic through the parking area. There shall be a break in parking rows at a minimum of forty-eight (48) parking stalls for each double row of parking for the purpose of facilitating traffic circulation on the site. (Ord. 2009-41, 11-24-2009)

4. Interior parking lot islands are not required for industrial properties in order to facilitate traffic flow for large vehicles and proper snow removal.

G. Perimeter Parking Lot Landscaping:

- ~~1. 4. Landscaping shall be required around the perimeter of parking areas. Landscaped areas adjacent to street frontages shall be a minimum of ten feet (10') in width. Landscaped areas adjacent to parcels that have the same land use shall be a minimum of six feet (6') wide. A fence, landscaping screen, or berm is required around the perimeter of the parking area to mitigate escape of light from headlights and other lighting on surrounding property.~~
- ~~2. On single rows of parking along the perimeter of a parking lot, there shall be a twenty-foot (20') long by nine five-foot (95') wide landscaped island a minimum of every twelve (12) stalls. In situations where the parking stall allows a portion of the vehicle to extend over landscaping ("nose over landscaping"), the island planter may be allowed to be no less than eighteen feet (18') in length. Islands on a single parking row shall have a minimum of one deciduous tree~~

having a minimum trunk size of two inches (2") in caliper measured eight inches (8") above the soil line. Other landscaping installed in the island shall include shrubbery and an acceptable ground cover. No hard surface improvements such as concrete or asphalt are allowed within any landscaped islands.

PUBLIC COMMENT

Public notice was placed in the newspaper the weekend of June 26 and 27, 2021, on the State of Utah public notice website, and on the City's website. No public comment has been received to date.

GENERAL 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 amendments are in accordance with the General Plan which encourages continual evaluation and modifications to adopted ordinances as circumstances require.
2)	Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.	With changes in local and regional water conditions and the need to have water wise landscaping, the proposed changes are supported by this Title. The proposed changes will also emphasis landscaping in areas of clear visibility for industrial properties.

FINDINGS & CONCLUSION

Based upon a review of the existing and proposed ordinance standards Staff concludes the following:

1. Clearfield City landscaping standards should be continually evaluated to address local needs and those of the regional environment.
2. The proposed changes encourage high quality landscaping design, beautification, and efficient use of industrial properties.
3. The proposed changes provide for more effective enforcement of landscaping standards.
4. The proposed changes provide a good starting point for the evaluation of the City's landscaping standards for water wise and efficient landscapes.

ATTACHEMENTS

1. Landscaping Changes Sheet

INDUSTRIAL LANDSCAPING MODIFICATIONS

ARTICLE D. MANUFACTURING ZONE (M-1)

11-11D-11: OTHER REQUIREMENTS:

A. Landscaping And Open Space: A minimum of ~~ten percent (10%)~~ five percent (5%) of the total lot or parcel area shall be provided as landscaped open space. All landscaping shall comply with the provisions of chapter 13 of this title.

11-13-23: LANDSCAPING STANDARDS AND REQUIREMENTS:

A. Landscaping Standards:

1. All open space required by this title shall be landscaped with a minimum of one tree for every five hundred (500) square feet of landscaped area. For industrially zoned properties a minimum of one tree for every one thousand (1,000) square feet of landscaped area is required. All new deciduous trees required by this title shall have a minimum trunk size of two inches (2") in caliper measured eight inches (8") above the soil line. All new evergreen trees required by this title shall have a minimum size of six feet (6') in height. All trees to be installed on public property or on property to be maintained by the city shall be subject to approval by the city arborist or designee.

2. All open space required by this title shall be landscaped with a minimum of one shrub for every three hundred (300) square feet of landscaped area. For industrially zoned properties a minimum of one shrub for every six hundred (600) square feet of landscaped area is required. All new shrubs required by this title shall be a minimum of one-gallon containerized stock plant that will attain a height of at least two feet (2').

B. Completion Of Improvements: All landscaping improvements required by this title shall be installed in accordance with the approved site plan, landscape plan, and irrigation plan as follows:

1. Landscaping for nonresidential uses in all zones shall be completed prior to the issuance of a certificate of occupancy for the building or structure with which it is associated, or in cases of inclement weather, within six (6) months of the date of initial occupancy. The date of initial occupancy shall be the date that a certificate of occupancy is issued for the first building or facility of an individual phase or plat of the development.

2. The front and side yards of all single-family dwellings in all zones shall be landscaped within twelve (12) months of the date of initial occupancy for the building or structure with which they are associated. The rear yard shall be landscaped within eighteen (18) months of the date of initial occupancy. Date of initial occupancy will be the date that a certificate of occupancy is issued for the dwelling unit.

3. Landscaping for two-family and multiple-family dwellings in all zones shall be completed prior to the issuance of a certificate of occupancy for the building or structure with which they are associated, or in cases of inclement weather, within six (6) months of the date of initial occupancy. Date of initial occupancy will be the date that a certificate of occupancy is issued for the first dwelling unit. (Ord. 2009-40, 11-24-2009)

C. Bond/Escrow Required: In cases of inclement weather and in order to ensure that all required landscaping is installed in an acceptable manner, the developer shall post a separate cash bond with the city ~~recorder~~ or establish an escrow account with an appropriate financial institution. The cash bond or escrow account shall be subject to approval by the city engineer

and shall be in an amount equal to one hundred twenty five percent (125%) of the estimated costs of construction and installation, as determined by the City, of all required landscaping, parks, playgrounds, recreation facilities, fences, walls, and other amenities shown on the final landscape plan or site plan, as applicable.

H. Exempt: Except as otherwise specified, subsections C, D, E, and F of this section shall not pertain to the completion or installation of private landscaping on individual building lots for single-family dwellings. Single-family dwellings shall comply with all other applicable landscaping standards specified herein.

11-14-7: OFF STREET PARKING AND LOADING:

F. Interior Parking Lot Landscaping: Parking Lot Islands: Landscaped parking lot islands shall be provided as follows:

1. On doubled rows of parking stalls, there shall be a forty-foot (40') long by nine five-foot (95') wide landscaped island on each end of the rows, plus a forty foot (40') long by nine five foot (95') wide landscaped island to be placed at a minimum of every twelve (12) parking stalls. Each island on doubled parking rows shall include a minimum of two (2) deciduous trees, having a minimum trunk size of two inches (2") in caliper measured eight inches (8") above the soil line. Other landscaping installed in the island shall include shrubbery and an acceptable ground cover. No hard surface improvements such as concrete or asphalt are allowed within any landscape islands. (Ord. 2009-41, 11-24-2009)

2. On single rows of parking there shall be a twenty-foot (20') long by nine five-foot (95') wide landscaped island a minimum of every twelve (12) stalls. In situations where the parking stall allows a portion of the vehicle to extend over landscaping ("nose over landscaping"), the island planter may be allowed to be no less than eighteen feet (18') in length. Islands on a single parking row shall have a minimum of one deciduous tree having a minimum trunk size of two inches (2") in caliper measured eight inches (8") above the soil line. Other landscaping installed in the island shall include shrubbery and an acceptable ground cover. No hard surface improvements such as concrete or asphalt are allowed within any landscaped islands. (Ord. 2015-19, 12-8-2015)

3. Landscaped islands at the ends of parking rows shall be placed and shaped in such a manner as to help direct traffic through the parking area. There shall be a break in parking rows at a minimum of forty-eight (48) parking stalls for each double row of parking for the purpose of facilitating traffic circulation on the site. (Ord. 2009-41, 11-24-2009)

4. Interior parking lot islands are not required for industrial properties in order to facilitate traffic flow for large vehicles and proper snow removal.

G. Perimeter Parking Lot Landscaping:

1. 4. Landscaping shall be required around the perimeter of parking areas. Landscaped areas adjacent to street frontages shall be a minimum of ten feet (10') in width. Landscaped areas adjacent to parcels that have the same land use shall be a minimum of six feet (6') wide. A fence, landscaping screen, or berm is required around the perimeter of the parking area to mitigate escape of light from headlights and other lighting on surrounding property.

2. On single rows of parking along the perimeter of a parking lot, there shall be a twenty-foot (20') long by nine five-foot (95') wide landscaped island a minimum of every twelve (12) stalls. In situations where the parking stall allows a portion of the vehicle to extend over landscaping ("nose over landscaping"), the island planter may be allowed to be no less than eighteen feet

(18') in length. Islands on a single parking row shall have a minimum of one deciduous tree having a minimum trunk size of two inches (2") in caliper measured eight inches (8") above the soil line. Other landscaping installed in the island shall include shrubbery and an acceptable ground cover. No hard surface improvements such as concrete or asphalt are allowed within any landscaped islands.



Planning Commission

STAFF REPORT

AGENDA ITEM
#5

TO: Clearfield City Planning Commission

FROM: Brad McIlrath, Senior Planner
brad.mcilrath@clearfieldcity.org
(801) 525-2784

MEETING DATE: Wednesday, July 7th, 2021

SUBJECT: Public Hearing, Discussion and Possible Action on the **Java Espresso Development Agreement** for the proposed drive-through beverage establishment at the subject location. **Location:** 585 N. Main Street (TIN: 14-530-0002). **Parcel Area:** 0.49 Acres. **Zone:** C-C (Gateway Corridor Commerce). **(Legislative Action).**

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to the City Council for the proposed development agreement for the Java Espresso development located at 585 N. Main Street (TIN: 14-530-0002). This recommendation is based upon the findings outlined in this report.

BACKGROUND & ANALYSIS

On January 6th, 2021, the Planning Commission granted site plan approval for the proposed Java Espresso drive-through beverage establishment at the subject location. Condition #1 of that approval includes seven (7) modifications to the Downtown Form-Based Code standards that are allowed with the execution of a development agreement. Each of the modifications were based upon the existing development conditions of the site and a few aspects of the proposed use. The applicant has provided a development agreement for review by the Planning Commission and City Council that outlines these items. Due to additional restrictive covenants of the Dollar Tree store and this property, the development agreement includes two additional modifications for consideration. Following review of the proposed development agreement (including the additional items), Staff finds that the requested modifications are appropriate and recommends that the Planning Commission forward approval of the agreement to the City Council.

Utah State Code – Development Agreements

As part of the 2021 Utah State Legislative Session, amendments to the Land Use Development and Management Act (LUDMA) of State Code were made regarding development agreements. Development agreements are now clearly defined and how they can be used. As part of these amendments, it was clarified that if a development agreement is used to modify or alter code standards for a specific development, the same process that is used for ordinance amendments must be followed. The reasoning is that like a zoning text amendment, a development agreement is changing the standards for a specific development and therefore should be subject to the same level of public participation and public process as an ordinance amendment. Therefore, because this development agreement includes modifications from the Form-Based Code standard, a public hearing must be held with the Planning

Commission and again with the City Council as part of the review and approval process of the agreement.

Development Agreement Restrictions

As outlined in the restrictions section of the development agreement, the following modifications are allowed with the additional two provided for consideration. The following text is pulled from subsections 2 and 3 of the restrictions section of the development agreement.

1. Form-Based Code Modifications for Project Improvements. The Parties agree that the Project will comply with the conditions of approval outlined in the Exhibit C and the Form-Based Code and City development standards, with the exception of the following specific and limited modifications:

- a. The existing four-foot (4') sidewalk and five and a half foot (5.5') street buffer may remain in place provided that the missing street trees be replaced with the correct type of street tree allowed by the Form-Based Code. The replacement street trees must be selected from the small or medium street tree list found on page 36 of the Form-Based Code.
- b. The building may be located at the proposed location depicted on Exhibit D, provided that the building design comply with the standards of the Form-Based Code.
- c. Parking may be located between the building and the street within the front yard area as shown on the submitted plans (Exhibit D).
- d. The building is allowed to occupy less than 50% of the front property line coverage due to the size and orientation on the property.
- e. The drive-through stacking lanes and the drive-through canopy are permitted in the proposed locations on the submitted plans (Exhibit D) and are not required to be located along the rear façade or within the rear yard of the building.
- f. The District Transition Buffer standards within the Form-Based Code may be waived in favor of the previously approved existing buffer along the west property line.
- g. The free-standing row of parking stalls within the front yard area may remain without a landscape median, as previously approved and installed.

2. Additional Exceptions to Form-Based Code or City Development Standards. In addition to the modifications to the Form-Based Code outlined above, the Parties agree on the following two (2) exceptions of the code, due to constraints of the restrictive covenants outlined in the Recitals:

- a. 4- Impervious surfaces: due to the restrictive covenants of the overall commercial development, the site is not able to comply with the maximum impervious coverage calculations of the form-based code.
- b. 14- Landscape island location: due to the restrictive covenants of the overall commercial development, the landscape island must remain as is and cannot be altered.

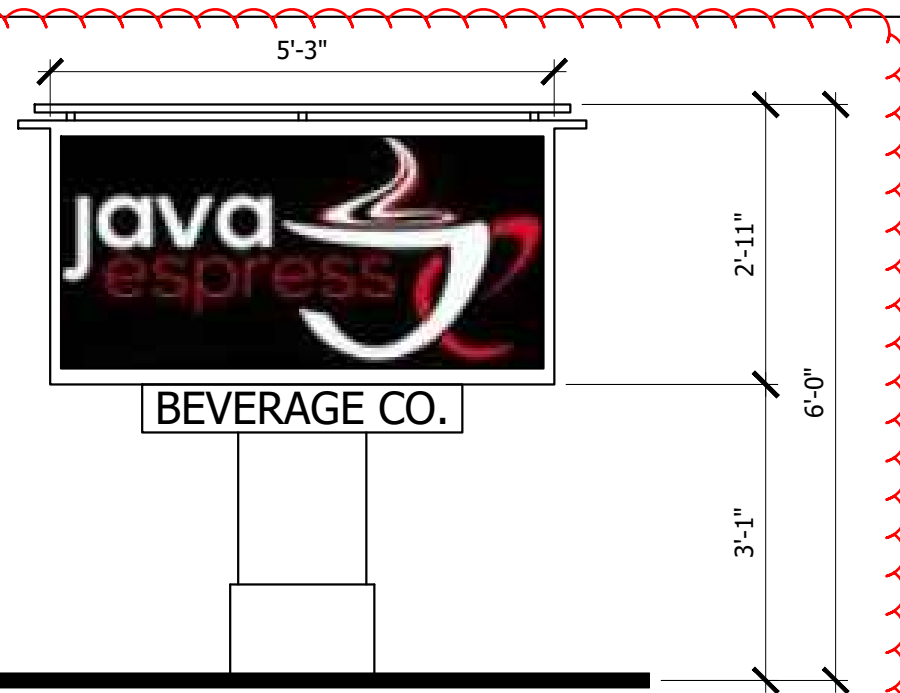
STAFF RECOMMENDATION/CONCLUSION

Staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to the City Council for the proposed development agreement based upon the following findings:

1. The proposed development agreement is consistent with the development standards and process of the Downtown Clearfield Form-Based Code.
2. The proposed development agreement complies with the standards for development agreements outlined in City Code.
3. Execution of the development agreement provides direction and regulatory guidance for the property owner and the City.

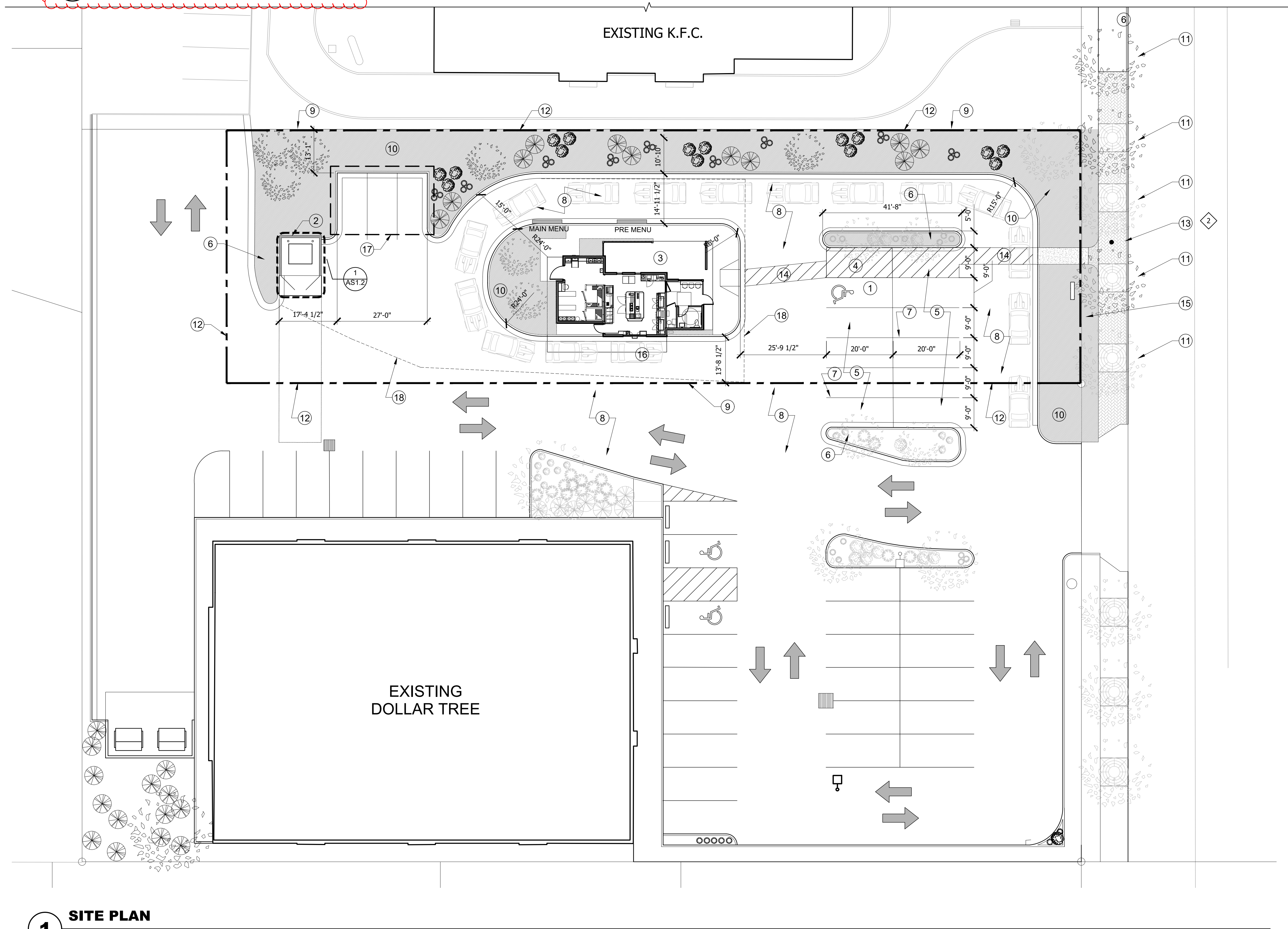
ATTACHMENTS

1. Site Plan
2. Draft Development Agreement



2 MONUMENT SIGN (BY OTHERS)
SCALE: 1/16" = 1'-0"

Monument signs are allowed in Clearfield. This sign would be a pole sign, which is not permitted. Need to replace.



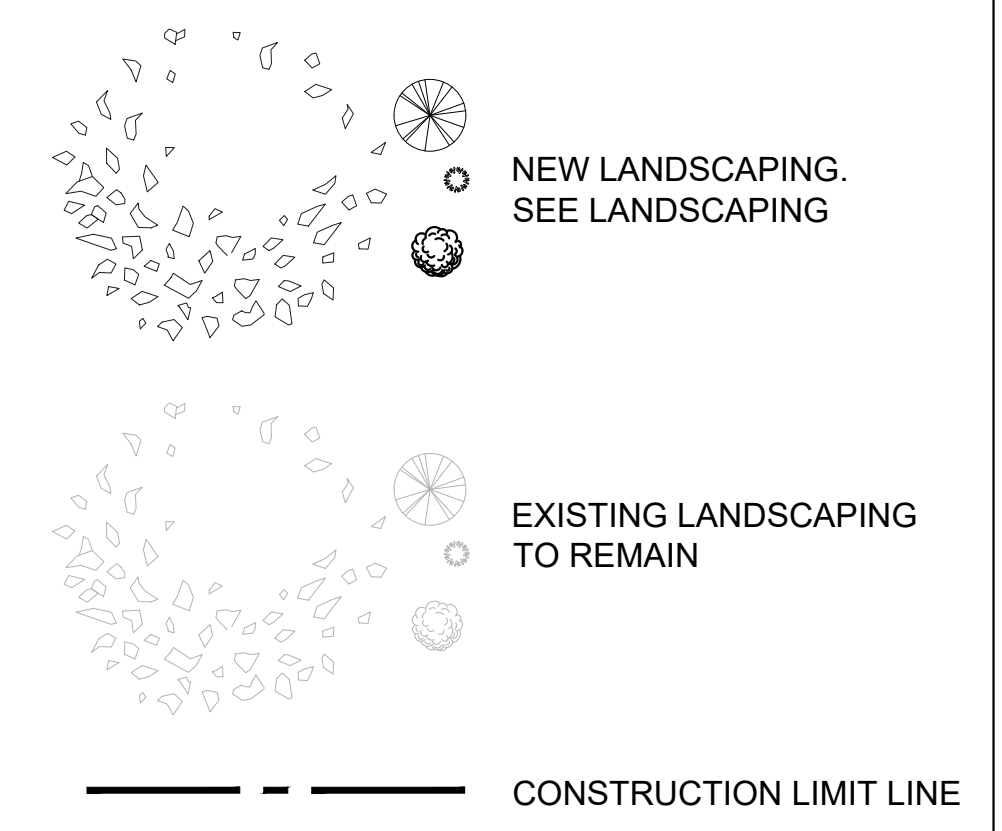
SITE NOTES

- VERIFY ALL EXISTING GRADING.
- UNLESS NOTED OTHERWISE, ALL WALKING SURFACES ARE TO BE GRADED AT NO MORE THAN 5% IN THE DIRECTION OF TRAVEL AND NO MORE THAN 2% PERPENDICULAR TO THE DIRECTION OF TRAVEL. SEE CIVIL FOR ACTUAL GRADING.
- UNLESS NOTED OTHERWISE, FINISHED FLOOR ELEVATION IS TO BE AT MINIMUM 18" ABOVE THE HIGHEST ADJACENT CROWN OF THE ADJACENT STREET. SEE CIVIL FOR ACTUAL FINISHED FLOOR.
- UNLESS NOTED OTHERWISE, PROVIDE DRAINAGE SWALES WITH BANKS THAT DO NOT EXCEED 33%.
- PROVIDE LANDSCAPING AND IRRIGATION THAT MEETS OR EXCEEDS ALL APPLICABLE STANDARDS AS REQUIRED BY THE CITY OF CLEARFIELD.

KEYNOTES

- TYPICAL HANDICAP SPACE W/ SYMBOL, RAMP & SIGN.
- PROPOSED TRASH ENCLOSURE. SEE DETAIL 1/AS1.2
- PROPOSED SIDEWALKOVER COMPACTED SAND & GRAVEL BASE WITH CONTROL JOINTS @ 6'-0" O.C. AND EXPANSION JOINTS @ 20'-0" MAX, WITH LIGHT BROOM FINISH. SLOPE FOR POSITIVE DRAINAGE AWAY FROM BUILDING. SEE DETAIL 5/AS1.2
- HANDICAP ACCESS LANE WITH 4" WIDE DAGONAL PAINTED STRIPING @ 24" O.C.
- TYPICAL STANDARD SPACE. (9'-0" X 18'-0")
- EXISTING LANDSCAPING TO REMAIN.
- TYPICAL PARKING STRIPING WITH (2) COATS 4" WIDE REFLECTIVE TRAFFIC WHITE PAINT.
- ASPHALT PAVING (SEE CIVIL)
- PROPERTY LINE (SEE/VERIFY W/ CIVIL)
- LANDSCAPING AREAS. TREES AND SHRUBS SHOW GENERAL LOCATIONS. SPECIFICATIONS FOR PLANTINGS WILL BE PROVIDED AT A FUTURE DATE.
- REPLACE DEAD OR MISSING TREES. SEE PAGE 36 OF THE FBC FOR OPTIONS.
- AREA OF CONSTRUCTION
- ACORN STREET LIGHT
- DIAGONAL STRIPING
- MONUMENT SIGN BY OTHERS. SEE 2/AS1.1
- WASHED AGGREGATE CONCRETE PAD
- SNOW STACKING AREA
- LINE WHERE EXISTING PAVEMENT ENDS. EXISTING ADJACENT SURFACE IS DIRT.

LEGEND



IMPERVIOUS	SEMI-PERVIOUS
79%	1%

1 SITE PLAN
SCALE: 1/16" = 1'-0"

THIS DRAWING CONTAINS INFORMATION WHICH IS THE PROPRIETARY PROPERTY OF ALC ARCHITECTURE. NO UNAUTHORIZED REUSE OR DUPLICATION OF THESE PLANS OR ANY INFORMATION CONTAINED HEREIN, WITHOUT THE EXPRESS WRITTEN CONSENT OF ALC ARCHITECTURE. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL IT IS SIGNED BY THE ARCHITECT. COPYRIGHT © ALC ARCHITECTURE

LICENSED ARCHITECT
AR-984724
06-09-21
JEFFREY R. LUKES
STATE OF IDAHO

NO.	CD	REVISIONS	DATE
1	100%	CONSTRUCTION DOCUMENTS	

ALC collaborative
architecture

PROJECT FOR: SHANE MURPHY - JAVA ESPRESSO
CLEARFIELD, UTAH
585 NORTH MAIN STREET

DRAWN BY: JM, AB
CHECKED BY: RF, EA
JOB # 18117
DATE: 06/09/2021

SITE PLAN

AS1.1

When Recorded Return To:

WM Investment LLC
4241 N. Winfield Scott Plaza, Suite 201
Scottsdale, Arizona 85251

Tax Parcel Nos. 14-530-0002.

JAVA ESPRESS DEVELOPMENT AGREEMENT

This *Development Agreement* (“**Agreement**”) is made with respect to the Property, as identified below, by Clearfield City, a political subdivision of the State of Utah (“**City**”), and WM Investment LLC, an Arizona limited liability company (“**Owner**”). Hereinafter, collectively referred to as the “Parties.”

RECITALS

A. Owner owns certain real property (“Property”) located at 585 North Main Street, Clearfield, Davis County, Utah, within the municipal limits of the City, as more particularly described in Exhibit A, attached hereto.

B. The Property is generally located to the southwest of the intersection at M Street and Main Street (in the “Dollar Tree Shopping Center”).

C. Owner desires to develop the Property as a freestanding single tenant retail building of approximately 800 square feet, with a drive-through intended to accommodate and increase customer accessibility (“Project”).

D. In connection with the City’s approval of the site plan and other required approvals for the Project (collectively, the “Approvals”), the parties have agreed to certain terms and conditions regarding the use of the Property.

E. The City has previously granted approval for a drive-through site plan with conditions provided on the notice of decision dated August 9, 2016 (Exhibit B).

F. In February 2020, the City has subsequently changed the zoning to the form-based code of C-C (Gateway Corridor Commerce).

G. The City granted approval of a site plan at the Property with noted exceptions provided within the notice of decision dated January 7, 2021 and civil engineering letter dated December 21, 2020 (Exhibit C).

H. Current Owner site plan is attached (Exhibit D).

I. In 2016, the Owner and adjacent parcel owner of the Dollar Tree entered into certain restrictive agreements governing parking locations, site plan restrictions, access, truck circulation, trash enclosures, and drainage that effect both parcels in the shopping center which are unable to be modified.

J. The Dollar Tree and common shopping center improvements were constructed in 2017 to accommodate the Dollar Tree building and a building pad to accommodate an up to 2,240 square foot drive through building (Subject property which has subsequently been revised to an approximately 800 square foot building) and share a mutually engineered development for the purpose of parking, access, landscaping, and drainage in the shopping center (Exhibit D).

RESTRICTION

For valuable consideration, acknowledged and received, the parties agree as follows:

1. Incorporation of Recitals. The Recitals stated above are incorporated herein by this reference as a part of this Agreement.

2. Form-Based Code Modifications for Project Improvements. The Parties agree that the Project will comply with the conditions of approval outlined in the Exhibit C and the Form-Based Code and City development standards, with the exception of the following specific and limited modifications:

- a. The existing four-foot (4') sidewalk and five and a half foot (5.5') street buffer may remain in place provided that the missing street trees be replaced with the correct type of street tree allowed by the Form-Based Code. The replacement street trees must be selected from the small or medium street tree list found on page 36 of the Form-Based Code.
- b. The building may be located at the proposed location depicted on Exhibit D, provided that the building design comply with the standards of the Form-Based Code.
- c. Parking may be located between the building and the street within the front yard area as shown on the submitted plans (Exhibit D).
- d. The building is allowed to occupy less than 50% of the front property line coverage due to the size and orientation on the property.
- e. The drive-through stacking lanes and the drive-through canopy are permitted in the proposed locations on the submitted plans (Exhibit D) and are not required to be located along the rear façade or within the rear yard of the building.
- f. The District Transition Buffer standards within the Form-Based Code may be waived in favor of the previously approved existing buffer along the west property line.

- g. The free-standing row of parking stalls within the front yard area may remain without a landscape median, as previously approved and installed.

3. Additional Exceptions to Form-Based Code or City Development Standards. In addition to the modifications to the Form-Based Code outlined above, the Parties agree on the following two (2) exceptions of the code, due to constraints of the restrictive covenants outlined in the Recitals:

- a. 4- Impervious surfaces: due to the restrictive covenants of the overall commercial development, the site is not able to comply with the maximum impervious coverage calculations of the form-based code.
- b. 14- Landscape island location: due to the restrictive covenants of the overall commercial development, the landscape island must remain as is and cannot be altered.

4. Run with the Land. This Agreement and the terms and conditions therein will run with the land and be binding and Owner, and their respective successors, assigns, beneficiaries, and grantees. The Agreement will survive any subdivision of the commercial Property and will apply in full force to each lot created on the Property.

5. Enforcement. This Agreement will be governed by the laws of the State of Utah. The parties agree to the jurisdiction and venue of the state courts in the county where the Property is located to resolve any dispute arising from, or pertaining to, this Agreement. The City may enforce this Agreement against Owner, and any successor, assign, beneficiary, or grantee having, or claiming, any interest in the Property.

6. Validity and Severability. If any section, clause or portion of this Agreement is declared invalid by a court of competent jurisdiction for any reason, the remainder of this Agreement shall not be affected thereby and shall remain in full force and effect.

7. Amendments. This Agreement may be amended only in writing signed by the parties hereto.

8. No Joint Venture. This Agreement does not create, and shall not be construed to create, a joint venture by the parties and no separate government entity is established by this Agreement.

DATED the _____ day of _____ 2021.

OWNER

WM Investment LLC, an Arizona limited liability company

By: _____

Name: _____

Title: _____

STATE OF UTAH)

ss:

COUNTY OF _____)

The foregoing Development Agreement was acknowledged before me this ____ day of _____, 2019, by _____ as the _____ of WM Investment LLC .

[Seal]

NOTARY PUBLIC

CITY

CLEARFIELD CITY, a Utah municipality

By: _____

Name: _____

Title: _____

Attest:

City Recorder

STATE OF UTAH)

ss:

COUNTY OF _____)

The foregoing Development Agreement was acknowledged before me this ____
day of _____, 2019, by _____ as
_____ of Clearfield City and as _____ as City
Recorder.

[Seal]

NOTARY PUBLIC

EXHIBIT A

(Legal Description of Property)

LOT 2, DOLLAR TREE SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED MAY 31, 2017 AS ENTRY NO. 3023391 IN BOOK 6776 AT PAGE 1188 OF OFFICIAL DAVIS COUNTY, UTAH RECORDS.

EXHIBIT B



Community Development
55 South State Street
Clearfield, UT 84015
Phone: 801.525.2780
Fax: 801.525.2865

August 9, 2016

Penny Dennis
ESI Construction
3300 E. Louise Drive #300
Meridian, ID 83642

RE: Notice of Decision for SP 1607-0002 - Site Plan, Drive-thru restaurant shell, 585 N. Main Street, (TIN: 14-071-0039)

Dear Ms. Dennis,

The request for a Site Plan approval for a Drive-thru restaurant shell to be constructed, at approximately 585 N. Main Street (TIN: 14-071-0039), was **approved** by the Planning Commission on August 3, 2016, subject to the following conditions:

1. The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1607-0001; 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 C-2 Zone. The final building plans shall conform to Chapter 18 Design Guidelines. The proposed architectural materials are a stucco and rock finish, and must be painted and maintained.
 - d. **Design and architecture for the building will be reviewed by the Planning Commission at the time a tenant is obtained.**
 - e. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. An adequate number of stalls must meet ADA standards. Parking Stalls must be 9x20.
 - f. 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.
 - g. New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.
 - h. A minimum of 10 percent landscaping shall be provided and meet the minimum standards set forth in 11-13-23.
 - i. 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.

www.clearfieldcity.org



Community Development
55 South State Street
Clearfield, UT 84015
Phone: 801.525.2780
Fax: 801.525.2865

- j. Damaged or missing concrete or asphalt shall be corrected and installed prior to final occupancy being granted.
2. The garbage dumpster must be screened. It is recommended that additional landscaping be added to soften the look of the dumpster enclosure.
3. Site Plan approval is subject to North Davis Fire District review and approval.
4. Site access on a State-owned right-of-way is subject to Utah Department of Transportation (UDOT) review and approval. Applicant to provide written approval from UDOT.
5. An oil/water separator must be installed on the floor drain, and be confirmed to be in working order prior obtaining final occupancy for the structure.
6. 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.

The next step is the resubmittal of any outstanding items outlined in the conditions. Following land use approval you will be permitted to submit for and obtain a building permit and a business license. If you have any questions or need additional information, please feel free to contact me either at (801) 525-2785 or Spencer.Brimley@clearfieldcity.org.

Sincerely,

Spencer W. Brimley, MRED
Development Services Manager

CC: SP 1607-0001 Case File
Chris Horrocks, *Building Permit Technician (via email)*
Stacy Millgate, *Business License Official (via email)*
John Taylor, *North Davis Fire District (via email)*
Dan Schuler, *Storm Water Manager (via email)*



www.clearfieldcity.org

EXHIBIT C



Community Development

55 South State Street
Clearfield, Utah 84015
P: 801.525.2780
F: 801.525.2865

January 7, 2021

Robert Fahrenbacker
301 Park Avenue
Idaho Falls, ID 83402

Project Name: Java Espresso - Clearfield
File Number: SP 2020-120068
Property Location: 585 N. Main Street
TIN: 14-530-0002
Zone: C-C (Gateway Corridor Commerce)
Decision Date: Wednesday, January 6, 2021

To Whom it May Concern,

On Wednesday, January 6, 2021, the Clearfield City Planning Commission granted approval of the Site Plan application for the proposed Java Espresso for the above listed property subject to the following conditions:

CONDITIONS OF APPROVAL –SITE PLAN REVIEW

- 1) A development agreement shall be executed between Clearfield City and the property owner/developer to allow the following modifications to the Form-Based Code standards:
 - a. The existing four-foot (4') sidewalk and five and a half foot (5.5') street buffer may remain in place provided that the missing street trees be replaced with the correct type of street tree allowed by the Form-Based Code. The replacement street trees must be selected from the small or medium street tree list found on page 36 of the Form-Based Code.
 - b. The building may be located at the proposed location provided that the building design comply with the standards of the Form-Based Code.
 - c. Parking may be located between the building and the street within the front yard area as shown on the submitted plans.
 - d. The building is allowed to occupy less than 50% of the front property line coverage due to the size and orientation on the property.
 - e. The drive-through stacking lanes and the drive-through canopy are permitted in the proposed locations on the submitted plans and are not required to be located along the rear façade or within the rear yard of the building.



Community Development

55 South State Street

Clearfield, Utah 84015

P: 801.525.2780

F: 801.525.2865

- f. The District Transition Buffer standards may be waived in favor of the previously approved existing buffer along the west property line.
 - g. The free-standing row of parking stalls within the front yard area may remain as previously approved and installed without a landscape median.
- 2) The plans shall be revised to provide one (1) double acorn streetlight within the buffer area between the two center street trees as required by code.
- 3) All missing street trees shall be replaced with street trees from the small or medium street tree list found on page 36 of the Form-Based Code. All damaged or missing tree grates shall be replaced with the city standard tree grate found in Appendix A of the code.
- 4) The site shall be designed, and the plans revised to have no more than seventy percent (70%) of impervious coverage and no more than twenty percent (20%) semi-pervious coverage.
- 5) The plans shall be revised for the minimum story height to be twelve feet (12').
- 6) The flat roof shall be revised to have a minimum eave depth of fourteen inches (14") and a minimum thickness of eight inches (8").
- 7) The front building façade shall be revised to comply with the minimum blank wall limitation and transparency standards for a commercial building as required by code.
- 8) The principal entry shall be located along the front façade of the building to comply with code.
- 9) The plans shall be revised to include the building material locations and percentages that comply with the Form-Based Code for primary and secondary materials.
- 10) A total of ten (10) on premises trees shall be provided and shown on the revised landscape plans.
- 11) A minimum five foot (5') wide planting strip shall be placed around the footprint of the building except in areas used for entrances, the drive-through or the outdoor dining area.
- 12) The landscape plan shall be revised to provide a minimum of sixty percent (60%) of the plants as water wise plants and to include shrubs with a minimum size of five (5) gallons at time of planting.
- 13) The parking lot area in the rear yard shall be provided with the parking lot buffer along the north property line as required by code.
- 14) The landscape island located at the north end of the free-standing row of parking within the front yard shall be revised to have a minimum width of five feet (5') and extend the length of the parking stalls as required by code.



Community Development

55 South State Street
Clearfield, Utah 84015
P: 801.525.2780
F: 801.525.2865

- 15) The landscape plan shall be revised to indicate compliance with tree requirements for the parking lot stalls and the tree shade goal as outlined in the staff report.
- 16) The dumpster enclosure shall be located a minimum of ten feet (10') from all property lines and comply with the standards for landscaping as outlined in the Form-Based Code.
- 17) The plans shall be revised to provide one (1) bike rack that meets the minimum standards of the code.
- 18) A snow stacking area shall be added to the plans as outlined in the staff report.
- 19) The plans should be revised to address Engineering requirements as outlined in the review letter dated December 21, 2020.
- 20) The project shall comply with all North Davis Fire District requirements outlined in the review letter dated December 17, 2020.

It is the applicant's responsibility to follow up and meet the conditions necessary to grant final approval. After all of the conditions and requirements of the Planning Commission approval have been resolved the Zoning Administrator will issue the final land use approval. An applicant shall not receive a building permit, until a valid land use approval from the Community Development office has been issued, along with the payment of all outstanding fees. Please revise and resubmit any items listed above in a timely manner.

Any adversely affected person shall have the right to appeal the land use decision rendered by the Planning Commission, by filing in writing, stating the reasons for the appeal, within ten (10) calendar days following written notification by the City. Appeals to this decision shall be submitted to the Clearfield City Recorder.

If you have any questions or need additional information, please feel free to contact me either by phone at 801-525-2784 or by email at brad.mcilrath@clearfieldcity.org.

Sincerely,

Brad McIlrath, Senior Planner

CC: Spencer Brimley, Community Development Director (via email)
Beth Dean, Building Inspector (via email)
Jared Justensen, Staff Engineer (via email)
Braden Felix, Deputy Public Works Director (via email)

21 December 2020

Clearfield City
55 South State Street
Clearfield City, Utah 84015

Attn: Brad McIlrath, Senior Planner
Proj: **Java Express**
Subj: Review #1

Dear Brad,

Attached is our review of the "Preliminary Plans" of the above referenced Site Improvement Drawings for your consideration. The following comments will need to be addressed prior to our recommended approval.

General Notes:

Please request the Developer or his Engineer, submit a response letter with their re-submittal of drawings answering all Engineering review comments contained herein.

Improvement Drawings:

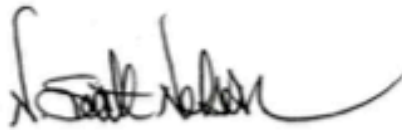
1. Notes need to be placed on the Site Plan Improvement Drawings indicating all deteriorated, damaged or missing surface improvements surrounding the perimeter of the development and on-site be replaced or installed; i.e., curb and gutter, sidewalk, landscaping park strip improvements, asphalt patching, landscaping replacement, site lighting, dumpster screening, concrete improvement, etc.
2. The "Grading Plan" will need to be prepared and submitted for review.
3. A "Geotechnical Report" needs to be prepared and submitted for review. The prior geotechnical review for the "Dollar Tree" may be updated, signed by the geotechnical engineer and submitted for review.

4. A "Storm Water Plan" must be prepared and submitted for review. All storm water must be collected and then filtered prior to discharge into the existing underground storage basin on the westerly side of the existing "Dollar Tree" building. All collection boxes and piping facilities will need to be shown on the drawings.
5. A "Storm Water Maintenance Plan" needs to be prepared for this site and submitted for review.
6. A "Utility Plan" needs to be submitted for review. All utilities need to be designed and shown on the drawings. All irrigation facilities must be connected to the City culinary water system via a reversed flow, double-check backflow device.
7. The "Storm Water Pollution and Prevention Plan" (SWPPP) and associated "Best Management Practices" – BMP will need to be prepared and submitted.
8. Details of all improvements need to be placed in the drawings, i.e., water meter, sewer clean-outs, manholes, culinary water and sanitary sewer connections to the City main line, storm water collection facilities, roof drains, pavement thickness per the geotechnical report, curb & gutter, waterways, etc.

Should you have any questions, feel free to contact our office.

Sincerely,

CEC, Civil Engineering Consultants, PLLC.



N. Scott Nelson, P.E., S.E.

City Engineer

Cc. Adam Favero, Public Works Director
Braden Felix, PE., Deputy Public Works Director
Brad Wheeler, Street Superintendent
Kenny England, Utility Superintendent
Jared Justensen, EIT., Community Services Engineer

EXHIBIT D

