



# Planning Commission

## STAFF REPORT

AGENDA ITEM  
**#10**

**TO:** The Clearfield City Planning Commission

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

**MEETING DATE:** April 2, 2014

**SUBJECT:** Public Hearing, Discussion and Possible Action on **RZN 1403-0005** a request by John Hansen, on behalf of Thomas Rosenberg, for Rezone from C-2 (Commercial) to C-R (Commercial Residential), located at 938 S. 2000 E. (TIN: 09-302-0008). The property is approximately 7.09 acres and lies in the C-2 (Commercial) zoning district.

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### RECOMMENDATION

Move to **Recommend to the City Council Approval**, RZN 1403-0005 a request by John Hansen, on behalf of Thomas Rosenberg, for Rezone from C-2 (Commercial) to C-R (Commercial Residential), located at 938 S. 2000 E. (TIN: 09-302-0008), based on the discussion and findings in the Staff Report.

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### PROJECT SUMMARY

Project Information	
Project Name	Rosenberg Rezone
Site Location	938 S. 2000 E
Tax ID Number	09-302-0008
Applicant	John Hansen
Owner	Thomas Rosenberg
Proposed Actions	Rezone Request – Zoning Map Amendment
Current Zoning	C-2 (Commercial)
Proposed Zoning	C-R (Commercial Residential)
Current Master Plan	Mixed Use
Gross Site Area	7.09 Acres

Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	Open Ground – Further North, Northrup Grumman Building	C-2 (Commercial)	Mixed Use
East	Layton City – Residential	(Residential)	N/A
South	Pinnacle Apartments	R-3 ( Multi-Family Residential)	Residential
West	Summer Place PUD	R-3 (Multi-Family Residential)	Residential

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## ANALYSIS

### Background

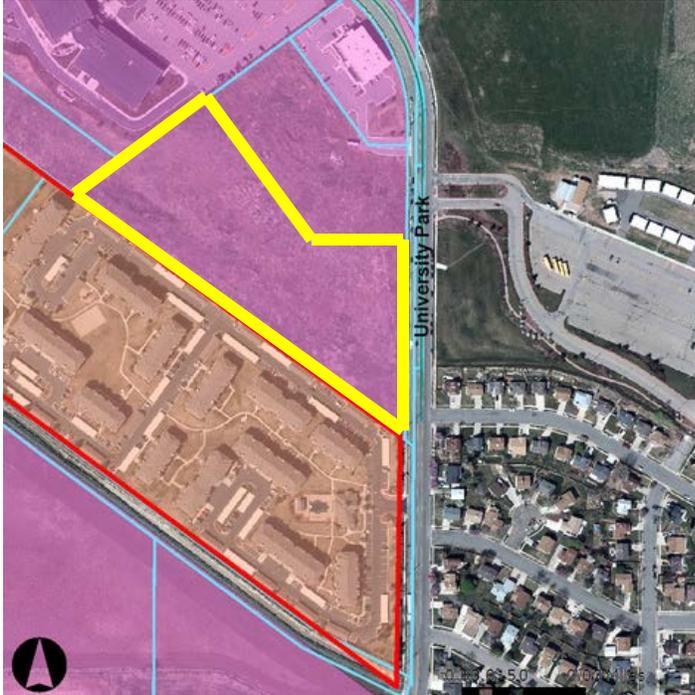
The property is currently owned by Thomas Rosenberg, and has been for listed and marketed for sale with John Hansen Real Estate for multiple years as a Commercial property. There has been little to no interest in the property as a solely commercial piece of ground. In order to better utilize this property the applicant has decided to pursue a rezone to Commercial Residential to provide more opportunity for mixed use development on this piece of property.

The proposal includes a request for approximately 7.09 acres to be rezoned from C-2 (Commercial) to C-R (Commercial Residential) with the intent to construct at least two Commercial buildings fronting University Park Boulevard, and a potential combination of apartments and twin homes on the west side (rear) of the parcel. A minimum requirement of the C-R zone is that 20% of the total finished floor area of the rezoned property must be Commercial.

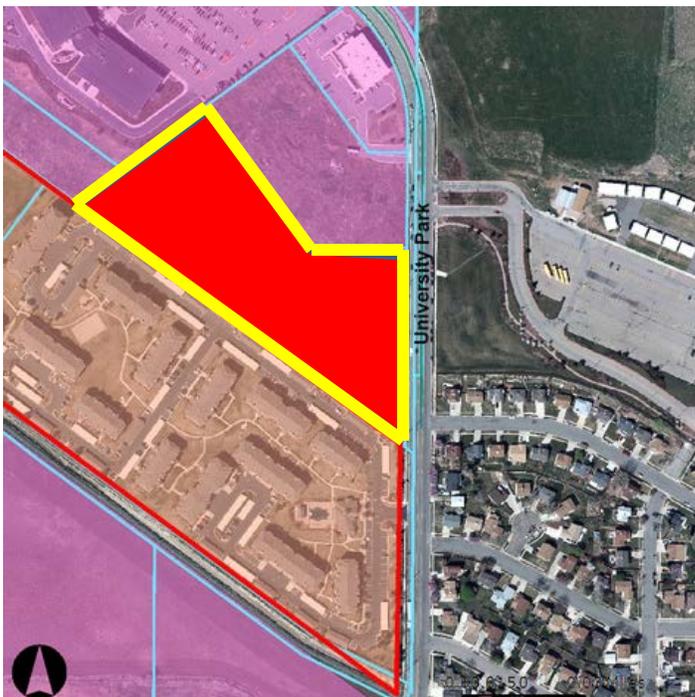
Any future development of this parcel will be held to the standards of Clearfield City Zoning Code Title 11, Chapter 11, Article C Commercial Residential which requires submittal and approval of a Site Plan, Conditional Use Permit, and Development Agreement. At this time, the owner's agent, John Hansen has applied simply for the rezone before moving forward to a complete plan. Before spending money and time on revising a finalizing a Site Plan for the area, the applicant was interested in receiving the zoning change in order to know for certain that a mixed-use development would be possible on this property.

**Zoning Map Amendment Information:**

*Current Clearfield City Zoning Map:* Parcels in question have been outlined in yellow. The purple color is C-2 (Commercial) zoning, and the orange is R-3 (Multi-Family Residential).



*Clearfield City Zoning Map Amendment Requested:* Parcels in question have been filled in red to indicate the change from C-2 (Commercial) to C-R (Commercial Residential).



**Master Plan and Zoning**

The Clearfield City General Plan currently shows this property as Mixed-Use. As part of Chapter 4 of the Affordable Housing Element, properties within Clearfield City may be re-zoned as part of an approved C-R Zone project.

**Zoning Map Amendment**

The basic zoning and development standards can be met for this request. Properties developed under C-R zoning designation are pursuant to a Development Agreement to cover timing and construction of the Commercial and Residential portions of property. The applicant has prepared a Conceptual Site Plan to consider possible development strategies, but they are not ready at this time for a formal subdivision or site plan application.

**Public Comment**

No public comment has been received to date.

**FINDINGS**

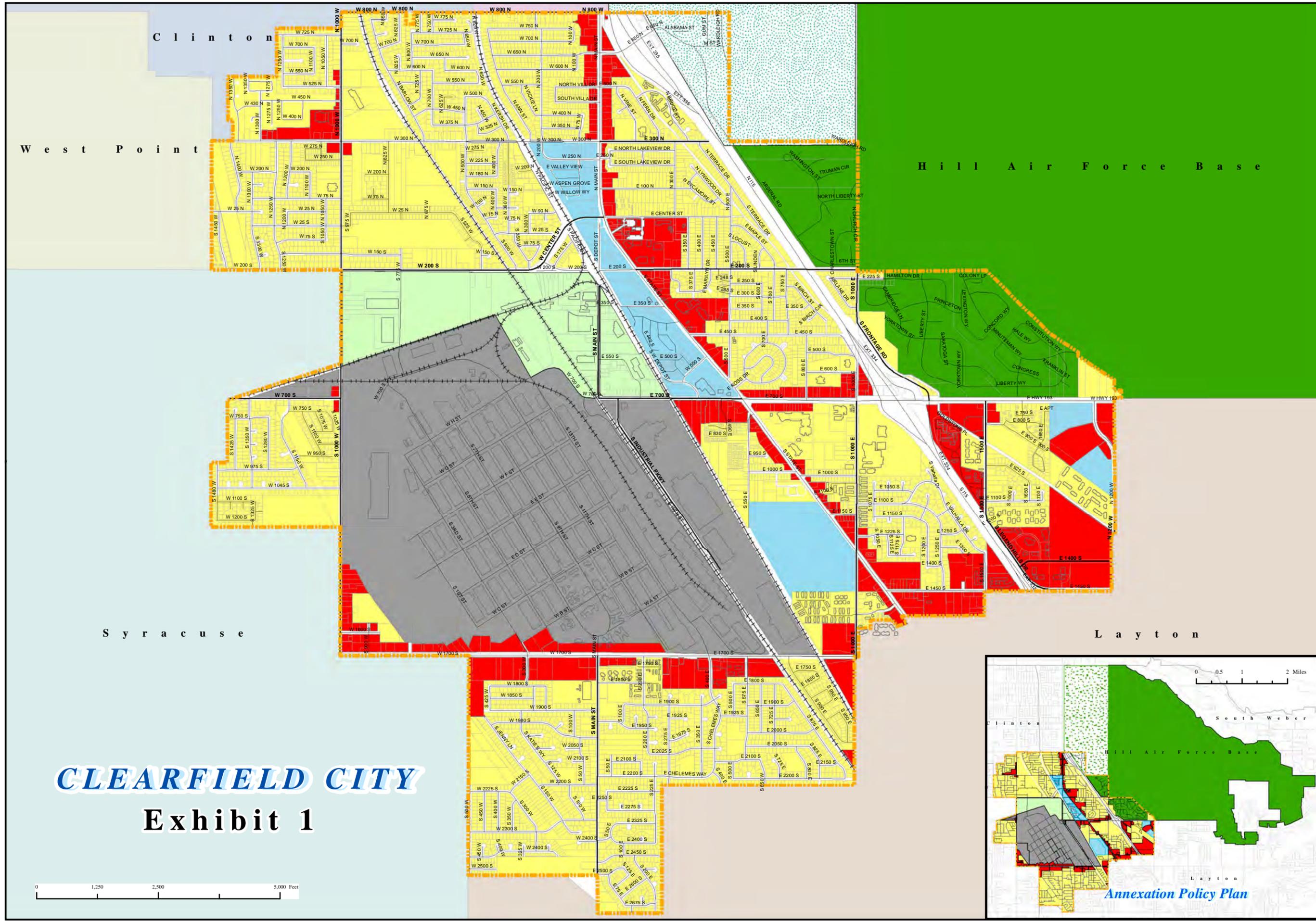
**Zoning Map Amendment**

Clearfield Land Use Ordinance Section 11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Map 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	Goal 1 of the Land Use Element states "Maintain consistency between the City's Land Use Ordinance and the General Plan". A General Plan Amendment from Commercial to Commercial Residential for these parcels has been requested by the applicant to be considered by the Planning Commission. Staff feels that the General Plan Amendment can be justified as meeting the purposes and intent of Clearfield City's General Plan. No further action is needed to amend the General Plan to facilitate this request.
2)	Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.	No conditions are being recommended for this zone change. Conditions will be pursuant to a future site plan or subdivision plan, where Title 11, Chapter 11, Article C Commercial Residential Zoning Code will need to be satisfied in order to approve any development on this property.

## **ATTACHMENTS**

1. Clearfield City General Plan Land Use Map
2. Conceptual Site Plan



# CLEARFIELD CITY

## Exhibit 1

### Future Land Use Map of the General Plan 2010 (b)

#### Legend

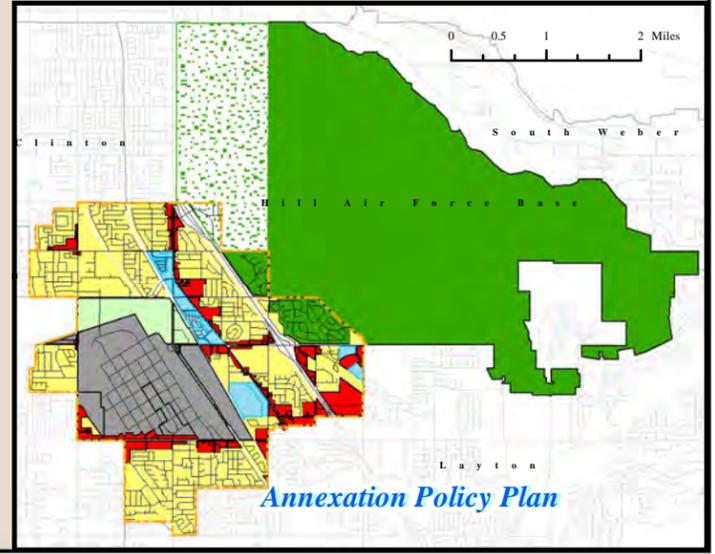
- Parcels
- Buildings
- City Boundary
- Railroad
- Streets**
- Private
- Major
- Minor

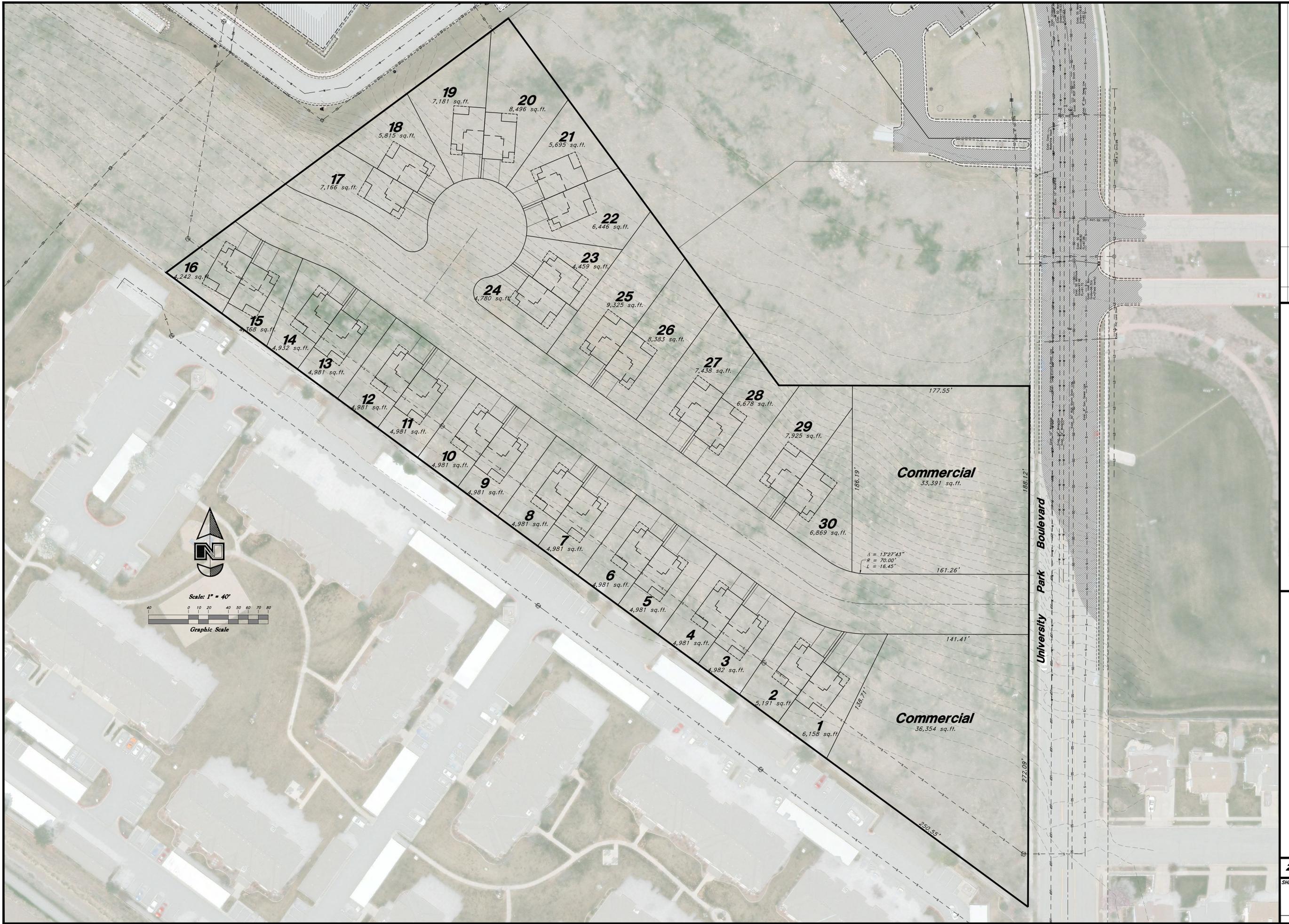
#### Proposed Land Use

- Residential Area
- Commercial Area
- Mixed Use
- Business Park
- Manufacturing Area
- Falcon Hill
- Hill AFB



Data published  
05 October 2010





REV.	DATE	DESCRIPTION

**GREAT BASIN ENGINEERING**

5746 SOUTH 1475 EAST, GREEN, UTAH 84403  
 MAIN (801) 994-4515, SL-C (801) 521-0222, FAX (801) 392-7544  
 WWW.GREATBASINENGINEERING.COM

**Conceptual Site Plan**

**Hansen - Clearfield**  
 Approx. 1000 South University Park Blvd.  
 Clearfield, Davis County, Utah  
 A part of Section 7, T4N, R1W, SLB&M, U.S. Survey

**23 Dec, 2013**

SHEET NO. **3**

13N784



# **Planning Commission**

## **STAFF REPORT**

AGENDA ITEM  
**#11**

**TO:** Clearfield City Planning Commission

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

**MEETING DATE:** April 2, 2014

**SUBJECT:** Public Hearing, Discussion and Possible Action on **ZTA 1303-0003** Zoning Text Amendment to Title 11 regarding all non-depository institutions within Clearfield City, and potential amendments to City Code 11-13-29 Payday Lending Establishments. This zoning text amendment would be effective across all Commercial Zones in Clearfield City.

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### **RECOMMENDATION**

- A.) Hold a public hearing on **ZTA 1303-0003**, amendment to the Land Use Ordinance of Title 11 Chapter 3 and Chapter 13.
- B.) Move to **Recommend Approval to Clearfield City Council**, ZTA 1303-0003 Zoning Text Amendment to Title 11 regarding all non-depository institutions within Clearfield City, amending City Code 11-13-29 Payday Lending Establishments, as well as all applicable definitions and references. This zoning text amendment is effective across all Commercial Zones in Clearfield City.
- C.) **ALTERNATE MOTION:** Should the Planning Commission choose to amend portions of the proposed text amendment, the reasons and findings for the modifications should be clearly articulated both in the discussion during the meeting and any motion made.

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### **BACKGROUND**

In January 2012, Clearfield City adopted 11-13-29 regulating Payday Lending Establishments. Payday Lending Establishments are specifically defined by the State of Utah. Clearfield City Code identifies only Utah Code Annotated title 7, chapter 23 Payday Lending in its regulations.

In an attempt to provide a fair business environment while limiting uses that may have detrimental effects to the community, the Planning Commission asked staff to consider regulations for all types of non-depository institutions. Staff has prepared a zoning text amendment that would place limitations all Non-Depository Lending businesses as defined by State of Utah.

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## ZONING TEXT AMENDMENT LANGUAGE – City Code 11-13-29 Amended

### 11-13-29: PAYDAYNON-DEPOSITORY LENDING ESTABLISHMENTS:

#### A. Payday-Non-Depository Lending Establishments:

1. No payday-non-depository lending establishment shall be located within one mile (5,280 feet) of any other payday-non-depository lending establishment. The distance shall be measured in a straight line between the closest property lines of the lots on which they are located.
2. The number of payday-non-depository lending establishments may not exceed one per ten thousand (10,000) of the Clearfield City population. The total population figures shall be based on the U.S. census bureau's annual estimates.

B. Establishments With Active License Before ~~May 1~~February 1, 2012~~4~~: The following shall only apply to payday-non-depository lending establishments that had an active business license before May 1~~February 1, 2012~~4, in Clearfield City:

1. Termination Of Business License: If any of the above listed businesses fails to renew its Clearfield City business license or vacates the premises, then the business and use is deemed terminated. Businesses that do not meet zoning and separation requirements shall be considered nonconforming and will be subject to the provisions of chapter 17 of this title.
2. Relocation Of Existing Business: Any of the above listed businesses existing before May 1~~February 1, 2012~~4, shall only be allowed to relocate to a new site that meets the zoning and separation requirements outlined in this section. The nonconforming status of the prior site is deemed to have been terminated. (Ord. 2012-01, 1-24-2012)

#### Removed Definition:

PAYDAY LENDING ESTABLISHMENT: Any business involved in check cashing, deferred deposit lending, or any other similar types of businesses licensed by the state pursuant to the check cashing registration act as set forth in Utah Code Annotated title 7, chapter 23. This definition shall not include fully automated stand alone services located inside of an existing building, so long as the automated service incorporates no signage in the windows or outside of the building. Payday lending establishments shall be subject to additional regulations set forth in chapter 13 of this title.

#### Added Definition:

Non-Depository Institution: Any business or financial institutions subject to the jurisdiction of the State of Utah Department of Financial Institutions, which do not take deposits. These include title lenders, check cashers, and deferred deposit loan lenders as set forth in Utah Code Annotated title 7, chapter 23 ad chapter 24. Non-depository lending establishments shall be subject to additional regulations set forth in chapter 13 of this title.

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## ANALYSIS

### **Master Plan and Strategic Plan “Vision 2020”**

Under Utah State Code, municipalities are granted land use authority. One element of this authority is the adoption of a General Plan and then the adoption of laws or ordinances to implement the goals of the General Plan. Clearfield Title 11 Municipal Code, or referred to as the City’s Land Use Ordinance, is the compilation of these laws whose purposes include the furthering of the goals of the General Plan. When discovering specific changes are needed in the Ordinance for better implementation of the General Plan, text amendments are consistent with the policy under the Land Use Element which states, “*Continue to update the City’s Land Use Ordinance as necessary to maintain consistency with this General Plan.*”

The proposed text amendment conforms to the City’s Master Plan, specifically the first Land Use Guideline which states “*The identity of Clearfield should be strengthened by land uses which improve the image of the community and fostering a positive, healthy living environment conducive to long-term residency.*”

Requiring separation of non-depository lending uses limits the clustering of these uses along the limited commercial corridors of the City. This standard is a tool to further implement the City’s goal of strengthening land uses that improve the image of the community, and in addition encourages a diversity of the types of commercial development for not only a physical environmental health, but an economic environmental health to the community. The economic component of this Text Amendment is also consistent with the City’s Vision 2020 Plan, which is referenced in the City’s General Plan as well. Such areas of emphasis in the Vision 2020 Plan are “*Improve Clearfield City’s demographic profile that attracts and retains quality retail establishments.*” Tactics to implement the Vision is to “*Brand the city and...foster community pride among residents and improved perception of non-residents.*”

### **Additional Research and Information**

Staff reviewed multiple peer reviewed academic journal articles which considered the potential detrimental effects of Title Lending in addition to Pay Day Lending. The research concluded to Staff that Clearfield City would benefit from restrictions to the number of Non-Depository Lending establishments allowed to reside within Clearfield, and further maintains that the separation requirements found in the existing Payday Lending ordinance are fair and positive for Clearfield City.

In the February 5, 2014 Planning Commission meeting, Planning Commissioners were asked to present their findings from their reading of provided resources, as well as from their own independent research. The feeling from the Planning Commission was that Pay Day Lending and Title Lending were very similar in nature, and the City desired to place restrictions on all forms of non-depository lending. Both of these types of non-depository lending practices were found to be predatory on the very financial demographic population which makes up the majority of Clearfield City. In addition, findings were stated to indicate that the day to day lending practices, interest rates, and customer base were very similar between Pay Day Lending and Title Lending. With these findings, Clearfield City Planning Commission determined that an amendment to Title 11 Chapter 3 and Chapter 13 would be beneficial for Clearfield City.

Copies of the studies analyzed, and Planning Commission meeting minutes which lead to these conclusions have been included as part of the ZTA 1303-0003 permanent file, and may be reviewed in the Community Development Department during regular business hours.

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**ATTACHMENTS**

None provided with this item.