



CLEARFIELD CITY PLANNING COMMISSION MEETING AGENDA

Notice is hereby given that the Clearfield City Planning Commission will hold a regularly scheduled meeting at **7:00 P.M., Wednesday, August 3rd, 2022**, on the **3rd floor** in the City Council Chambers of the Clearfield City Municipal Building, located at 55 S. State Street, Clearfield, UT 84015.

WORK SESSION – 6:30 PM – Executive Conference Room

Review of agenda items to address questions.

REGULAR SESSION – 7:00 PM- Council Chambers

- CALL TO ORDER - PLEDGE OF ALLEGIANCE
- PLANNING COMMISSION CHAIR STATEMENT
- APPROVAL OF MINUTES: None

DECISION ITEMS

Non-Public Hearing

1. Discussion and Possible Action on **SP 2022-070130**, a site plan request by Chad Porter with Redline Systems to construct a 5,400 square foot addition to the existing structure at the subject property. **Location:** 560 South Main Street (TINs: 12-022-0077 & 12-022-0012). **Parcel Area:** 2.89 Acres. **Zone:** M-1 (Manufacturing) **Staff:** Tyson Stoddard, Planner I

DISCUSSION ITEMS

1. Staff Discussion
 - Firework Stands
2. Staff Communications
3. Commissioner's Minute

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

Dated this 29th day of July 2022.

/s/Brad McIlrath, Senior Planner

Meetings of the Planning Commission 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 in City Code § 1-6-4H for electronic meetings.

Clearfield City, 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 the Customer Service Center at 801-525-2701, giving the City a 48 hour notice.

The Work Session meeting is a public meeting; however, public comments are only received in the formal Planning Commission meeting. The Planning Commission Public Meeting is a public forum where the Planning Commission may receive comment from applicants, the public, applicable agencies and city staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items. Action may be taken which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.



Planning Commission

STAFF REPORT

AGENDA ITEM
#1

TO: Clearfield City Planning Commission

FROM: Tyson Stoddard, Planner I
brad.mcilrath@clearfieldcity.org
(801) 525-2784

MEETING DATE: Wednesday, August 3, 2022

SUBJECT: Discussion and Possible Action on **SP 2022-070130**, a site plan request by Chad Porter with Redline Systems to construct a 5,400 square foot addition to the existing structure at the subject property. **Location:** 560 South Main Street (TINs: 12-022-0077 & 12-022-0012). **Parcel Area:** 2.89 acres. **Zone:** M-1 (Manufacturing).

RECOMMENDATION

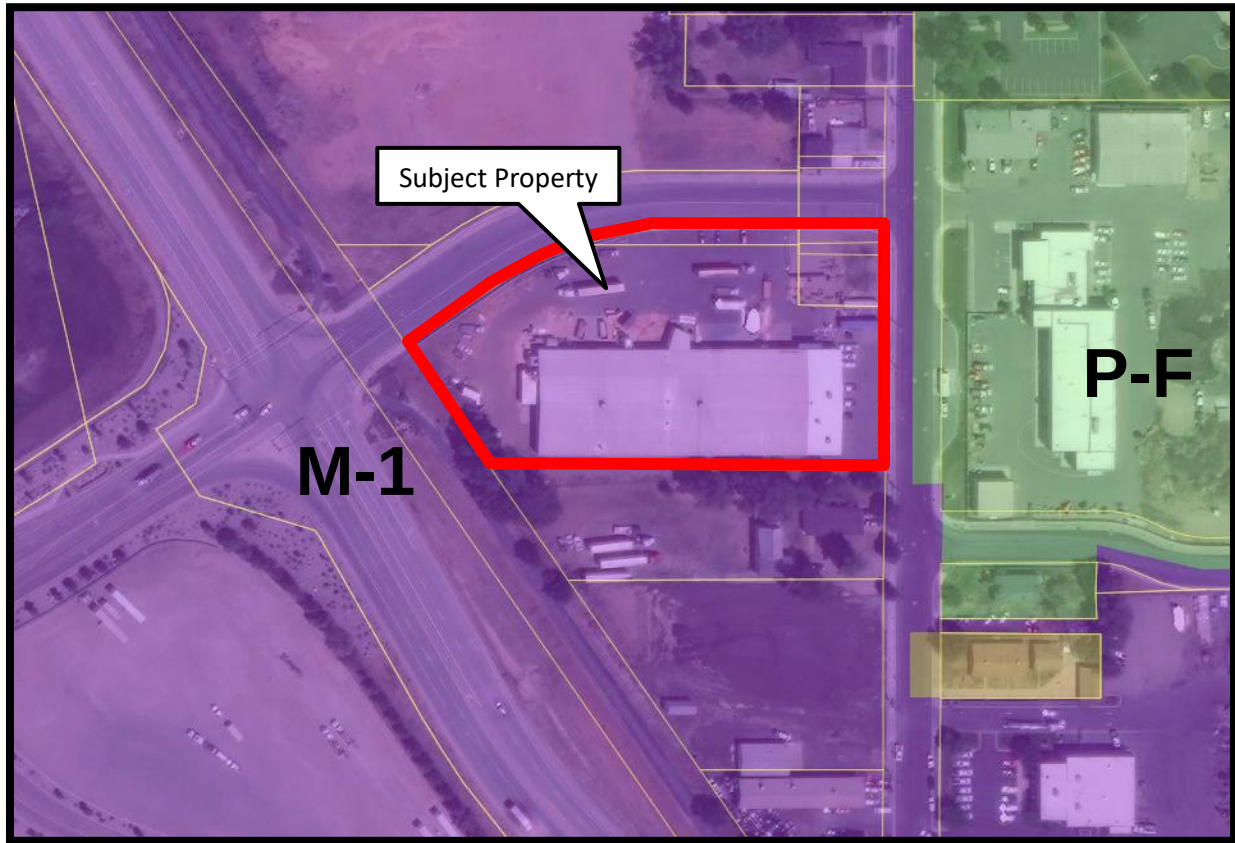
Staff recommends that the Planning Commission **approve as conditioned, SP 2022-070130**, a site plan request by Chad Porter with Redline Systems to construct a 5,400 square foot addition to the existing structure at property located at 560 South Main Street (TINs: 12-022-0077 & 12-022-0012). This recommendation is based on the discussion and findings in the Staff Report.

PROJECT SUMMARY

Project Information	
Project Name	Robin Porter Manufacturing Building Expansion
Site Location	560 South Main Street
Tax ID Number	12-022-0077 & 12-022-0012
Applicant	Chad Porter
Owner	Porter, Robin and Dabling, Shannon P - Trustees
Proposed Actions	Site Plan Review Approval
Current Zoning	M-1 (Manufacturing)
Project Area	2.89 Acres

Surrounding Properties and Uses:		Current Zoning District	General Plan Land Use Classification
North	Residential & Vacant Parcel	M-1 (Manufacturing)	Business Park
East	City Public Works Building	P-F (Public Facilities)	Business Park
South	Residential	M-1 (Manufacturing)	Business Park
West	Freeport Center/Industrial	M-1 (Manufacturing)	Business Park

Aerial Image & Zoning



BACKGROUND

Chad Porter with Redline Systems is proposing a 5,400 square foot expansion to the existing building at the subject location, as well as site updates to the parking and landscaping. The addition would be at the northeast corner of the existing structure, extending the building north towards H Street. The existing building is 42,000 square feet and is currently used for manufacturing and storage purposes.

SITE PLAN REVIEW

Lot Width, Setbacks, & Height

There are multiple parcels that exist at the proposed project site. Because the proposed building expansion crosses parcel lines, the existing parcels will need to be combined and recorded at the county as one parcel. The applicant has had the property surveyed and is preparing to have the parcels combined. The parcel combination is included as a condition of the site plan approval. When the parcels are combined, the proposed development will comply with the minimum lot width, setbacks, density, and height standards of the M-1 Zone.

Landscaping and Dumpster Enclosures

The M-1 Zone requires that a minimum of five percent (5%) of the project area be developed as landscaped open space. With a total site area of 2.89 acres or 125,888 square feet, a minimum of 6,294 square feet must be provided as landscaped open space. The landscape plan indicates that 20,407 square feet or 16% of the site will be provided with landscaping. As required by Chapter 11-21, "Landscape

Standards and Requirements,” all required open space must include at a minimum, one (1) tree for every one thousand (1,000) square feet of landscape area and one (1) shrub for every six hundred (600) square feet of landscape area for industrial properties. Deciduous trees must have a trunk size of two inches (2”) as measured eight inches (8”) above the soil line and evergreen trees must be a minimum height of six feet (6’). The shrubs must have a minimum size of three (3) gallons at time of planting. Based upon the plans showing 20,407 square feet of landscaping, the development must have:

- Twenty (20) trees; and
- Thirty-four (34) shrubs.

The proposed landscape plan provides sixteen (16) new trees, the preservation of four (4) existing trees, and thirty-four (34) new shrubs, which meets the plant quantity standards. Industrial properties are exempt from the fifty percent (50%) vegetative cover of the ground plane, so that standard doesn’t apply to this site. The proposed landscape plan along with the parking lot improvements will be an improvement to the site and will contribute to the attractiveness and appeal of the property and this area of the community.

Parking Area Landscaping

As required by the “Off-Street Parking and Loading” Chapter (Chapter 14), landscaping is required around all parking areas. A minimum of ten feet (10’) of landscaping depth is required along all street frontages and a minimum of six feet (6’) is required adjacent to properties with the same land use. Based upon the submitted landscape plan the frontage landscaping along Main Street is approximately thirteen feet (13’) wide. The landscaping along H Street varies between twenty feet (20’) and thirty-two feet (32’) wide. The landscape plan also shows parallel parking spaces along the south property line, with no landscaping between the spaces and the property line. The plans will need to be revised to either provide a six foot (6’) landscaped buffer adjacent to the parallel parking spaces or locate the parallel parking next the south façade of the building.

As part of the standards outlined in the previous paragraph, a five-foot (5’) by twenty-foot (20’) parking lot island is required every twelve (12) stalls. The island can be shortened to eighteen feet (18’) when the nose of the parking stalls are adjacent to landscaping (nose over landscaping). The islands must include at a minimum one (1) deciduous tree that has the same minimum trunk size as all other trees. There are areas on the site plan where there are more than 12 continuous stalls. The plans will need to be revised to either provide the required parking islands or reconfigure the parking in a way that the islands aren’t necessary.

Dumpster Enclosure

The proposed plans indicate the location of a dumpster on the north side of the building, but don’t show an enclosure. As required by the M-1 Zone, garbage dumpsters must be completely screened where they can be viewed from a public right-of-way. The design standards chapter (Chapter 18) of the City Code requires that the dumpster enclosure be constructed of the same materials as the building or approved masonry fencing. The plans will need to indicate the locations of any dumpsters and enclosures and include details for the enclosures.

Site Access and Parking

Chapters 11-14 “Off Street Parking and Loading” and 11-18 “Design Standards” outline the development standards for site access and parking. Industrial developments require two (2) parking spaces for each 1,000 square feet of gross floor area or fraction thereof. This standard does not apply to floor areas used exclusively for storage, and the applicant has stated that at least fifty percent (50%) of the structure will be for storage. With fifty percent (50%) of the floor space dedicated to storage, the minimum parking requirement would be to provide forty-eight 48 stalls. The site plan shows that a total of fifty-eight (58)

parking spaces being provided. Of the fifty-eight (58) stalls, there aren't any ADA parking spaces shown on the plans. Based on the number of stalls in the plans, ADA standards require two (2) standard and one (1) van accessible stalls to be located near the main entrance. The main entrance is located along the Main Street frontage and that parking area will need to provide the ADA parking spaces required by the code.

Snow Stacking Area

As required by code, a snow stacking area that can accommodate a volume of a four-inch (4") snow base over the entire parking lot must be provided. The plans will need to be revised to provide a snow stacking area(s) for the site.

Design Standards

Chapters 11D "M-1 Zone" and 18 "Design Standards," outline all of the site and building design standards required for new development or major changes to a site within the city. Building additions are required to incorporate the predominant architectural features, materials, and colors of the existing building. The plans indicate that the addition will match the existing building materials (metal) and colors (blue/white).

The planting plan gives a general idea of the possible trees and shrubs that will be planted. The plan will need to be updated to show each location and type of tree or shrub that will be planted. The industrial site design standards section encourages a three-tiered planting system that includes:

- Grasses, ground covers, or flowers (perennials)
- Shrubs and vines
- Trees

As previously discussed, the proposed plan includes trees and shrubs at the required amounts. Staff recommends adding ornamental grasses and flowering perennials to accomplish the three-tiered planting system as suggested by the code.

CITY DEPARTMENT / AGENCY REVIEW

On July 18, 2022, copies of the plans were provided to the North Davis Sewer District, North Davis Fire District, Building Official, and Public Works staff. The city's Staff Engineer has provided a review letter which is attached to this report. No other comments have been provided to date.

The comments and conditions provided must be met prior to issuance of final land use approval and are included as part of the conditions of approval in the following section. Additionally, any missing site plan application materials shall be submitted and reviewed prior to final land use approval.

CONDITIONS OF APPROVAL

The following conditions of approval shall be addressed by the applicant and shown on a set of revised plans prior to issuance of final land use approval unless otherwise noted. Final land use approval includes, Planning and Engineering. An application for a building permit will not be accepted until final land use approval is granted.

- 1) The parcels at the project site shall be combined into one single parcel and recorded at the county prior to final land use approval.
- 2) The plans will need to provide locations and details for any necessary dumpster enclosures as required by the M-1 Zone (Manufacturing) standards.
- 3) The landscaping plans shall be updated to include the following revisions:
 - a. Provide exact types of trees, shrubs, and plants with their corresponding locations on the planting plan.

- b. Provide size at install for all new plants that will be planted.
- 4) Consideration should be given to incorporate a three-tiered planting system by adding ornamental grasses and flowering perennials to the planting plan.
- 5) The site plan shall comply with all parking lot landscaping island requirements as outlined in this report. The parallel parking will need to either have six feet (6') of landscaping along the south property line, or be located adjacent to the building.
- 6) The site plan shall be revised to provide the required amount and types of accessible parking stalls and comply with ADA standards.
- 7) The plans will need to be revised to provide area(s) for snow stacking that can accommodate a four-inch (4") snow accumulation.
- 8) The project shall comply with all requirements of the North Davis Fire District as communicated through the site plan review and before final land use approval.
- 9) The site plan shall meet all engineering standards and requirements as outlined in the engineering letter dated July 26, 2022.
- 10) The applicant shall obtain a building permit and the project shall comply with all applicable building code standards.

ATTACHMENTS

- 1. Expansion Site Plan- Existing/Demolition
- 2. Expansion Site Plan- Landscape
- 3. Expansion Site Plan- Grading Plan
- 4. Expansion Site Plan- Utility
- 5. Expansion Site Plan- Irrigation
- 6. Expansion Site Plan- SWPPP
- 7. Expansion Site Plan- Details
- 8. Engineering Review Letter Dated July 26, 2022

ROBIN PORTER MANUFACTURING BUILDING (CONVEYORS/MODELING)

ROBIN - CHAD PORTER
"H STREET" - CLEARFIELD UTAH



- DRAWING INDEX
1. COVER
 2. SITE PLAN
 3. DEMOLITION
 4. GRADING
 5. UTILITIES
 6. IRRIGATION
 7. DETAILS



VICINITY MAP - BETWEEN 2 RDA'S

- FUTURE ----- SITE INFORMATION -	
- TOTAL SITE AREA	2.89 AC
- MANUFACTURING/STORAGE BUILDING EXISTING	42,000SF
- AREA ADDED	5,400SF
- LANDSCAPE REQUIRED: 5%~	6,542SF
PROVIDED(8313+10308+1786)=20,407SF(16%)	
- TREES REQ: 20,	4,PRESERVED + 16 NEW = 20
- SHRUBS REQ: 33	33 NEW
- PARKING REQUIRED $\frac{2}{1000}$ / STORAGE $\frac{0}{1000}$	- 58 PROVIDED,
-- MAX MANUFACTURING = $58/2 \times 1000$	= 29,000 SF PROPOSED ~10,000
-- OKAY ON PARKING BY 2.9 TIMES	

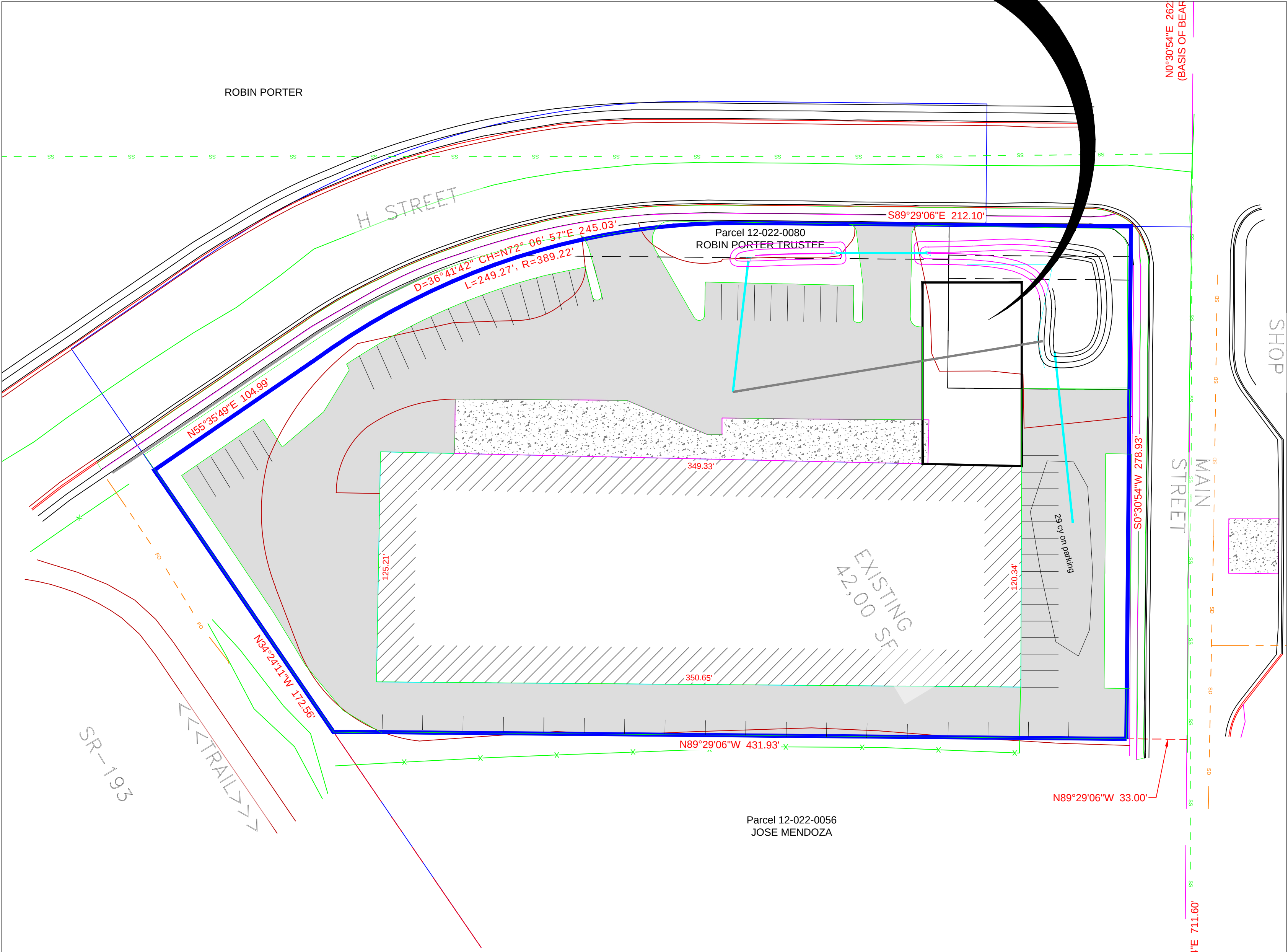
CODE / NOTES
ZONE M-1
ADDRESS 362 S. MAIN
ALL WORK TO COMPLY WITH CLEARFIELD STANDARDS:

[HTTPS://CLEARFIELD.CITY/WP-CONTENT/UPLOADS/2020/09/2014-CLR-SPECIFICATIONS.PDF](https://clearfield.city/wp-content/uploads/2020/09/2014-CLR-SPECIFICATIONS.PDF)
[HTTPS://CLEARFIELD.CITY/WP-CONTENT/UPLOADS/2020/09/2014-CLR-TECH-DRAWINGS.PDF](https://clearfield.city/wp-content/uploads/2020/09/2014-CLR-TECH-DRAWINGS.PDF)

CALL BLUE STAKES AS REQUIRED



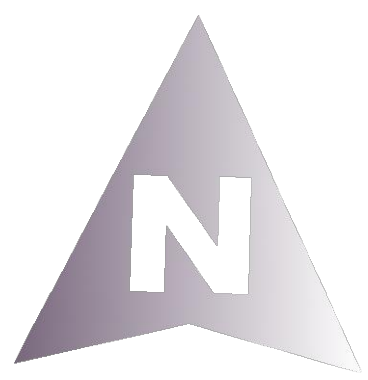
PROPOSED 5,400 SF ADDITION AND SITE UPDATE



STAMP	REV	DATE	DESCRIPTION
PRELIMINARY			

EXPANSION SITE PLAN - COVER 362 SOUTH MAIN STREET CLEARFIELD UTAH, UTAH
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CASCADE CIVIL, ENGINEERING LLC 5833 CASCADE DRIVE, MOUNTAIN GREEN, UT 84050 PHONE: 801.845.6481 cascadecivil@outlook.com		JOB No.: CRP DATE: 3/26/22 DWG. BY: CKW SCALE: N/A	SHEET TITLE COVER SHEET 1 OF 7
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1"=30'

ROBIN PORTER

FUTURE STORAGE PAD, EXCHANGE OIL LOCATION

PROPERTY CORNER TO BE SET
MARKED "10708886"

CONCRETE RETAINING WALL

CITY IRRIGATION CONTROL VALVE

CITY EXISTING FENCE

CITY IRRIGATION CONTROL VALVE

PROPERTY CORNER TO BE SET
MARKED "10708886"

AS-SURVEYED DESCRIPTION - 4 PARCELS COMBINED

BEGINNING AT A POINT BEING LOCATED N0°30'54"E., A DISTANCE OF 711.60 FEET AND N89°29'06"W., A DISTANCE OF 33.00 FEET FROM THE CALCULATED SOUTHEAST CORNER OF SECTION 2, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE N.89°29'06"W., A DISTANCE OF 431.93 FEET; THENCE N.34°24'11"W., A DISTANCE OF 172.56 FEET; THENCE N.55°35'49"E., A DISTANCE OF 104.99 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.36°13'54"E., A RADIAL DISTANCE OF 389.22 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 36°41'42", A DISTANCE OF 249.27 FEET; THENCE S.89°29'06"E., A DISTANCE OF 212.10 FEET; THENCE S.00°30'54"W., A DISTANCE OF 278.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 126,052.47 SQUARE FEET OR 2.8938 ACRES, MORE OR LESS.

Professional Land Surveying

(801) 663-1641 Willis.long@claytonsurveys.com

1857 N 1000 W STE. 1

CLEARFIELD, UT 84015

Parcel 12-022-0056
JOSE MENDOZA

EXTEND EXISTING POND - CAPACITY
SIZED FOR SITE BUILD-OUT : NO NEW
HARD SPACE ADDED : ADDITIONAL
VOLUME NOT REQUIRED

N0°30'54"E 2622.16'
(BASIS OF BEARING)

N0°30'54"E 711.60'

WATER VALVE

WATER VALVE

WATER VALVE

FIRE HYDRANT

REMOVE OIL FOR BUILDING PAD

Parcel 12-022-0080
ROBIN PORTER TRUSTEE

PARCEL LINES
TO BE ABANDONED

FIRE HYDRANT

REMOVE EXISTING DRAIN LINE RE-ROUTE

EXISTING BUILDING

TELECOMMUNICATIONS PEDESTAL

WATER METER

POWER POLE

WATER VALVE

WATER VALVE

FIRE HYDRANT

REMOVE OIL TO CREATE A PLANNER STRIP

WATER SPIGOT

TELECOMMUNICATIONS

SANITARY SEWER MANHOLE
RIM ELEV = 4441.29'
FL 10" PVC N ELEV = 4434.79'
FL 10" PVC E ELEV = 4434.91'
FL 10" PVC S ELEV = 4434.69'

STORM DRAIN MANHOLE
RIM ELEV = 4440.99'
FL 18" RCP N ELEV = 4436.34'
FL 18" RCP S ELEV = 4436.21'
FL 12" RCP E ELEV = 4436.89'

FOUND ENSIGN REBAR & CAP

N89°29'06"W 33.00'

EXPANSION SITE PLAN - EXISTING / DEMOLITION

362 SOUTH MAIN STREET
CLEARFIELD UTAH, UTAH

CASCADE CIVIL, ENGINEERING LLC
5833 CASCADE DRIVE, MOUNTAIN GREEN, UT 84050
PHONE: 801.845.6481
cascadecivil@outlook.com

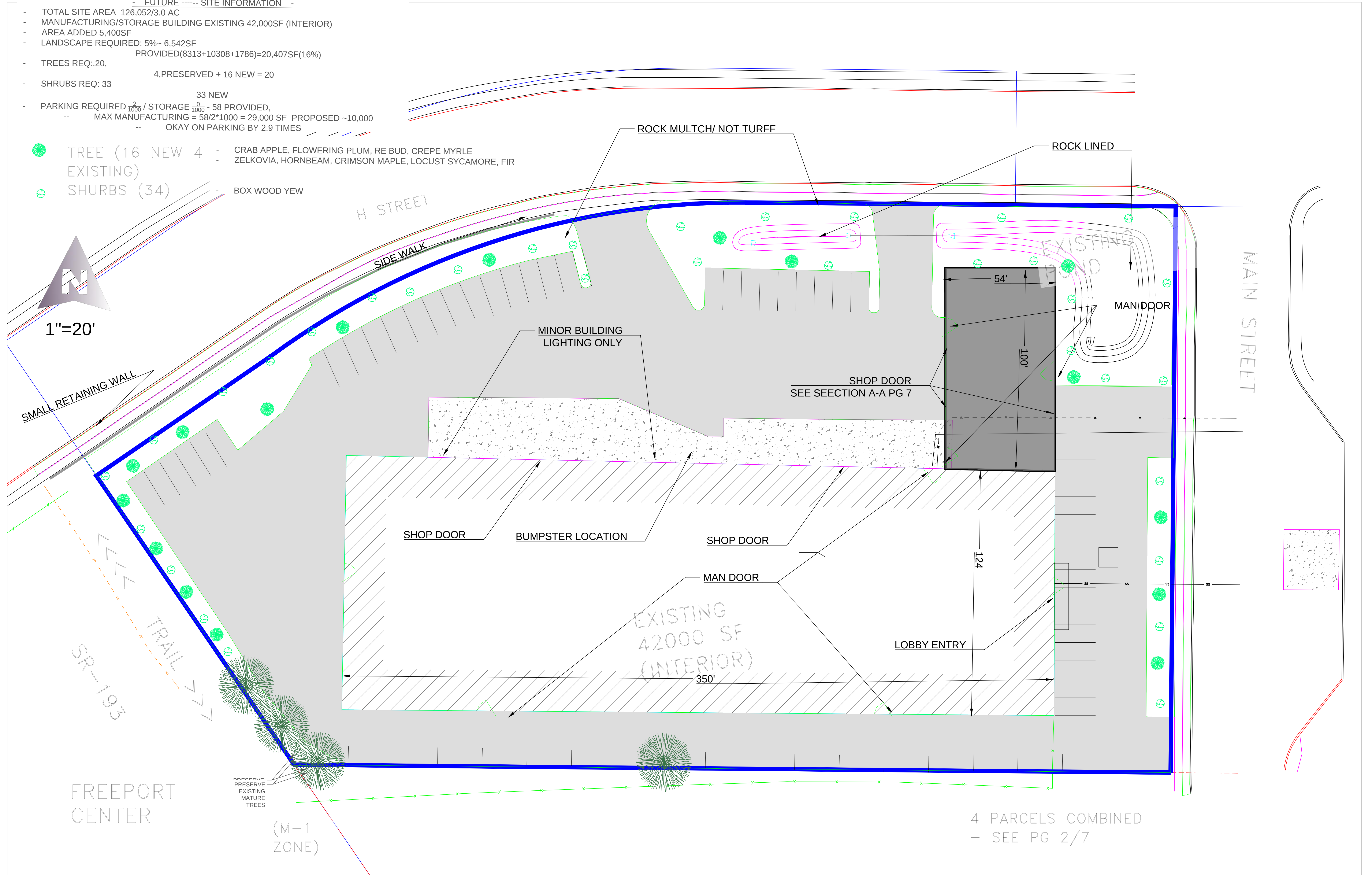


JOB No.: CPR
DATE: 3/26/22
DWG. BY: CKW
SCALE: 1"=30'

SHEET TITLE
EXISTING / DEMO
SHEET 2 OF 7

- FUTURE ----- SITE INFORMATION -
- TOTAL SITE AREA 126,052/3.0 AC
 - MANUFACTURING/STORAGE BUILDING EXISTING 42,000SF (INTERIOR)
 - AREA ADDED 5,400SF
 - LANDSCAPE REQUIRED: 5%~ 6,542SF
PROVIDED(8313+10308+1786)=20,407SF(16%)
 - TREES REQ.:20,
4,PRESERVED + 16 NEW = 20
 - SHRUBS REQ: 33
33 NEW
 - PARKING REQUIRED $\frac{2}{1000}$ / STORAGE $\frac{0}{1000}$ - 58 PROVIDED,
-- MAX MANUFACTURING = $58/2 \times 1000 = 29,000$ SF PROPOSED ~10,000
-- OKAY ON PARKING BY 2.9 TIMES

- TREE (16 NEW 4 EXISTING)
 - CRAB APPLE, FLOWERING PLUM, RE BUD, CREPE MYRLE
 - ZELKOVIA, HORNBEAM, CRIMSON MAPLE, LOCUST SYCAMORE, FIR
- SHURBS (34)
 - BOX WOOD YEW



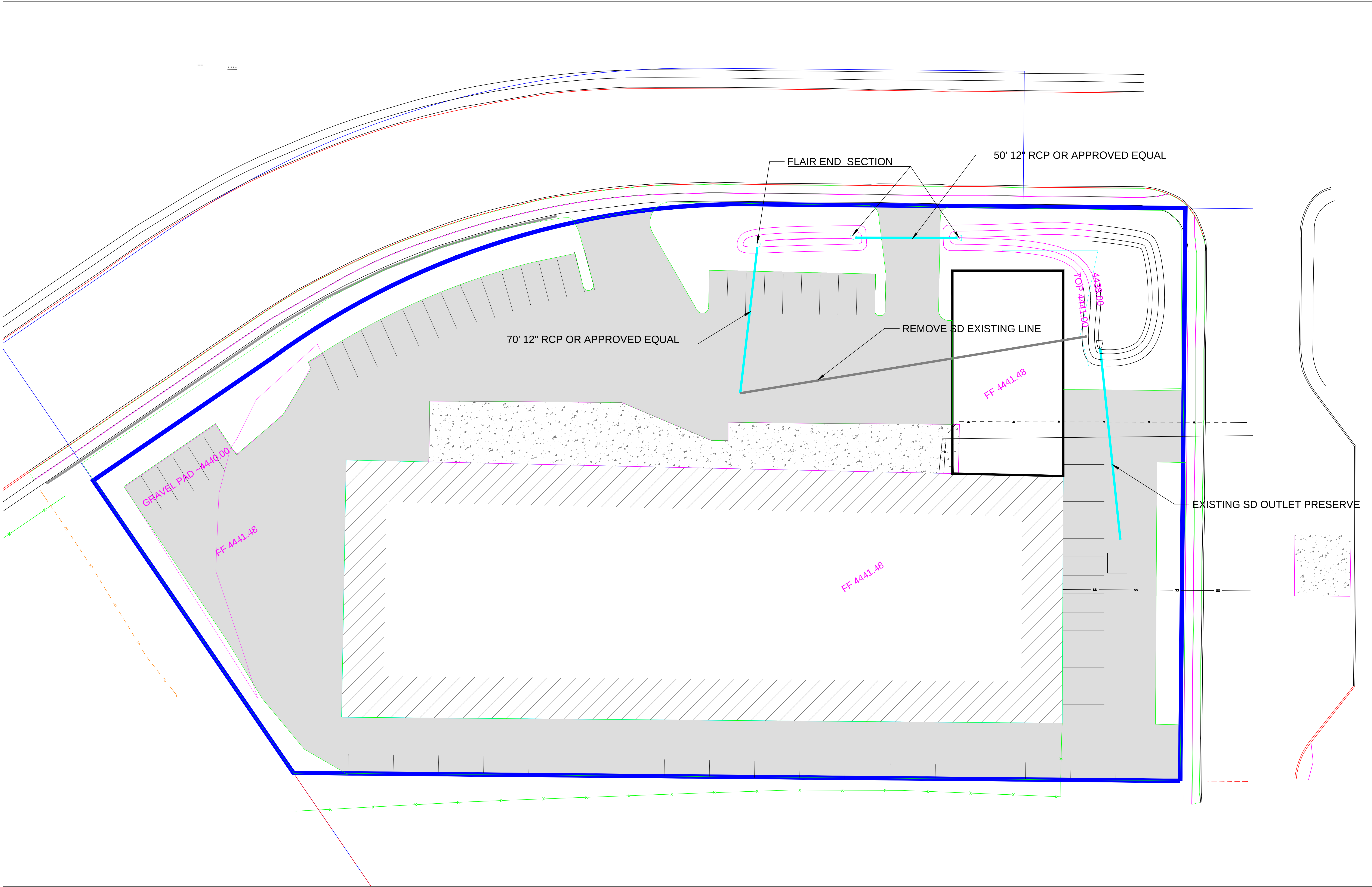
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PRELIMINARY			

EXPANSION SITE PLAN - LANDSCAPE
362 SOUTH MAIN STREET
CLEARFIELD UTAH, UTAH

CASCADE CIVIL, ENGINEERING LLC
5833 CASCADE DRIVE, MOUNTAIN GREEN, UT 84050
PHONE: 801.845.6481
cascadecivil@outlook.com

JOB No.: KLV
DATE: 3/26/22
DWG. BY: CKW
SCALE: 1"=20'

SHEET TITLE
LANDSCAPE
SHEET 3 OF 7



STAMP PRELIMINARY	REV	DATE	DESCRIPTION

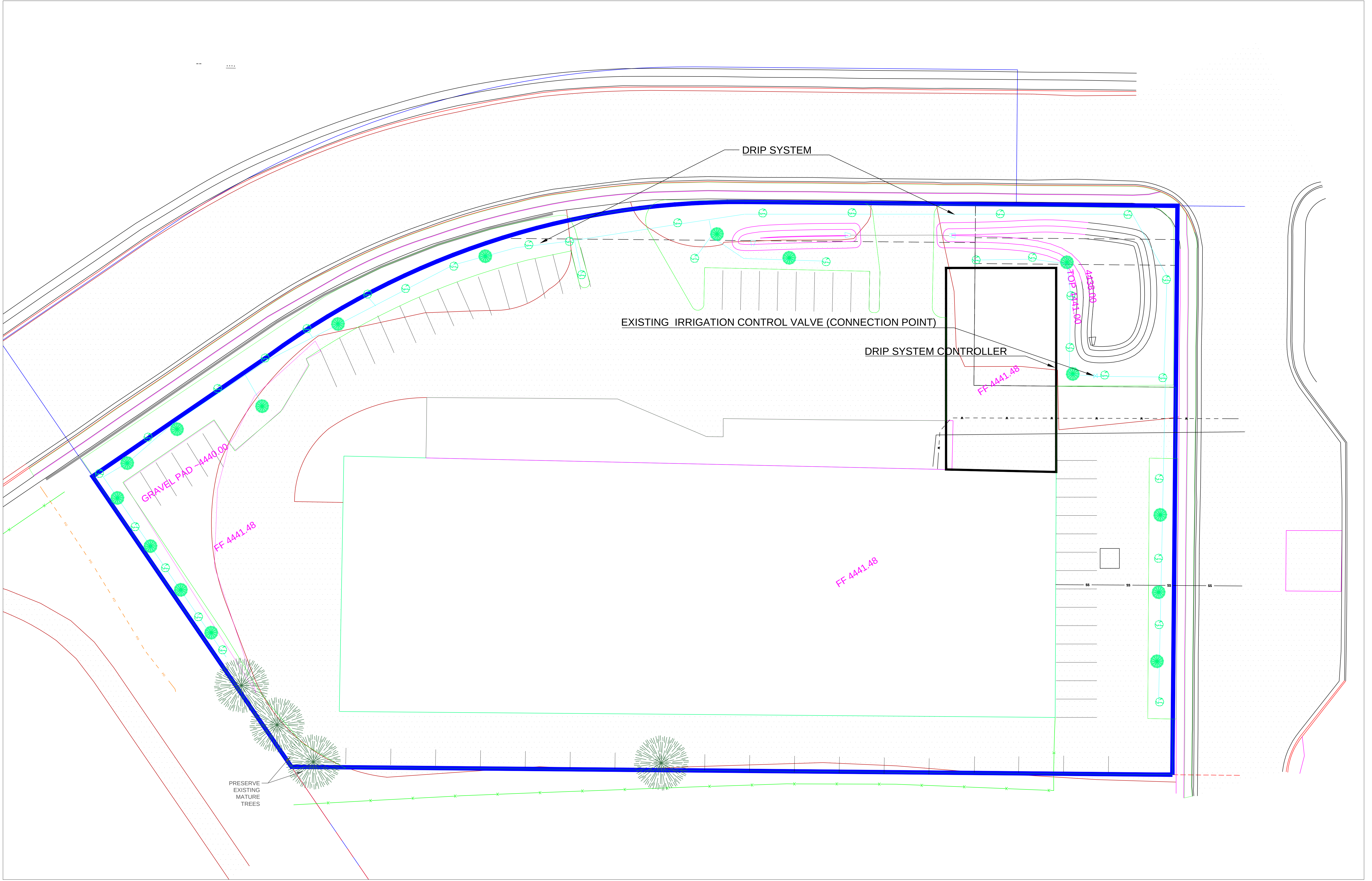
EXPANSION SITE PLAN - UTILITY
362 SOUTH MAIN STREET
CLEARFIELD UTAH, UTAH

CASCADE CIVIL, ENGINEERING LLC
5833 CASCADE DRIVE, MOUNTAIN GREEN, UT 84050
PHONE: 801.845.6481
cascadecivil@outlook.com



JOB No.: CRP
DATE: 3/26/22
DWG. BY: CKW
SCALE: 1"=20'

SHEET TITLE
UTILITY
SHEET 5 OF 7



STAMP PRELIMINARY	REV	DATE	DESCRIPTION

EXPANSION SITE PLAN - IRRIGATION

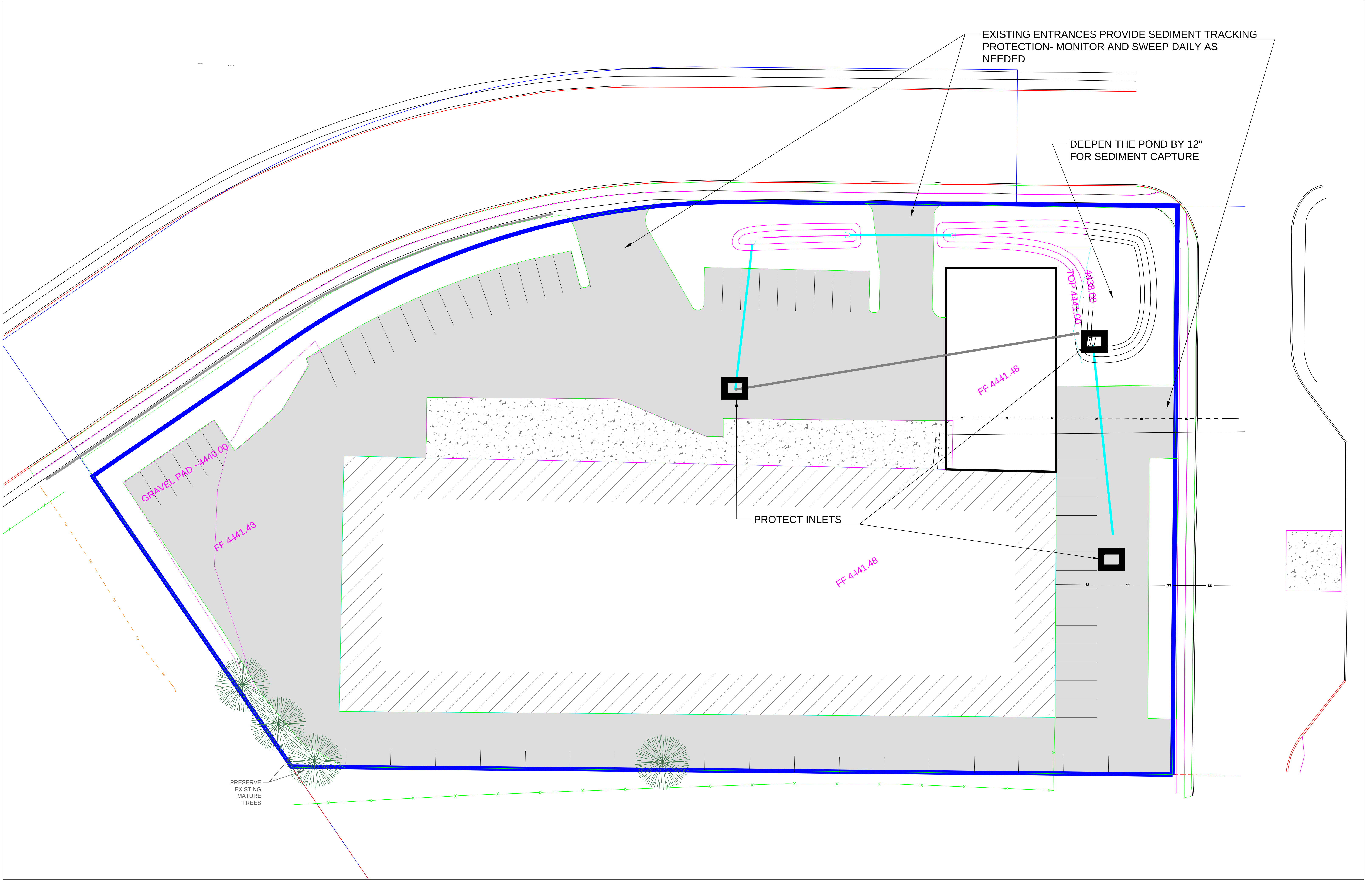
362 SOUTH MAIN STREET
CLEARFIELD UTAH, UTAH

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JOB No.: CRP
DATE: 3/26/22
DWG. BY: CKW
SCALE: 1"=20'

SHEET TITLE IRRIGATION
SHEET 5 OF 7



STAMP PRELIMINARY	REV	DATE	DESCRIPTION

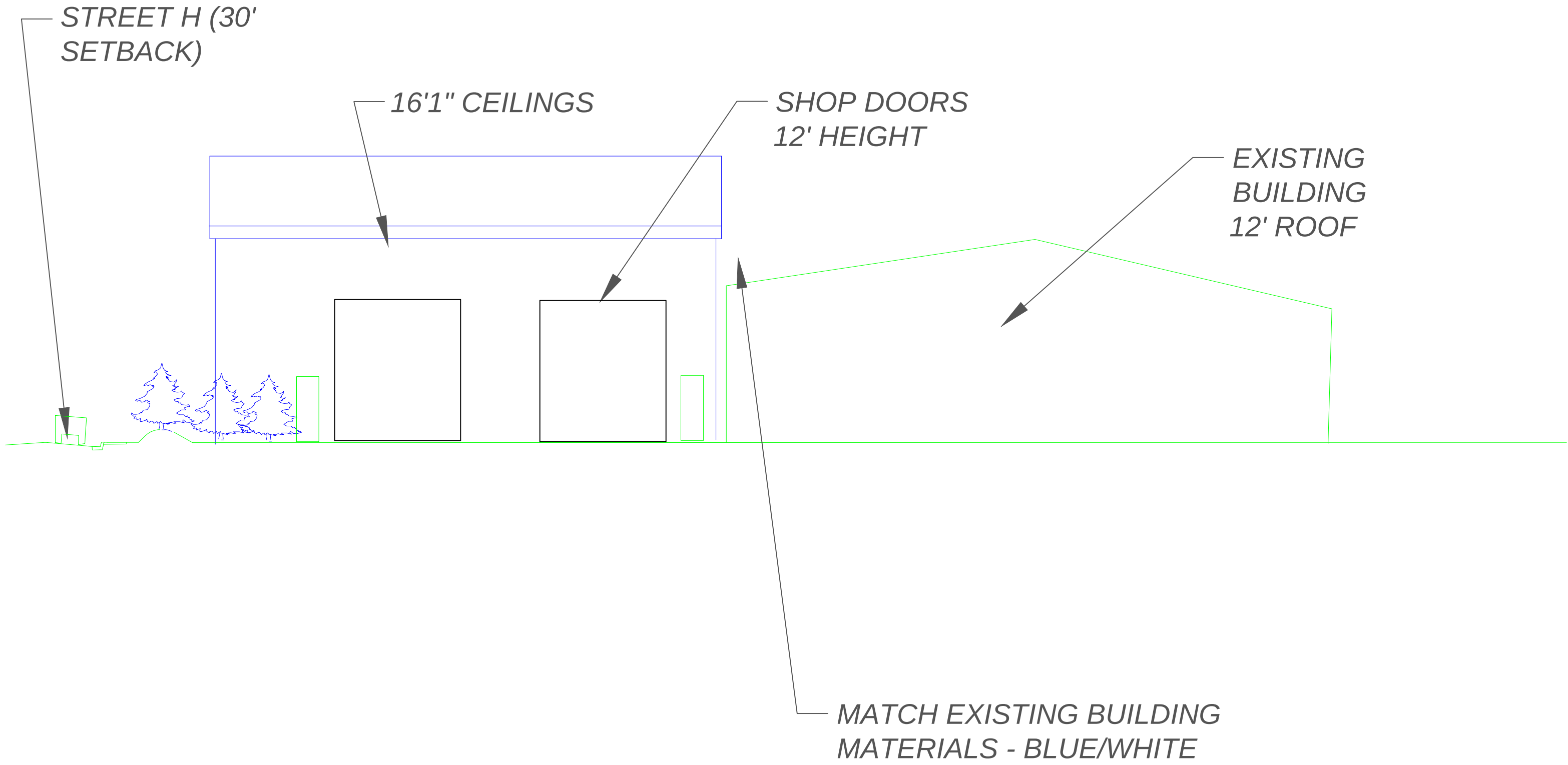
EXPANSION SITE PLAN - SWPPP
362 SOUTH MAIN STREET
CLEARFIELD UTAH, UTAH

CASCADE CIVIL, ENGINEERING LLC
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PHONE: 801.845.6481
cascadecivil@outlook.com



JOB No.: CPR
DATE: 3/26/22
DWG. BY: CKW
SCALE: 1"=20'

SHEET TITLE
SWPPP
SHEET 6 OF 7



SECTION A-A

STAMP		
PRELIMINARY		
REV	DATE	DESCRIPTION

EXPANSION SITE PLAN - DETAILS

362 SOUTH MAIN STREET

CLEARFIELD UTAH, UTAH

CASCADE CIVIL, ENGINEERING LLC

5833 CASCADE DRIVE, MOUNTAIN GREEN, UT 84050

PHONE: 801.845.6481

cascadecivil@outlook.com



JOB No.: CPR

DATE: 3/26/22

DWG. BY: CKW

SCALE: N/A

SHEET TITLE

DETAILS

SHEET 7 OF 7



Public Works Department
497 South Main Clearfield City, UT 84015
Phone: 801-525-4419

July 26th, 2022

Attn: Brad McIlrath, Senior Planner
Proj: Robin Porter Bldg
Subj: Development Review Letter 1

Brad,

I have reviewed the submitted plans shared on Bluebeam for the Robin Porter Building. The plans have a few comments that will need to be addressed prior to our recommendation of approval.

1. Include notes:

- a. Storm Water Facilities: All facilities i.e., pipes, manholes, inlet catch basins, orifice and orifice control structures, detention storage basins, and overflow spillways are the sole responsibility of the property owners to manage and repair to the City Standards when failures occur.
- b. Roadways and Sidewalks Facilities: All hard-surface facilities are the sole responsibility of the property owners to manage and repair to the City Standards when failures occur.
- c. 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 improvements, etc.

2. A visual scale is required to be placed on the plans.

3. A north arrow is not included on the plans.

4. No scope of work or legend is included in the plans.



Public Works Department
497 South Main Clearfield City, UT 84015
Phone: 801-525-4419

5. Label all streets with a name (number).
6. Stormwater needs to be retained/detained on-site, releasing to the system at 0.2 CFS/Acre. Include stormwater calculations to show required retention and rate of release, including orifice plate specs.
7. How will stormwater from the western side of the parking lot be collected?
8. Include details for the indicated 'Flair End Sections'
9. Include slopes for all segments of pipe.
10. A pretreatment device such as a hydrodynamic separator is required on the stormwater system before discharging into City owned facilities.
11. A maintenance schedule and plan will need to be prepared and included with the site improvement drawings.
12. All irrigation connections will require a reduced pressure, double check backflow device, and the detail will need to be placed in the drawings. Show locations for irrigation meters.

If you have questions, please contact me anytime.

Thanks,

Dayton Newell
Clearfield City Public Works
Staff Engineer
Dayton.newell@clearfieldcity.org
(801) 525-4423 Office



STAFF REPORT

TO: Clearfield City Planning Commission
FROM: Brad McIlrath, Senior Planner
MEETING DATE: Wednesday, August 3rd, 2022
SUBJECT: Discussion on Fireworks Stands and, Temporary or Seasonal Merchant Regulations.

SUBJECT OF DISCUSSION

Staff is seeking direction with a discussion on the possible expansion of potential locations within the city for firework stands and temporary or seasonal merchants. The basis of staff's desire to consider the changes to the ordinance over firework stands and temporary or seasonal merchants is due to (1) development within the city, (2) changes made by the adoption of the FBC, and (3) the current trend of the school district in seeking to allow firework stands and temporary or seasonal merchants on their properties.

BACKGROUND/CURRENT CODE

The current city code places no restrictions on properties within the Freeport Center or Freeport West, and specifically allows for fireworks stands and temporary or seasonal merchants to be located along the following corridors in the C-1, C-2, M-U, C-R, D-R, or M-1 zones:

- Main Street
- State Street
- 1700 South (Antelope Drive)
- 700 South (SR 193)
- 200 South
- 300 North

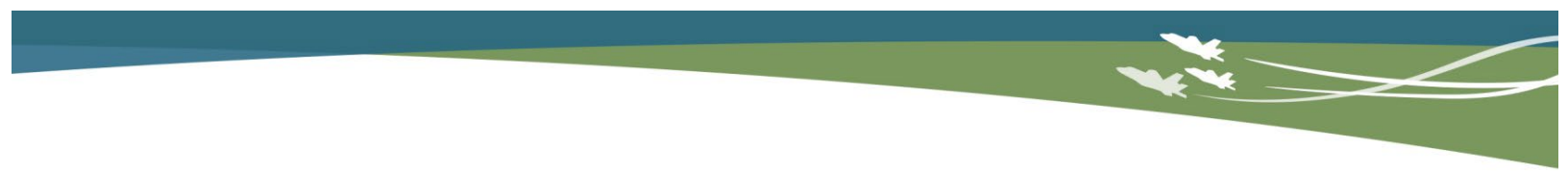
Further, the current city code limits the ability of locating a fireworks stand and temporary or seasonal merchants at the corners of SR-193 and 2000 East (University Park Boulevard) and Legend Hills.

BASIS OF PROPOSED ORDINANCE CHANGES

As stated above, staff believes that the regulatory ordinance over fireworks stands, and temporary or seasonal merchants should be amended based on the following:

1. Development Impact

Since the property at SR-193 and 2000 East (University Park Boulevard) has been developed with the Sinclair gas station and the Bravada 193 Apartments and future office, staff recommends that the restriction at this location be repealed.



2. *New Zones Created by the Adoption of the FBC*

With properties in the FBC, the city created the new zones of C-C, T-R, T-C, U-R, U-C, and CV. As such, staff is proposing that these new zones along the corridors mentioned above, be permitted zones for fireworks stands, and temporary or seasonal merchants. Since the adoption of these zones, fireworks stands have continued to operate at locations in these zones as legal non-conforming uses. Examples include the fireworks stand in front of Rancho Markets (T-C Zone) and a fireworks stand at the former Chevron gas station at 650 North and Main Street (C-C Zone).

3. *Current Trends*

The school district has changed their stance against allowing for this type of merchant on their properties. In fact, it has become common that the city receives requests to allow a fireworks stand on school property to raise funds for the PTA or other school related groups. For example, over the last few years there has been a fireworks stand located on the property of North Layton Junior High as an annual fundraiser for student activities. This year, a fireworks stand was operated at South Clearfield Elementary as a fundraiser for the school as well. However, South Clearfield Elementary is located in the R-1-9 Zone, and therefore, the city was not able to issue a business license for the fireworks stand to lawfully operate. Instead, the city used its permissible designated discretion (at the request of the school and school district) to allow the stand to operate, recognizing the short-term locating of the fireworks stand only in July and around Independence Day and Pioneer Day.

PROPOSED CODE CHANGES

In response to the above-described changes in circumstances, staff proposes the following amendments to Section 11-13-26 of Clearfield City Code, with the intent to remove all references to zoning districts within the location requirements and adding defined hours of operations. Staff believes that the following recommended changes to the code will allow for businesses, schools, churches, or any other non-profit organization located in a residential zone to have a fireworks stand or a temporary or seasonal merchant business on their property subject to some defined hours of operation. The location requirements for properties along the major corridors mentioned above would remain; therefore, only properties (whether commercially or residentially zoned) with a nonresidential use along these corridors would be permitted to have a fireworks stand and temporary or seasonal merchants.

11-13-26: FIREWORKS STAND, TEMPORARY OR SEASONAL MERCHANT:

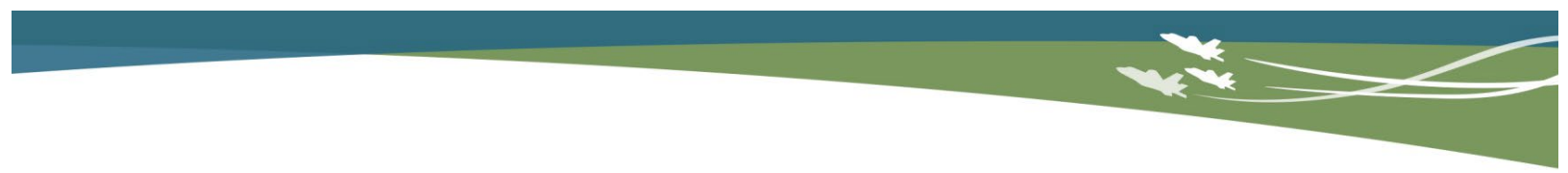
Fireworks stands, and temporary or seasonal merchants shall be subject to the following regulations:

A. Location Specified; Location Restrictions:

1. Each license shall specify the location where the business is approved to operate. No operation shall occur at locations other than the approved site.
2. Licenses issued under this section shall be limited to the following street corridors:
 - a. Main Street, State Street, 1700 South, 700 South, 200 South, and 300 North, if located outside of Freeport Center or Freeport West. All fireworks stands, temporary or seasonal merchants, shall not occupy more than twenty percent (20%) of the parking stalls on the lot where the business has been approved.
 - b. No location restrictions are imposed by the City if locating inside Freeport Center or Freeport West.
 - ~~c. No location restrictions are imposed by the City if locating on future developed property at SR 193 and 2000 East and Legend Hills.~~
 - ~~d. Fireworks stands are not allowed on property at SR 193 and 2000 East nor at Legend Hills (refer to map held at the City).~~
 - ~~e. c.~~ Licenses may only be issued on non-residential properties (such as businesses, schools, churches, etc.) along the identified corridors with in the city. the following P-F zone. zoning: C-1, C-2, MU, C-R, D-R, and M-1.

B. Maintenance: The area around a fireworks stand, temporary or seasonal merchant shall be kept clean and orderly. A trash receptacle shall be provided for patrons. The licensee shall promptly clean up all trash, litter, spills, etc., within a minimum twenty-foot (20') radius of the business.

C. Appearance: All fireworks stands, temporary or seasonal merchants structures and display areas shall have a professional appearance, and may not appear tattered, torn, frayed, faded, have chipped or peeling paint or otherwise be in disrepair. All equipment associated with the use shall be maintained in a new or near new condition. All retail items shall be displayed in a neat and orderly fashion. All displays, merchandise, and debris associated with the use shall be contained within the confines of the use and be cleaned at the end of each business day. A business license will not be issued or may be revoked if structures, display areas and/or equipment are not properly kept and maintained.



D. Impervious Surface: Each fireworks stand, temporary or seasonal merchant shall be located on an impervious, all-weather surface with no portion of the business located in a landscaped or unimproved area.

E. Setbacks: Each fireworks stand, temporary or seasonal merchant shall be located a minimum of ten feet (10') behind the inside edge of a public sidewalk, or fifteen feet (15') from the edge of the street right-of-way if no sidewalk exists; five feet (5') from combustible walls, roof eave lines, awnings, etc.; ten feet (10') from any building openings (i.e., doors, windows, vents, etc.); and five feet (5') from a fire hydrant, driveway, handicapped parking space or loading area.

F. Traffic Safety: No fireworks stand, temporary or seasonal merchant shall impede auto and/or pedestrian traffic or create auto/pedestrian conflicts. Private sidewalk clear widths shall not be reduced below five feet (5'), and no fireworks stand, temporary or seasonal merchant shall interfere with the internal parking lot circulation.

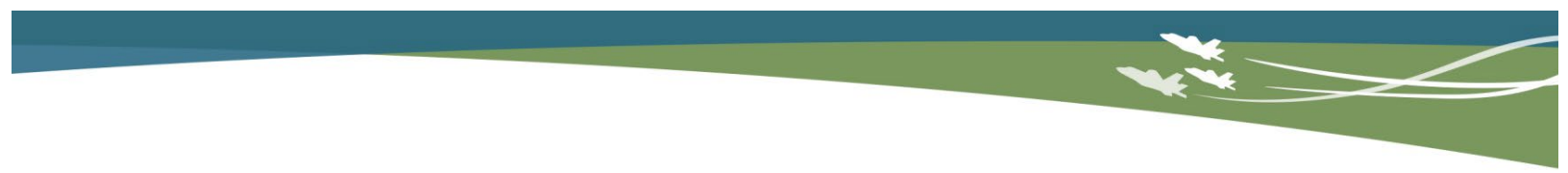
G. Parking: The site shall have adequate parking to accommodate the primary use(s) on site as well as any area used by the fireworks stand, temporary or seasonal merchant. No part of the fireworks stand, temporary or seasonal merchant shall occupy required parking stalls for the primary use(s) of the site. A minimum of two (2) on-site parking stalls are required for each fireworks stand, temporary or seasonal merchant.

H. Business Conduct: A fireworks stand, temporary or seasonal merchant shall not solicit or conduct business with persons in motor vehicles or use any flashing lights, noise, sound or other motion producing devices to attract attention to its operation. A firework stand, temporary or seasonal merchant located in a residential zone shall not operate prior to eight o'clock (8:00) AM or after nine o'clock (9:00) PM.

I. Minimum Separation Required: No temporary or seasonal merchant shall be located within two hundred feet (200') of the primary public entrance of an existing retail store which sells similar products as its primary business.

J. Signs: Each fireworks stand, temporary or seasonal merchant shall be limited to one on premises sign, which shall not exceed eight (8) square feet in size. Signs shall not be internally illuminated or make use of flashing or intermittent lighting or animation devices. Pennants, streamers, lawn banners and other temporary signs shall be prohibited.

K. Fire Extinguisher Required: A portable fire extinguisher, Type 2A-10 BC minimum, must be mounted within easy reach of each fireworks stand, temporary or seasonal merchant.



L. City Sponsored Event Or Activity: This section shall not apply to fireworks stands, temporary or seasonal merchants participating in a City sponsored event or activity. (Ord. 2017-13, 7-25-2017)