



## Community Development

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

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### MEETING NOTICE OF THE CLEARFIELD CITY PLANNING COMMISSION

Notice is hereby given that the Clearfield City Planning Commission will hold a regularly scheduled meeting at **7:00 P.M., Wednesday, February 5, 2014** on the 3<sup>rd</sup> floor in the **City Council Chambers** of the Clearfield City Municipal Building, 55 S. State, Clearfield, Utah.

#### 7:00 PM CALL TO ORDER-- PLEDGE OF ALLEGIANCE

1. ROLL CALL
2. APPROVAL OF THE AGENDA  
*(Items may be removed, continued to a later date, or addressed out of sequence)*
3. APPROVAL OF MINUTES
  - A. January 8, 2014

#### **PUBLIC HEARINGS:**

4. Discussion and Possible Action on **GPA 1401-0001**: A request by Robin Metcalf for a General Plan Amendment to change proposed land uses from Commercial to Residential, located at 252 S. and 256 S. Marilyn Drive (TIN: 12-393-0001, 12-393-0002), a combined 0.47 acres which lies in the C-2 (Commercial) zoning district.
5. Discussion and Possible Action on **RZN 1312-0003**: A request by Robin Metcalf for a rezone to change existing land uses from C-2 (Commercial) to R-1-8 (Residential) on two lots, located at 252 S. and 256 S. Marilyn Drive (TIN: 12-393-0001, 12-393-0002), a combined 0.47 acres which lies in the C-2 (Commercial) zoning district.
6. Discussion and Possible Action on **VAC 1312-0004**: A request by Robin Metcalf to amend the Manual Subdivision to combine Lot 1 and Lot 2, located at 252 S. and 256 S. Marilyn Drive (TIN: 12-393-0001, 12-393-0002), a combined 0.47 acres which lies in the C-2 (Commercial) zoning district.

#### **SCHEDULED ITEMS:**

7. Continued: Discussion about standards regulating 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.

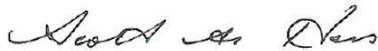
**COMMUNICATION ITEMS:**

- 11. Staff Communications
- 12. Planning Commissioners' Minute

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

Dated this 30<sup>th</sup> day of January, 2014

/s/Scott A. Hess, Development Services Manager



The City of Clearfield, in accordance with the 'Americans with Disabilities Act', provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting accommodations for City sponsored public meetings, service programs, or events, should call Christine Horrocks at 525-2780, giving her 48 hours notice.

## CLEARFIELD PLANNING COMMISSION MEETING

January 8, 2014

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

PRESENT: Norah Baron Commissioner  
Becky Brooks Commissioner  
Randy Butcher Commissioner  
Joel Gaerte Commissioner  
Ron Jones Commissioner

ABSENT: Timothy Roper Alternate Commissioner  
Michael LeBaron Council Liaison

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

VISITORS: Anthony Vasquez, Koral Vasquez, Dale Kimsey, Kathryn Murray, Lori Laws, Jim Rae, Brian Allred, Keri Benson, Lisa Bitton

Pledge of Allegiance was led by Chair Peterson.

### APPROVAL OF MINUTES FROM DECEMBER 4, 2013 PLANNING COMMISSION MEETING

Chair Peterson requested that on page two in the fourth paragraph to add “account” so the sentence would read, “Chair Peterson asked Mr. Baird if the intent for the additional landscaping was to establish an escrow *account* and have the work done in the spring.” **Commissioner Gaerte moved to approve the minutes of the December 4, 2013 Planning Commission meeting with the noted correction. Seconded by Commissioner Brooks. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, and Jones. Voting NO: None.**

### APPROVAL OF AGENDA

**Commissioner Jones moved to approve the agenda as written. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, and Jones. Voting NO: None.**

### ELECTIONS FOR CHAIR AND VICE CHAIR FOR 2014

Scott Hess asked for nominations. **Commissioner Jones nominated Commissioner Peterson for Chair and Commissioner Butcher for Vice Chair. Seconded by Commissioner Baron. Commissioner Butcher declined the nomination for Vice-Chair. Commissioner Butcher**

**nominated Commissioner Jones for Vice Chair. Seconded by Commissioner Gaerte.** There were no further nominations. **Commissioner Gaerte moved to close the nominations. Seconded by Commissioner Baron.**

**Commissioner Peterson was elected Chair upon the following vote: Voting AYE for Commissioner Peterson: Commissioners Butcher, Jones, Gaerte, Brooks, Baron and Peterson. Voting NO: None.**

**Commissioner Jones was elected Vice Chair upon the following vote: Voting AYE for Commissioner Jones: Commissioners Butcher, Jones, Gaerte, Brooks, Baron and Peterson. Voting NO: None.**

APPROVAL OF 2014 MEETING SCHEDULE

Scott Hess told the commissioners all Planning Commission meetings would be held at the regularly scheduled time on the first Wednesday of each month except for this meeting. **Commissioner Butcher moved to accept the Planning Commission meeting schedule for 2014. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, and Jones. Voting NO: None.**

PUBLIC HEARING FOR CUP 1312-0001 A REQUEST FOR A CONDITIONAL USE PERMIT FOR A HOME DAYCARE SERVICE, LOCATED AT 1080 SOUTH 1500 EAST APARTMENT 13

Scott Hess reviewed the location of the home daycare and stated there had been other home occupation businesses in the apartment complex including another home daycare. He said the application was for up to eight children, four at a time. He said the property was accessed by private roads of 1500 East with an internal access road that surrounded the building. Mr. Hess stated the outdoor play area was not fenced, but posed limited risk as traffic typically moved slowly in apartment complexes. He requested a change to condition 1a) the applicant would submit a drop off and pick up schedule, subject to City approval with staggered times proposed in order to mitigate traffic flow problems. It was determined that the provided schedule would be subject to approval from the City Zoning Administrator.

Chair Peterson declared the public hearing open at 7:18 p.m.

PUBLIC COMMENT:  
None

**Commissioner Jones moved to close the public hearing at 7:19 p.m. Seconded by Commissioner Gaerte. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, and Jones. Voting NO: None.**

Lisa Bitton, applicant, said the children were dropped off at different times. She said the playground was at the southern end of the property and a stroller would be used to transport the

smaller children to the playground.

APPROVAL OF CUP 1312-0001 A CONDITIONAL USE PERMIT FOR A HOME DAYCARE SERVICE, LOCATED AT 1080 SOUTH 1500 EAST APARTMENT 13

**Commissioner Butcher moved to approve as conditioned, CUP 1312-0001, a Conditional Use Permit for Lisa's Daycare, a home occupation daycare facility in the R-3 zoning district located at 1080 South 1500 East Apartment 13 based on the findings and discussion in the Staff Report with the following conditions: 1) This conditional use permit is for a daycare center located at 1080 South 1500 East Apt. 13. 1a) The applicant will submit a drop off and pick up schedule subject to approval by the City Zoning Administrator with staggered times proposed in order to mitigate traffic flow problems. 2) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, and Jones. Voting NO: None.**

PUBLIC HEARING FOR CUP 1312-0002, A REQUEST FOR A CONDITIONAL USE PERMIT FOR A PET GROOMING SERVICE, LOCATED AT 513 NORTH 1000 WEST

Scott Hess said veterinarian services were a conditional use in the buffer zone and the definition of veterinarian services included grooming of animals. He said the building was formerly used as a barber shop and a daycare. Mr. Hess said the landscaping met the required ten percent and parking exceeded the required two parking spaces. He said the prior use as a daycare was a more intense use. Mr. Hess said staff's concern with pet grooming was with noise mitigation and animal keeping. He reviewed the conditions of approval and suggested a few minor changes: 1) this conditional use permit was for a pet grooming facility *only* located at 513 N. 1000 W. The sentence added "only" because the application was for a pet grooming facility not for veterinary services. He asked for an addition to 1b) to state "potty/exercise breaks." Mr. Hess recommended adding condition 1d) which would state, "No overnight animal stays or kenneling allowed on the site." Commissioner Gaerte suggested with condition 1b) to remove "potty/exercise breaks" and have the condition state, "Any animals let outside must be done so one at a time or in a manner that would limit obnoxious noise or barking."

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

**PUBLIC COMMENT:**

None

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

Lori Laws, applicant, said the dogs were not out any more than needed. She stated her business hours were 8 a.m. to 5 p.m. Ms. Laws said occasionally emergency dog grooming was needed

later than 5 p.m., but the customer waited while the animal was groomed. Commissioner Butcher asked if she offered to give the animals shots along with the grooming. Ms. Laws said she did not administer any shots for her customers and there would not be overnight stays.

APPROVAL OF CUP 1312-0002, A CONDITIONAL USE PERMIT FOR A PET GROOMING SERVICE, LOCATED AT 513 NORTH 1000 WEST

**Commissioner Jones moved to approve as conditioned, CUP 1312-0002, a conditional use permit for Riverside Grooming and Pet Spa, a commercial facility in the B-1 zoning district located at 513 North 1000 West, based on the findings and discussion in the staff report with the following conditions of approval: 1) This conditional use permit is for a pet grooming facility only located at 513 North 1000 West. 1a) The applicant will be required to perform all grooming services within the structure. 1b) Any animals let outside must be done so one at a time or in a manner that will limit obnoxious noise and or barking. 1c) Fencing on the south and west side of the property must be in good repair in order to limit the ability for any animals to escape the enclosed fenced area. 1d) No overnight animal stays or kenneling. Seconded by Commissioner Gaerte. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, and Jones. Voting NO: None.**

CONTINUATION OF PUBLIC HEARING FOR CUP 1304-0011 A CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE REPAIR USE AND POSSIBLE OUTDOOR STORAGE, JIM'S TIRES LOCATED AT 1181 SOUTH STATE STREET

Scott Hess said the applicant had worked with Dale Kimsey, legal counsel for Scott Hart, to present the site plan information and a parking plan. He said one issue with site was there were automobiles waiting for repairs to be sold and there were automobiles waiting for repairs for customers. Mr. Hess asked to place a 48 hour time limit for any inoperable vehicles for repair. He said if the vehicles were kept on site longer than 48 hours, they would be required to meet the conditions of outdoor storage which are: parked on an impermeable surface and screened from view. Mr. Hess said this could be accomplished by pulling the vehicle into a service bay at night or having additional parking spaces behind screened fencing which would require further site plan approval. He said there were approximately 2,500 square feet of combined vehicle and tire storage in rear of building. He said staff suggested the applicant be given six months to come into compliance and meet the minimums of the City code which would be having an impermeable surface and storage behind screened fencing. Mr. Hess said recommendation from staff would be for a fence with slats or other screened fencing. Mr. Hess said the number of parking spaces was discussed and a minimum of twelve stalls were recommended to be used for parking by employees, customers and not for use by the cars on the lot for sale or awaiting repair. Mr. Hess said for clarification on the site, all parking spaces should be striped. He said landscaping needed to be brought to a maintained status. Mr. Hess said condition number 12 should be revised to state: "This CUP shall be reviewed by City Staff for compliance six months from the date of initial approval and then again at one year from the date of approval. Findings shall be reported to the Planning Commission." Chair Peterson recommended condition of approval number 12 be stricken because the action was administrative.

Chair Peterson asked Brian Brower, City Attorney, to clarify what the Planning Commission was approving. Mr. Brower said the site plan from 2009 with conditions was provided as background and prior compliance issues would be handled by code enforcement. He said the Planning Commission should focus on the conditional use permit (CUP) application for the automotive repair business and outdoor storage.

**PUBLIC COMMENT:**

None

**Commissioner Jones moved to close the public hearing at 7:47 p.m. Seconded by Commissioner Baron. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, and Jones. Voting NO: None.**

Chair Peterson reviewed the items the commission needed to discuss:

- 1) Determination as to outdoor storage and if the commission agrees with the information brought forth that the storage was an ancillary use based on the square footage of the proposed outdoor storage.
- 2) The type of surface on the outdoor storage area whether it was impermeable or with compacted road base.
- 3) Determination on the type of fencing.
- 4) Striping and vehicle circulation on the site.
- 5) Vehicle staging and timeframe of potential storage and any outdoor storage areas.

Mr. Dale Kimsey, representing Scott Hart, said the staff report call out of a 48 hour limit for parking was acceptable. He said there were multiple businesses on the site and when the parking lot was striped all businesses would benefit and there would be more space available. Scott Hess said an inventory of vehicles would be taken by staff shortly after the Planning Commission action and in July 2014 compliance for outdoor storage and fencing would be monitored. There was discussion on the number of parking stalls required for the entire site and individual businesses. El Chamo was required with the CUP to have two parking stalls. The entire site would require 12 parking spaces for customers and employees.

Chair Peterson said the Planning Commission needed to determine if the storage of the tires was an ancillary use. Scott Hess said the tire storage was ancillary by use but not necessarily by size. Brian Brower said the CUP was for this applicant; however, the conditions could be crafted to mitigate detrimental effects on the entire site. Scott Hess said the outdoor storage was for Jim's tires. The staff report condition of approval number three stated there were 2500 square feet of storage, but after some discussion it was determined the storage area for the tires was approximately 1500 square feet and would be considered an ancillary use. Chair Peterson said the applicant had requested that surface improvement for the tire storage not be required. However, City Code § 11-13-12 states the storage surface shall be impermeable. The Commission agreed that the storage surface needed an impermeable surface. Mr. Brower suggested for clarification to add "concrete or asphalt paving" in parentheses after impermeable.

Chair Peterson asked about the fencing material. The decision was made to include with condition of approval numbers three and four that fencing shall consist of slatted chain link, permanent screening or other solid fencing materials compliant with City Code § 11-13-12-b. Mr. Brower recommended wording on condition of approval number six: “Vehicles awaiting repairs *and/or any inoperable vehicles on site* may not be located on site for longer than 48 hours...kept on an impermeable (*concrete/asphalt paving*) surface...”

Commissioner Gaerte suggested on condition of approval number five to change “the outdoor storage area” to “parking stalls”. Chair Peterson also recommended a change to state the paved surface along the *north* edge of the property. Chair Peterson was concerned about the outdoor storage meeting the approval of the Fire District. After some discussion it was determined that condition of approval number three satisfactorily addressed that concern.

Chair Peterson said the purpose of the conditional use permit was to mitigate potential detrimental effects to the City, properties or businesses operating in the area. She said each of the conditions of approval were based on City ordinances and had a specific negative impact. Chair Peterson reviewed the revised conditions of approval and stated the reason/justification for each of the conditions:

- 1) This Conditional Use Permit is granted to the applicant for an automobile repair use and limited ancillary outdoor storage only (condition imposed pursuant to the City’s land use ordinance).
- 2) Absolutely no automotive repair services shall be conducted outside of the building’s service bays (condition imposed to facilitate traffic circulation on and around the site and allow all businesses to operate unencumbered).
- 3) The outdoor storage area for tires shall not exceed 1,500 square feet (approximately 30 percent of the square footage of the principal building). No visibility or stacking of materials that exceed six feet in height (or the height of the lowest portion of the fence less than six feet in height) shall be permitted. At all times this storage must remain in compliance with the International Fire Code and other environmental regulations (County, State, or Federal). The fencing material shall consist of slatted chain link or other solid, permanent fencing materials. The storage surface shall be impermeable (concrete or asphalt paving) in accordance with City Code § 11-13-12. Applicant has until July 1, 2014 to comply (condition imposed because outdoor storage is not otherwise permitted under the City code, but an ancillary use, with certain restrictions, was permissible; the screening is to mitigate the visibility of said storage along major commercial corridors and adjacent residential properties and as required by City code).
- 4) Screening for fencing shall be kept in good repair. This shall include providing slats in the chain link or other permanent fencing materials compliant with City Code § 11-13-12 to facilitate a more permanent screening option than is currently being utilized by the applicant. Applicant has until July 1, 2014 to comply. Fencing must be opaque to comply with City Code § 11-13-12 (condition imposed pursuant to City code requirements).
- 5) The parking stalls for vehicles awaiting repair shall not exceed 800 square feet and shall be located on a paved surface (striped) along the north edge of the property (condition

imposed to help the traffic circulation on and around the site by keeping staged vehicles on the north and less heavily used portion of the property and prevent interference with customer parking for applicant's and other businesses on site).

- 6) Vehicles awaiting repairs and any inoperable vehicles on site may not remain on the site for longer than 48 hours. If vehicles cannot be repaired within 48 hours and must remain on site for a longer period, such vehicles shall be kept on an impermeable (concrete or asphalt paving) surface and must be located and screened as required by City Code § 11-13-12, including obtaining further site plan approval (condition imposed to keep any compliant outdoor storage away from the front of the property and compliant with City code as well as to prevent any vehicle salvage use on the site which is not permissible in the C-2 zone).
- 7) Exclusive of spaces used to display vehicles for sale and for vehicles awaiting repair, a minimum of twelve (12) parking spaces (for employees and customers) shall be provided and maintained at all times. Parking stalls shall meet the minimum dimensions of City Code. The stalls shall be paved, striped and signed, as appropriate. The parking lot shall be striped in a manner consistent with the site plan approval of May 2009, and the Clearfield City Code, and shall clearly identify customer parking for all businesses on site, as well as ADA parking. At least one stall shall be ADA compliant. Striping shall also be made/designated for car sales, and to delineate adequate ingress/egress from both drive access points (travel lanes marked at ingress/egress points with directional arrows). The striping plan shall provide for reasonable vehicular circulation through the site and is subject to approval by the City's Zoning Administrator. Applicant has until July 1, 2014 to comply (condition imposed to ensure proper traffic circulation, improve the safety on the site and achieve compliance with City code).
- 8) The site shall be maintained in a neat and orderly manner and have no abandoned or leaking automotive parts except in a closed container for disposal (condition imposed to maintain health and safety and ensure that all hazardous chemicals were being properly disposed of).
- 9) The oil separator shall be cleaned and proper working order verified by the Public Works Department. It may be necessary to install a cap on top of the sewer line (condition imposed to maintain health and safety and ensure that all hazardous chemicals were being properly disposed of).
- 10) 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 (condition imposed so that the City can verify as necessary that all businesses were in possession of all applicable permits).
- 11) There shall be no overflow parking offsite—not on the lots to the south or east, the street, or otherwise (condition imposed to prevent encroachment on the property rights of adjacent properties, to reduce traffic impediments, as well as to improve visibility and safety along State Street).
- ~~12) This CUP shall be reviewed by the Planning Commission for compliance six months from the date of initial approval, and then again at one year from date of approval. At that time the Planning Commission will determine if annual reviews will still be required.~~

- 13) In order for this Conditional Use Permit to be in full force and effect, these Conditions of Approval shall be acknowledged and accepted in writing by both the tenant/business owner and the property owner, as joint applicants (condition imposed to allow for better means of enforcement of these conditions and the City code).

APPROVAL OF CUP 1304-0011 A CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE REPAIR USE AND POSSIBLE OUTDOOR STORAGE, JIM'S TIRES LOCATED AT 1181 SOUTH STATE STREET

**Commissioner Gaerte moved to approve as conditioned based upon the Chair's review with the body, CUP 1304-0011, a conditional use permit for an automotive repair use and possible outdoor storage, Jim's Tires, located at 1181 South State Street (TIN: 12-067-0081) which property lies in the C-2 (Commercial) zoning district, and based upon the findings by the body and discussion in the staff report:**

- 1) **This Conditional Use Permit is granted to the applicant for an automobile repair use and limited ancillary outdoor storage only (condition imposed pursuant to the City's land use ordinance).**
- 2) **Absolutely no automotive repair services shall be conducted outside of the building's service bays (condition imposed to facilitate traffic circulation on and around the site and allow all businesses to operate unencumbered).**
- 3) **The outdoor storage area for tires shall not exceed 1,500 square feet (approximately 30 percent of the square footage of the principal building). No visibility or stacking of materials that exceed six feet in height (or the height of the lowest portion of the fence less than six feet in height) shall be permitted. At all times this storage must remain in compliance with the International Fire Code and other environmental regulations (County, State, or Federal). The fencing material shall consist of slatted chain link or other solid, permanent fencing materials. The storage surface shall be impermeable (concrete or asphalt paving) in accordance with City Code § 11-13-12. Applicant has until July 1, 2014 to comply (condition imposed because outdoor storage is not otherwise permitted under the City code, but an ancillary use, with certain restrictions, was permissible; the screening is to mitigate the visibility of said storage along major commercial corridors and adjacent residential properties and as required by City code).**
- 4) **Screening for fencing shall be kept in good repair. This shall include providing slats in the chain link or other permanent fencing materials compliant with City Code § 11-13-12 to facilitate a more permanent screening option than is currently being utilized by the applicant. Applicant has until July 1, 2014 to comply. Fencing must be opaque to comply with City Code § 11-13-12 (condition imposed pursuant to City code requirements).**
- 5) **The parking stalls for vehicles awaiting repair shall not exceed 800 square feet and shall be located on a paved surface (striped) along the north edge of the property (condition imposed to help the traffic circulation on and around the site by keeping staged vehicles on the north and less heavily used portion of the property and prevent interference with customer parking for applicant's and other businesses on site).**

- 6) **Vehicles awaiting repairs and any inoperable vehicles on site may not remain on the site for longer than 48 hours. If vehicles cannot be repaired within 48 hours and must remain on site for a longer period, such vehicles shall be kept on an impermeable (concrete or asphalt paving) surface and must be located and screened as required by City Code § 11-13-12, including obtaining further site plan approval (condition imposed to keep any compliant outdoor storage away from the front of the property and compliant with City code as well as to prevent any vehicle salvage use on the site which is not permissible in the C-2 zone).**
- 7) **Exclusive of spaces used to display vehicles for sale and for vehicles awaiting repair, a minimum of twelve (12) parking spaces (for employees and customers) shall be provided and maintained at all times. Parking stalls shall meet the minimum dimensions of City Code. The stalls shall be paved, striped and signed, as appropriate. The parking lot shall be striped in a manner consistent with the site plan approval of May 2009, and the Clearfield City Code, and shall clearly identify customer parking for all businesses on site, as well as ADA parking. At least one stall shall be ADA compliant. Striping shall also be made/designated for car sales, and to delineate adequate ingress/egress from both drive access points (travel lanes marked at ingress/egress points with directional arrows). The striping plan shall provide for reasonable vehicular circulation through the site and is subject to approval by the City's Zoning Administrator. Applicant has until July 1, 2014 to comply (condition imposed to ensure proper traffic circulation, improve the safety on the site and achieve compliance with City code).**
- 8) **The site shall be maintained in a neat and orderly manner and have no abandoned or leaking automotive parts except in a closed container for disposal (condition imposed to maintain health and safety and ensure that all hazardous chemicals were being properly disposed of).**
- 9) **The oil separator shall be cleaned and proper working order verified by the Public Works Department. It may be necessary to install a cap on top of the sewer line (condition imposed to maintain health and safety and ensure that all hazardous chemicals were being properly disposed of).**
- 10) **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 (condition imposed so that the City can verify as necessary that all businesses were in possession of all applicable permits).**
- 11) **There shall be no overflow parking offsite—not on the lots to the south or east, the street, or otherwise (condition imposed to prevent encroachment on the property rights of adjacent properties, to reduce traffic impediments, as well as to improve visibility and safety along State Street).**
- 12) **In order for this Conditional Use Permit to be in full force and effect, these Conditions of Approval shall be acknowledged and accepted in writing by both the tenant/business owner and the property owner, as joint applicants (condition imposed to allow for better means of enforcement of these conditions and the City code).**

**Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Baron, Brooks, Butcher, Gaerte, and Jones. Voting NO: None.**

2013 YEAR END REVIEW AND PLANNING COMMISSION GOAL SETTING FOR 2014

Scott Hess reviewed the planning and zoning portion of the 2013 Clearfield City annual report information.

Mr. Hess stated a few goals for 2014.

- General plan update last major update was 2006
- Have the General Plan reflect Vision 2020 and the goals of the Beautification Committee
- Comprehensive trails update
- Transportation update
- Corridor designations
- Planning for “centers”
- Complete streets ordinance/resolution
- Administrative site plan reviews

Mr. Hess asked for input from the commissioners. Commissioner Brooks liked all the goals. Chair Peterson requested adding minor site plan review and administrative approval for the Conditional Use Permit (CUP) for home daycares. She also wanted discussion on non-depository institutions and e-cigarettes/smoke shops. Mr. Hess said he had calls about urban beekeeping and fire arm sales from the home. Commissioner Jones said he would like to find a way to spark the interest of the community to be involved.

DISCUSSION ON STANDARDS REGULATING ALL NON-DEPOSITORY INSTITUTIONS

Scott Hess said in January 2012, Clearfield City adopted 11-13-29 regulating Payday Lending Establishments. Payday Lending Establishments were specifically defined by the State of Utah and Clearfield Code identifies only Utah Code Annotated title 7, chapter 23 in its regulations. He said the term non-depository institution was used to define lending agencies whose primary service was providing financial products and not operating as a federally insured deposit institution. Chair Peterson said there would be more discussion on non-depository institutions at the next meeting and asked the Commissioners to read the articles provided by next meeting.

PLANNING COMMISSIONERS’ MINUTE

Commissioner Butcher – Appreciated the Commissioners’ confidence in him as Vice-chair.

Commissioner Jones – Nothing

Commissioner Gaerte – Said he would be relocating within six months due to his job. He stated he would serve on the Planning Commission until he moved.

Commissioner Brooks – Thanked Scott for his hard work.

Commissioner Baron – Asked to be excused from the February meeting.

Commissioner Peterson – Thanks to Commissioner Butcher for his service as the Vice-Chair the past year. She also thanked Keri Benson for her service.

Brian Brower – Said in the future there would be more extensive training on the open and public meetings act. He said staff can communicate electronically but if the commissioners engage in electronic communication it may be a violation of the open and public meetings act. He said staff would send emails to all the commissioners but if a commissioner responds to the quorum addressing an item of business, it would meet the definition of a meeting under the open and public meetings act. Mr. Brower said the best way to handle would be 1) respond on an individual basis to the chair, 2) email a member of City staff, or 3) talk to other commissioners on individual basis. Commissioner Brooks asked how to request a discussion item added to the agenda. Mr. Brower said you could send recommendation to the Chair or City staff.

There being no further business to come before the Planning Commission, **Commissioner Brooks moved to adjourn at 9:30 P.M. Seconded by Commissioner Baron.**



# Planning Commission

## STAFF REPORT

AGENDA ITEM  
**#4**

**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:** February 5, 2014

**SUBJECT:** Public Hearing, Discussion and Possible Action on **GPA 1401-0001**: A request by Robin Metcalf for a General Plan Amendment to change proposed land uses from Commercial to Residential, located at 252 S. and 256 S. Marilyn Drive (TIN: 12-393-0001, 12-393-0002), a combined 0.47 acres which lies in the C-2 (Commercial) zoning district.

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### RECOMMENDATION

Move to recommend to the City Council **Approval**, GPA 1401-0001, A request by Robin Metcalf for a General Plan Amendment to change proposed land uses from Commercial to Residential, located at 252 S. and 256 S. Marilyn Drive (TIN: 12-393-0001, 12-393-0002), based on the discussion and findings in the Staff Report.

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### PROJECT SUMMARY

Project Information	
Project Name	Metcalf General Plan Amendment
Site Location	252 S. and 256 S. Marilyn Drive
Tax ID Number	Multiple Parcels (12-393-0001 and 12-393-0002)
Applicant	Robin Metcalf
Owner	Robin Metcalf
Proposed Actions	General Plan Map Amendment
Current Land Use	Commercial
Proposed Land Use	Residential
Current Land Use Classification	Commercial
Gross Site Area	0.47 Acres

Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	Existing legal non-conforming residential use (single-family)	C-2 (Commercial)	Commercial
East	Existing residential use (single-family)	R-1-8 (Residential)	Residential
South	Existing residential use (single-family)	R-1-8 (Residential)	Residential
West	Existing legal non-conforming residential use (single-family) with State Street Frontage	C-2 (Commercial)	Commercial

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## HISTORY

**April 2000**

Rezoning of total 0.47 acre property from R-1-8 Residential to C-2 Commercial, along with Manual Subdivision No. 1 to create two parcels lot 1 and lot 2.

**September 2009**

Metcalf Family acquires property from Zion's Bank who had subsequently secured the property through default from the former owner.

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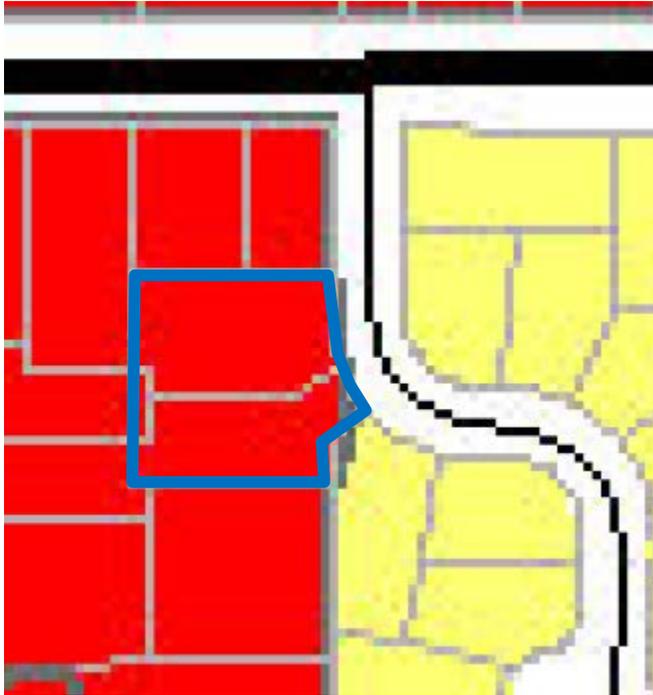
## ANALYSIS

**Background**

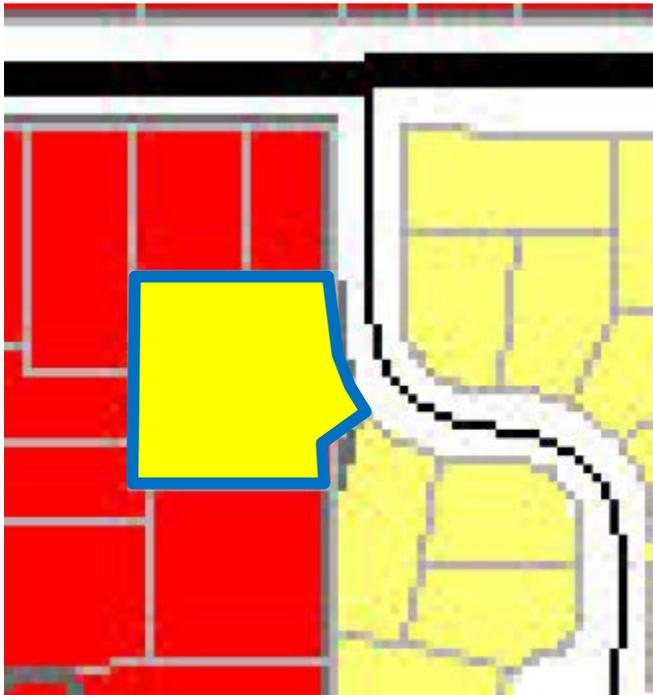
The proposal includes a request for approximately 0.47 acres to be reclassified in the General Plan Future Land Use Map from Commercial to Residential with the intent to construct one single-family dwelling unit for the Metcalf family to own and live in. The property was formerly rezoned to Commercial with the intent to combine parcels and utilize a previous owners frontage on 200 S. to maximize utility of the property in question. The utilization of this property as Commercial was never undertaken by the former owner, and as such has continued to sit vacant.

**General Plan Map Amendment Information:**

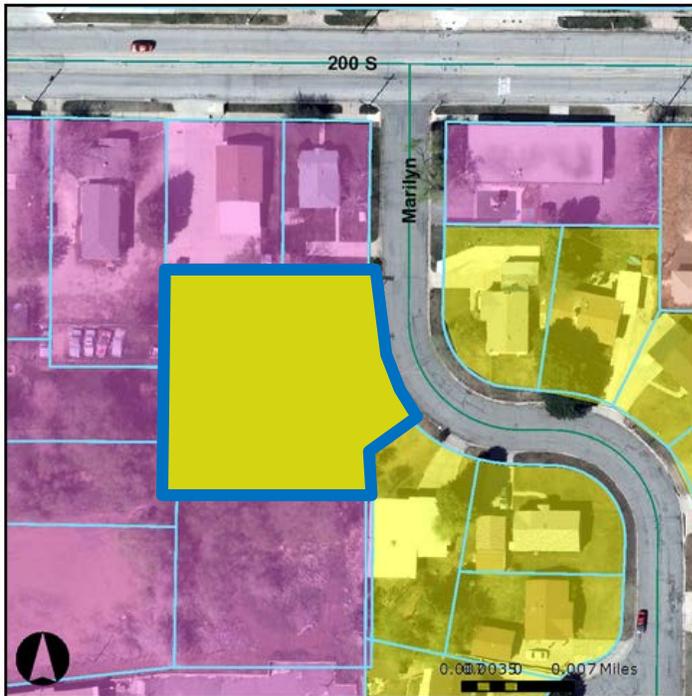
*Current General Plan Map:* Parcels in question have been outlined in blue.



*General Plan Map Amendment Requested:* Parcels in question have been highlighted yellow to indicate the change to Residential Zoning designation.



Accurate property map showing all areas to be included in the amendment and all properties immediately adjacent to the proposed amendment area. Parcels in question have been highlighted yellow to indicate future R-1-8 Zoning.



### General Plan and Zoning

A request to change the land use classification in the General Plan from Commercial to Single-family Residential is consistent with the goals and policies of the City's General Plan. Chapter 4 of the General Plan states, "Current data show that almost 55% of the City's housing stock is considered affordable. There are still approximately five acres of undeveloped high-density residential property in the City; **therefore, current policy is that no additional property will be rezoned for the development of two-family or multi-family dwellings, except as part of an approved R-3R, C-R, or D-R Zone project, until new Census data becomes available and the study can be updated accordingly.**"

The request for single-family residential use of these lots is consistent with the General Plan because it is specifically not requesting multi-family. In addition, the Land Use Guidelines found on page 14 of the General Plan encourage the following principles which Staff feels are appropriate to this specific issue:

3. 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.
6. Growth should be guided to locations contiguous to existing development to provide City services and transportation in a cost-effective and efficient manner.

12. The few 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.

This request is for an in-fill project to place a new single-family residence into an existing residential subdivision. The property owner would like to invest in Clearfield within a well-established neighborhood, and desires utilizing this property to its best and highest use which is clearly single-family residential. Commercial use of this property is not currently viable, and will not be viable into the foreseeable future. The frontage on Marilyn Drive coupled with the surrounding single-family uses supports this rezone as being a positive move for the property owner, the surrounding neighborhood, and the City.

**Zoning Consistency**

The property owner has made a request to change the zoning of this property from C-2 (Commercial) to R-1-8 (Single-family Residential). That request is pending approval of the General Plan Land Use classification amendment from Commercial to Residential. Staff comments and findings can be found in item #5 of the February 5, 2014 Planning Commission Packets, and that request has been provided as a complete package for Planning Commission review.

**Public Comment**

No public comment has been received to date.

**FINDINGS**

**General Plan Map Amendment**

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

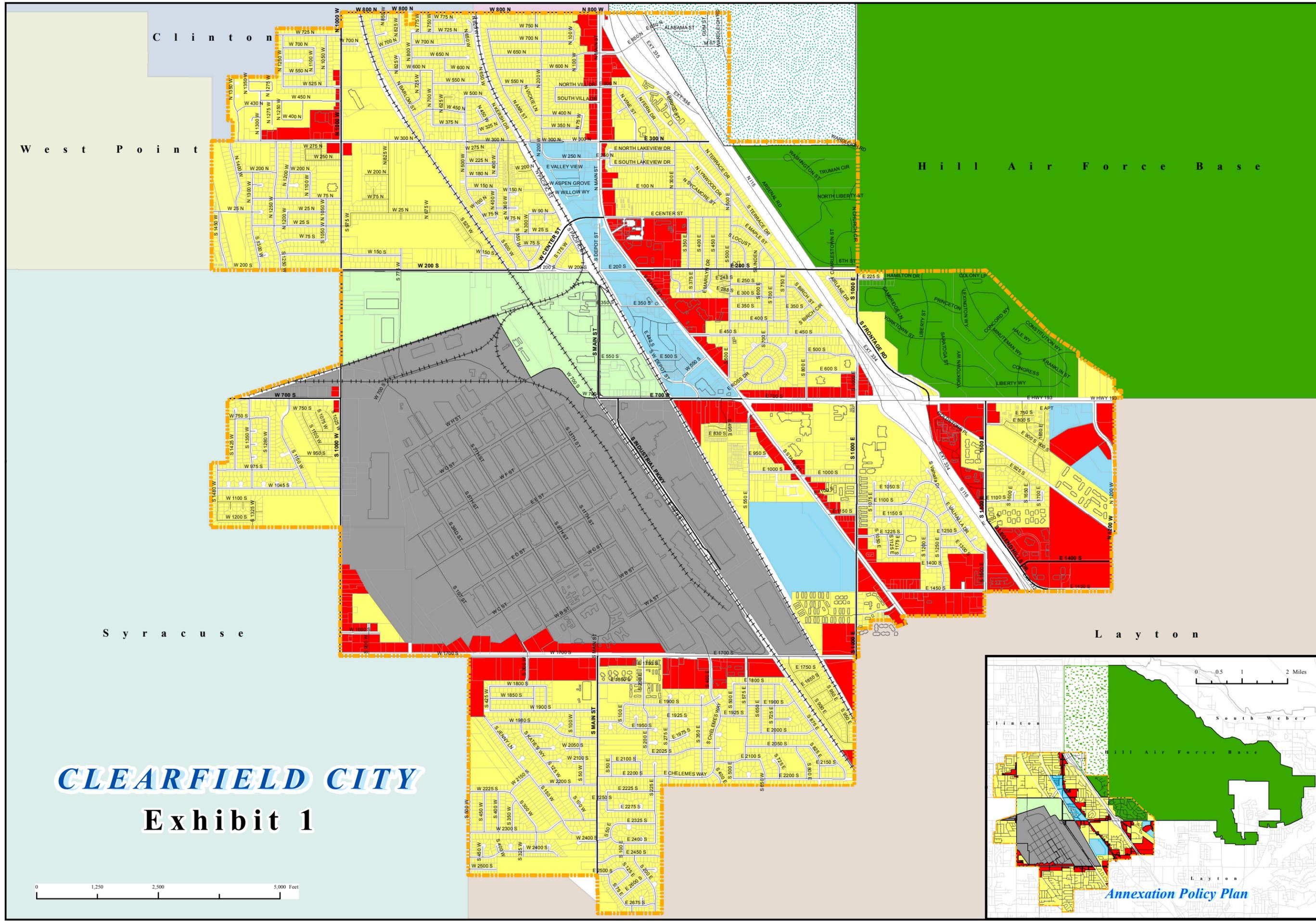
Review Consideration		Staff Analysis
1)	Designation of the specific text or map amendment desired.	Staff has provided the current map along with the desired changes within the report outlined above.
2)	Reason and Justification for such change.	The property is currently master planned commercial as well as zoned commercial. The property is flanked on three sides by existing viable residential homes. The nearest viable commercial properties are west with frontage on State Street and north with frontage on 200 South. In order to utilize this property as commercial in a meaningful way it would need to be combined with other parcels in the area with existing frontage on a commercial corridor. That is not a foreseeable option now or in the future. The highest and best use of the property is currently single-family residential and the revision of the General Plan Map to indicated these parcels as single-family residential fits into the character of the surrounding neighborhood.

3)	A draft of the proposed text or map amendment.	This has been provided within the report outlined above. Should the Planning Commission accept the change to the General Plan, Clearfield City GIS maps will be changed accordingly to reflect the update.
4)	An accurate property map showing all areas to be included in the amendment and all properties immediately adjacent to the proposed amendment area.	Property Map has been provided through the GIS system in order to provide the most current map available.

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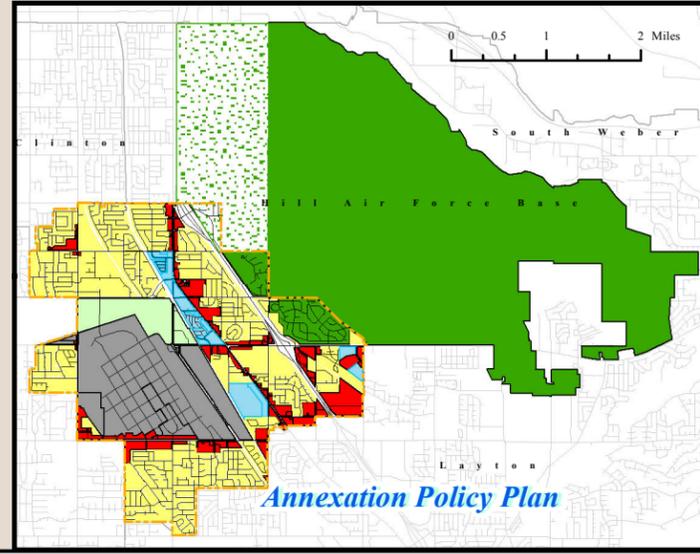
**ATTACHMENTS**

1. 2010 Future Land Use Map of the General 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





# Planning Commission

## STAFF REPORT

AGENDA ITEM  
**#5**

**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:** February 5, 2014

**SUBJECT:** Public Hearing, Discussion and Possible Action on **RZN 1312-0003**: A request by Robin Metcalf for a rezone to change existing land uses from C-2 (Commercial) to R-1-8 (Residential) on two lots, located at 252 S. and 256 S. Marilyn Drive (TIN: 12-393-0001, 12-393-0002), a combined 0.47 acres which lies in the C-2 (Commercial) zoning district.

---

### RECOMMENDATION

Move to recommend to the City Council **Approval**, RZN 1312-0003, A request by Robin Metcalf for a rezone to change existing land uses from C-2 (Commercial) to R-1-8 (Residential) on two lots, located at 252 S. and 256 S. Marilyn Drive (TIN: 12-393-0001, 12-393-0002), based on the discussion and findings in the Staff Report.

---

### PROJECT SUMMARY

Project Information	
Project Name	Metcalf Rezone
Site Location	252 S. and 256 S. Marilyn Drive
Tax ID Number	Multiple Parcels (12-393-0001 and 12-393-0002)
Applicant	Robin Metcalf
Owner	Robin Metcalf
Proposed Actions	Rezone Request – Zoning Map Amendment
Current Zoning	C-2 (Commercial)
Proposed Zoning	R-1-8 (Single-family Residential)
Current Land Use Classification	Commercial – Requested General Plan Amendment
Gross Site Area	0.47 Acres

Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	Existing legal non-conforming residential use (single-family)	C-2 (Commercial)	Commercial
East	Existing residential use (single-family)	R-1-8 (Residential)	Residential
South	Existing residential use (single-family)	R-1-8 (Residential)	Residential
West	Existing legal non-conforming residential use (single-family) with State Street Frontage	C-2 (Commercial)	Commercial

---

## HISTORY

***April 2000***

Rezoning of total 0.47 acre property from R-1-8 Residential to C-2 Commercial, along with Manual Subdivision No. 1 to create two parcels lot 1 and lot 2.

***September 2009***

Metcalf Family acquires property from Zion's Bank who had subsequently secured the property through default from the former owner.

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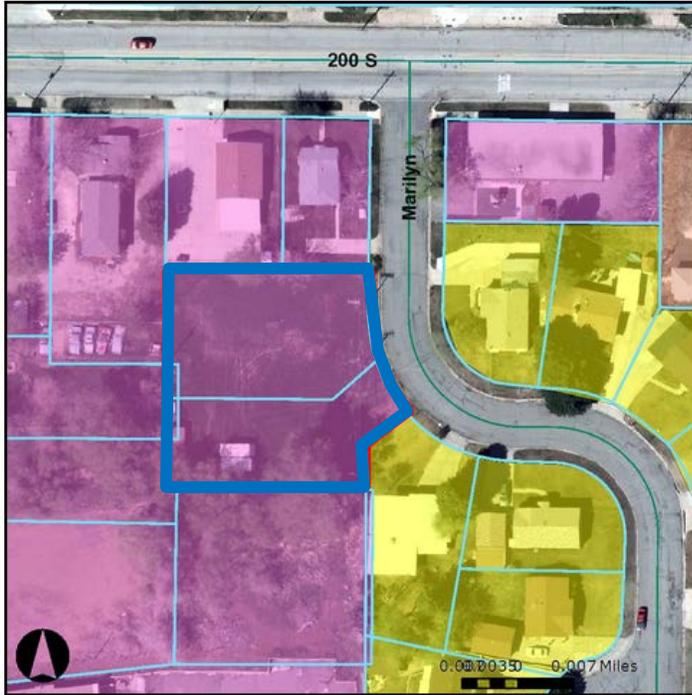
## ANALYSIS

**Background**

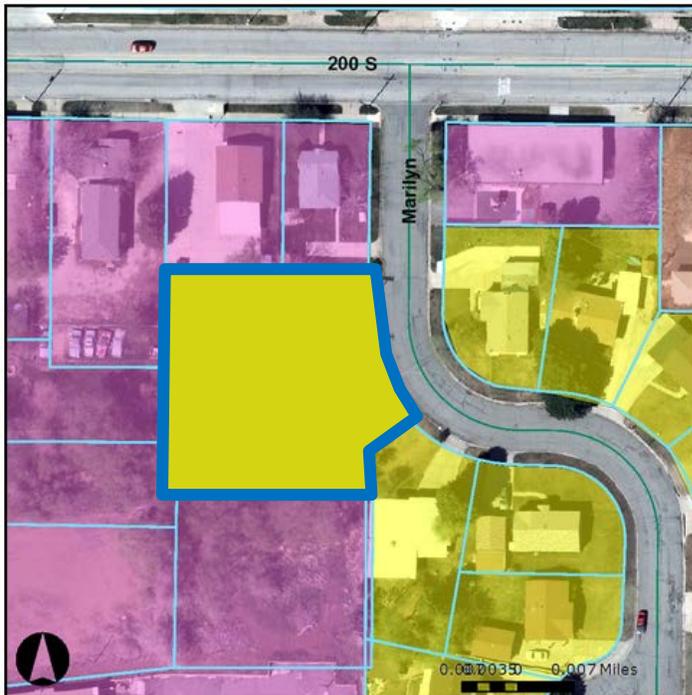
The proposal includes a request for approximately 0.47 acres to be rezoned from C-2 (Commercial) to R-1-8 (Single-family Residential) with the intent to construct one single-family dwelling unit for the Metcalf family to own and live in. The property is currently two individual parcels, and the property owner desires to combine the two properties into one. An application for subdivision amendment and plat vacation to the Manual Subdivision 1 is included as item #6 in the February 5, 2014 Planning Commission Packet.

**Zoning Map Amendment Information:**

*Current Clearfield City Zoning Map:* Parcels in question have been outlined in blue. The purple color is C-2 (Commercial) zoning, and the yellow is R-1-8 (Single-Family Residential).



*Clearfield City Zoning Map Amendment Requested:* Parcels in question have been highlighted yellow to indicate the change from C-2 (Commercial) to R-1-8 (Single-Family Residential).



**Master Plan and Zoning**

The property owner has made a request to change the Clearfield City General Plan in order to be consistent with this rezone request. Staff comments and findings can be found in item #4 of the February 5, 2014 Planning Commission Packet, and has been provided as a complete package for Planning Commission review.

Staff recommends approval of the General Plan change, and as such Staff makes the recommendation to approve this Zoning change to allow the property owner to enjoy the highest and best use of the property as a single-family use.

**Zoning Map Amendment**

The basic zoning and development standards can be met for this request. The lot standards in the R-1-8 require the following: minimum 8,000 square feet, 70' minimum frontage, and 80' minimum lot width.

**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 Residential for these parcels has been requested by the applicant and 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.
2)	Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.	No conditions are being recommended for this zone change.

**ATTACHMENTS**

None included with this item



# Planning Commission

## STAFF REPORT

AGENDA ITEM  
**#6**

**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:** February 5, 2014

**SUBJECT:** Public Hearing, Discussion and Possible Action on **VAC 1312-0004**: A request by Robin Metcalf to amend the Manual Subdivision to combine Lot 1 and Lot 2, located at 252 S. and 256 S. Marilyn Drive (TIN: 12-393-0001, 12-393-0002), a combined 0.47 acres which lies in the C-2 (Commercial) zoning district.

---

### RECOMMENDATION

Move to **Approve**, VAC 1312-0004, A request by Robin Metcalf to amend the Manual Subdivision No.1 to combine Lot 1 and Lot 2, located at 252 S. and 256 S. Marilyn Drive (TIN: 12-393-0001, 12-393-0002), based on the discussion and findings in the Staff Report.

---

### PROJECT SUMMARY

Project Information	
Project Name	Manual Subdivision No.1 Amendment
Site Location	252 S. and 256 S. Marilyn Drive
Tax ID Number	Multiple Parcels (12-393-0001 and 12-393-0002)
Applicant	Robin Metcalf
Owner	Robin Metcalf
Proposed Actions	Vacate existing plat – Combine Lot 1 and Lot 2
Current Zoning	C-2 (Commercial)
Proposed Zoning	R-1-8 (Single-family Residential)
Current Land Use Classification	Commercial – Requested General Plan Amendment
Gross Site Area	0.47 Acres

Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	Existing legal non-conforming residential use (single-family)	C-2 (Commercial)	Commercial
East	Existing residential use (single-family)	R-1-8 (Residential)	Residential
South	Existing residential use (single-family)	R-1-8 (Residential)	Residential
West	Existing legal non-conforming residential use (single-family) with State Street Frontage	C-2 (Commercial)	Commercial

---

## HISTORY

### *April 2000*

Rezoning of total 0.47 acre property from R-1-8 Residential to C-2 Commercial, along with Manual Subdivision No. 1 to create two parcels lot 1 and lot 2.

### *September 2009*

Metcalf Family acquires property from Zion's Bank who had subsequently secured the property through default from the former owner.

---

## ANALYSIS

### **Background**

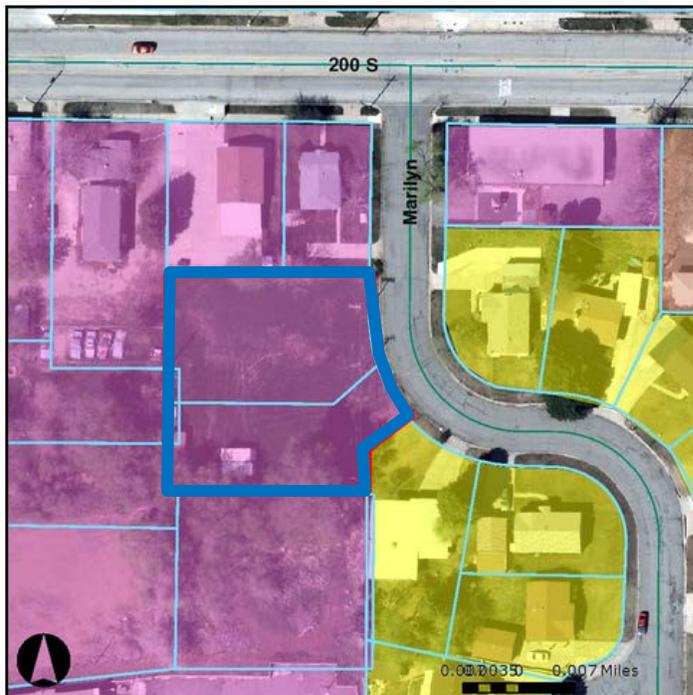
The proposal includes a request to combine two existing lots in the Manuel Subdivision No. 1 (See Attachment 1: Manuel Subdivision No. 1 Amended). This subdivision was originally approved in the year 2000 along with the property being rezoned from Residential to Commercial at that time. Combining the two lots will create one single lot with a title of 0.47 acres. This new lot will have a generous building footprint, and will allow the Metcalf family to situate a single level living home on the property while meeting all required setbacks and minimums for the R-1-8 zone. An application for General Plan Amendment and Rezone for these properties is included as items #4 and #5 in the February 5, 2014 Planning Commission Packet.

Staff has contacted Great Basin Engineering and has requested an Improvement Plan Drawing that will meet the requirements stated in the Engineer's letter. The intent of this drawing is to provide information on existing utility locations, and future improvements such as sidewalk. Due to the lack of sidewalk in the neighborhood, staff would be supportive of the property owner signing and Improvement Agreement for installation of improvements at a future date. The property owner may choose to install the improvements at the time of building permit rather than sign an Improvement Agreement. Either direction is supported by Staff. Public Works has done an initial review of the property, and Staff feels that the Improvement Plan Drawing can be reviewed and approved between Planning Commission decision and City Council review.

At the time of development, the parcel will not be subject to Site Plan approval. City Code 11-5-2 A1 of the Site Plan Procedures allows the exception of single-family dwellings. The parcel will be subject to Clearfield City Ordinance 12-4-5 which requires an estimate of public improvements (as outlined in 12-4-6) to be submitted, reviewed, and approved by the City Engineer prior to obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to recordation of the Final Plat. This is included as a Condition of Approval.

**Vicinity and Zoning Map:**

*Current Clearfield City Zoning Map:* Parcels in question have been outlined in blue. The purple color is C-2 (Commercial) zoning, and the yellow is R-1-8 (Single-Family Residential).



**Master Plan and Zoning**

The property owner has made a request to change the Clearfield City General Plan. Staff comments and findings can be found in item #4 of the February 5, 2014 Planning Commission Packet, and has been provided as a complete package for Planning Commission review.

### **Zoning Map Amendment**

The property owner has made a request to change the Zoning on the property from C-2 (Commercial) to R-1-8 (Residential). Staff comments and findings can be found in item #5 of the February 5, 2014 Planning Commission Packet, and has been provided as a complete package for Planning Commission review.

### **Public Comment**

No public comment has been received to date.

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## **CONDITIONS OF APPROVAL**

- 1) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer, by meeting the requirements set forth in the letter dated January 23, 2014.
- 2) Pursuant to the Subdivision Ordinance 12-4-5, an estimate of public improvements (as outlined in 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to recordation of the Final Plat. A signed and executed Improvement Agreement or installation of Sidewalk, Curb, and Gutter Improvements will be required at time of building permit.

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## **ATTACHMENTS**

1. Manuel Subdivision No. 1 Amended Plat
2. Public Works Redlined Manuel Subdivision No. 1
3. CEC Engineering Review Letter

# Manuel Subdivision No. 1 - Amended

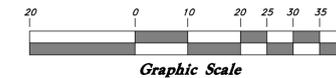
A part of the Southwest 1/4 of Section 1, T4N, R2W, SLB&M, U.S. Survey  
Clearfield City, Davis County, Utah

## SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 6242920 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Licensing Act. I also certify that I have completed a survey of the property described hereon in accordance with Section 17-23-17 and that I have verified all measurements shown hereon this plat of Manuel Subdivision No. 1 - Amended, Davis County, Utah and that it has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Davis County Recorder's Office. Monuments have been found or placed as represented on this plat. Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.



Scale: 1" = 20'



6242920  
License No.

Andy Hubbard

## BOUNDARY DESCRIPTION

A part of the Southwest 1/4 of Section 1, Township 4 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey:

All of Lots 1 and 2, Manuel Subdivision No. 1, according to the official Plat thereof.

More particularly described as follows:

Beginning on the West right of way of Marilyn Drive, said point being 1204.50 feet North 89°45'34" West and 100.00 feet South 0°14'26" West from the Northeast corner of Section 1, Township 4 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey; and running thence Southerly two (2) courses along said right of way as follows: (1) South 0°14'26" West 28.00 feet; and (2) Southeasterly along the arc of a 100.00 foot radius curve to the left a distance of 73.30 feet (Delta Angle equals 42°00'00", Long Chord bears South 20°45'34" East 71.67 feet); thence South 48°14'26" West 34.56 feet; thence South 0°14'26" East 29.46 feet; thence North 89°45'34" West 135.00 feet; thence North 0°14'26" East 147.50 feet; thence South 89°45'34" East 135.00 feet to the point of beginning.

Contains: 20,749 sq. ft.

## OWNER'S DEDICATION

I, the undersigned owner of the hereon described tract of land, hereby set apart name said tract Manuel Subdivision No. 1 - Amended, and hereby dedicate, grant and convey to Clearfield City, Davis County, Utah, those certain strips as easements for public utility and drainage purposes as shown hereon, the same to be used for the installation, maintenance and operation of public utility service lines and drainage as may be authorized by Clearfield City.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Randell Metcalf

Robin Metcalf

## ACKNOWLEDGEMENT

State of Utah } ss  
County of Davis }

On the \_\_\_\_\_ day of \_\_\_\_\_, 2013, personally appeared before me Randell Metcalf and Robin Metcalf, who being by me duly sworn did say that said instrument was signed freely and voluntarily and for the purposes therein mentioned..

Residing at: \_\_\_\_\_  
Commission No.: \_\_\_\_\_ A Notary Public commissioned in Utah  
Commission Expires: \_\_\_\_\_

Print Name

## NARRATIVE

This Subdivision Plat was requested by Mr. Frank Pikus of Pikus Construction, for the purpose of combining the (two) 2 lots of Manuel Subdivision No. 1 into one (1) single lot.

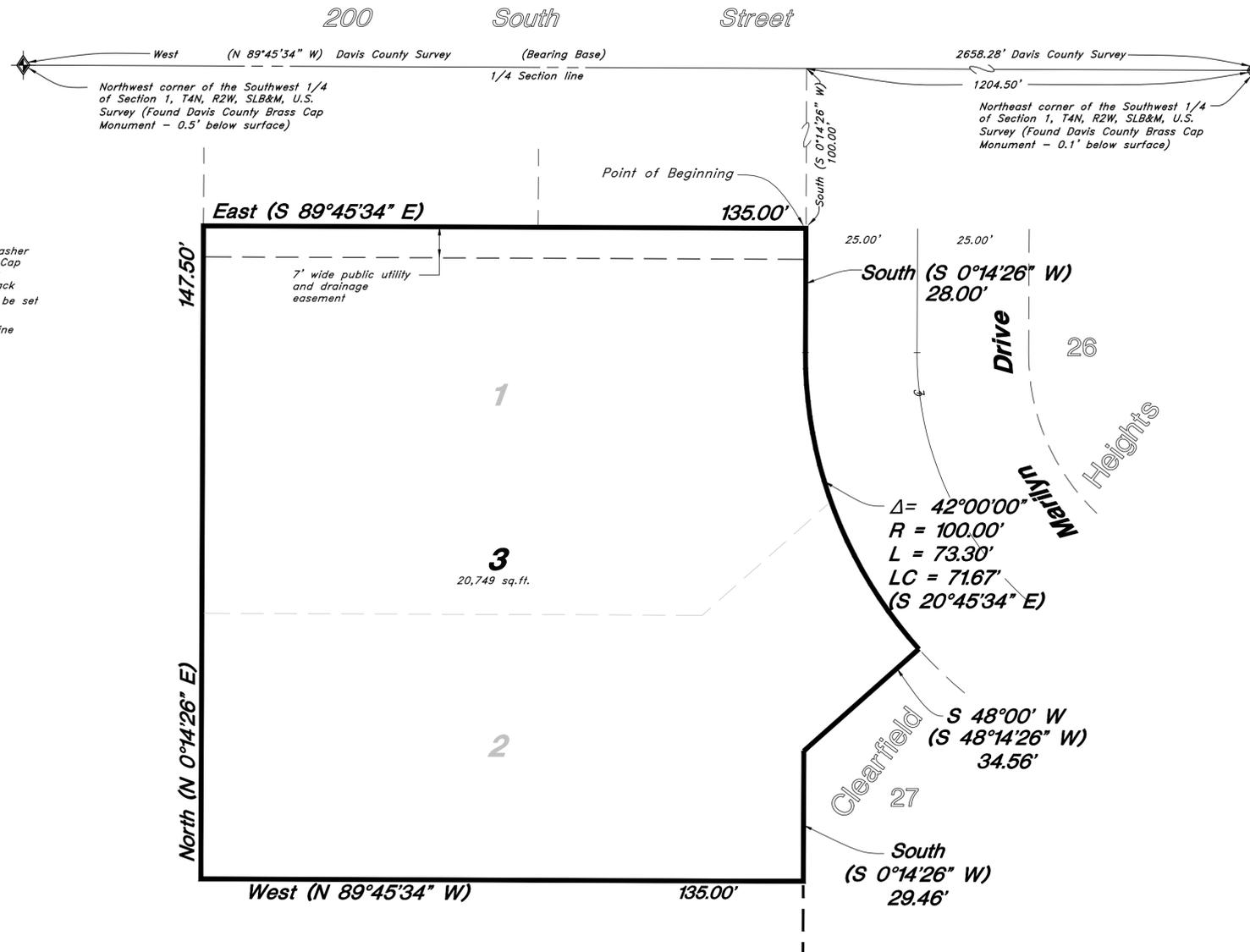
Davis County Brass Cap Monuments were found at the Northwest and Northeast corner of the Southwest 1/4 of Section 1, T4N, R2W, SLB&M, U.S. Survey.

A line bearing N 89°45'34" W between these two monuments was used as the Basis of Bearing.

Bearings in parenthesis are rotated 0°14'26" clockwise on to Davis County Survey.

## LEGEND

- ▲ Set Nail & Washer
- Set Rebar & Cap w/ Fencepost
- ⊙ Set Hub & Tack
- ⊙ Monument to be set
- (Rad.) Radial Line
- (N/R) Non-Radial Line



### CLEARFIELD CITY ATTORNEY

Approved by the Clearfield City Attorney on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Signature

### CLEARFIELD CITY ENGINEER

I hereby certify that this office has examined this plat and it is in correct in accordance with information on file in this office.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Signature

### CLEARFIELD CITY APPROVAL

This is to certify that this plat and dedication of this plat were duly approved and accepted by the City Council of Clearfield City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Attest \_\_\_\_\_

Title \_\_\_\_\_

Mayor

### CLEARFIELD CITY PLANNING COMMISSION

Approved by the Clearfield City Planning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Chairperson

### DAVIS COUNTY RECORDER

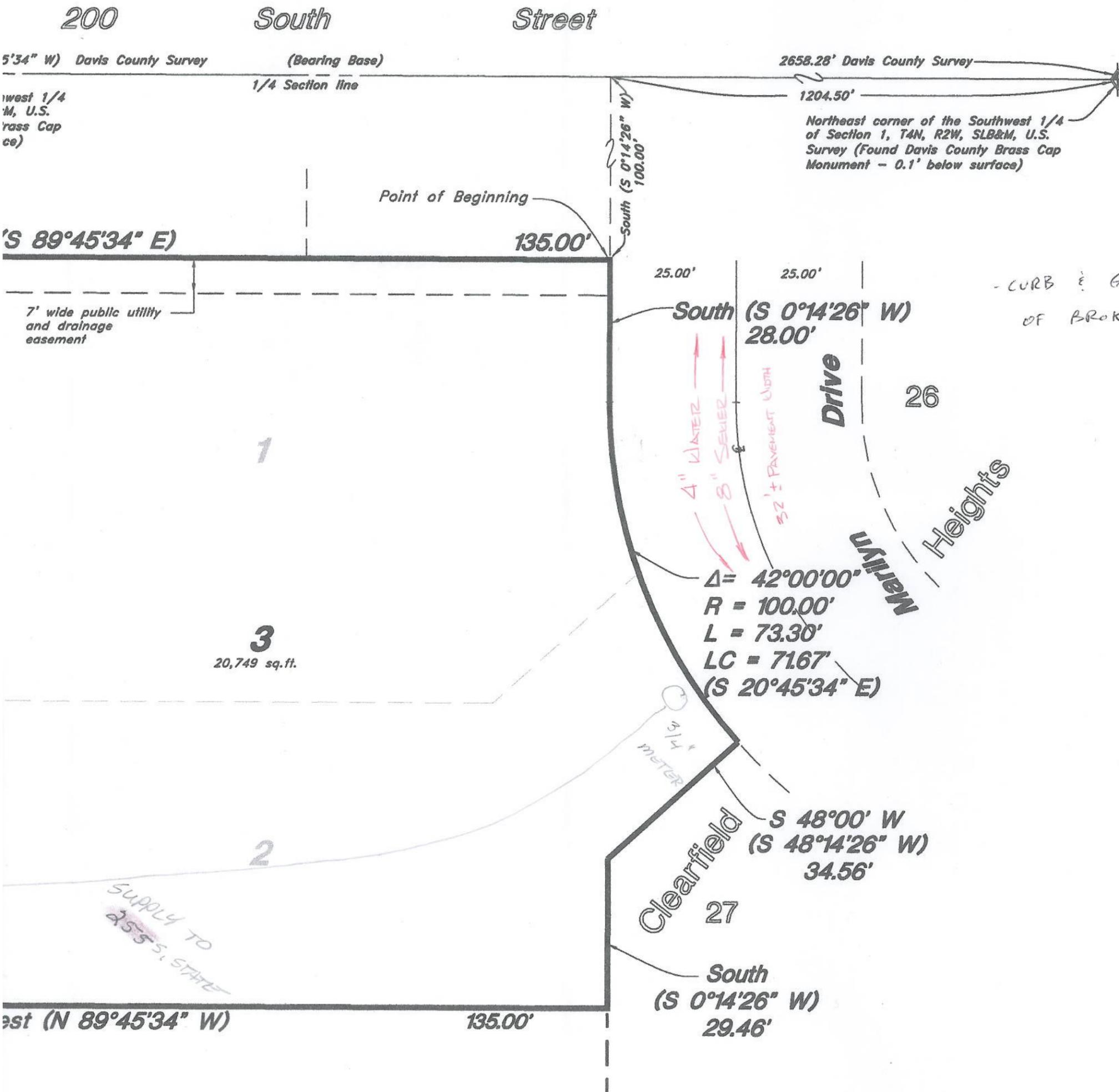
ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_ FILED FOR RECORD AND RECORDED \_\_\_\_\_, AT \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF OFFICIAL RECORDS, PAGE \_\_\_\_\_, RECORDED FOR \_\_\_\_\_

DAVIS COUNTY RECORDER

BY: \_\_\_\_\_ DEPUTY

# Manuel Subdivision No. 1 - Amended

A part of the Southwest 1/4 of Section 1, T4N, R2W, SLB&M, U.S. Survey  
 Clearfield City, Davis County, Utah



CLEARFIELD CITY ATTORNEY

Approved by the Clearfield City Attorney  
 the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CLEARFIELD CITY ENGINEER

I hereby certify that this office has examined this  
 plat and it is in correct in accordance with information  
 on file in this office.

CLEARFIELD CITY COUNCIL

This is to certify  
 of this plat were duly  
 City Council of Clearfield

23<sup>rd</sup> January 2014

City of Clearfield  
55 South State Street  
Clearfield City, Utah 84015

Attn: Scott A. Hess, Development Services Manager  
Proj: **Manuel Subdivision No.1 - Amended**  
Subj: Plat Review

Dear Scott,

I recently visited the site and reviewed the general conditions at the site along with an office review of the subdivision Plat submittal. The following items will need to be considered and addressed prior to receiving recommended approval from our office.

**General Note:**

1. An **electronic copy** of the Plat and Improvement Drawings must be submitted to the Public Work Department via our office for record keeping upon design completion and prior to approval from our office.

**Plat:**

1. A 10' wide public utility easement needs to be placed on the Plat drawing. The PUE needs to be around the perimeter of the subdivision boundary. The two telephone/utility poles at the front of the lot need to be within an easement.
2. All dates on the Plat need to reflect the year 2014.
3. In the "Narrative" the subdivision name need to be spelled correctly.
4. In the "Surveyor's Certificate" the word subdivision needs to be spelled correctly.

5. In the written “Boundary Description” the bearing on the 3<sup>rd</sup> to the last line calling South 0°14’26” East does not match the bearing of South 0°14’26” West shown on the drawing portion of the Plat. The developers Engineer will need to check the boundary description and determine the correct bearing.
6. The subdivision acreage should be shown.
7. The lot address needs to be placed upon the Plat.

### **Site Plan – Improvement Drawings**

There should be a set of improvement drawings created for the subdivision. The improvement drawings should reflect the following:

1. Notes need to be placed on the improvement drawings indicating all deteriorated, damaged or missing surface improvements along the frontage be replaced or installed; i.e., curb and gutter, sidewalk, landscaping park strip improvements, asphalt patching, landscaping replacement, site lighting, concrete improvement, etc.
2. The improvement drawings will need to address and indicate the following on the drawings:
  - Location of the fire hydrants near the proposed lot.
  - The sanitary sewer system – the pipe line depth (needed for the future sewer lateral for the future home) and manhole locations. The sanitary sewer lateral location, materials slope and flow lines will need to be shown.
  - The location of the culinary water pipe in the roadway, water valves and the location of the culinary water lateral and meter all need to be shown on the improvement drawings.
  - All roadway trench patches must be constructed with a minimum of 8” of roadbase and 3” of asphalt. A trench replacement detail for the contractor is needed with the improvement drawings.
  - The location of the new driveway approach should be shown.
  - The installation of the 4’ wide sidewalk should be shown on the improvement drawings, as well, on the roadway cross-section.
  - The location and species of street trees needs to be shown.
3. Will the two telephone/utility poles be removed from the front of the lot? If so the modification and relocation information needs to be placed on the drawings.
4. All other items required by other departments will need to be included with the final approved Plat and improvement drawings.

We would be happy to meet with the Developer and/or his Engineer to review the above items should they have any questions.

Sincerely,  
**CEC, Civil Engineering Consultants, PLLC.**

A handwritten signature in black ink, appearing to read "N. Scott Nelson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

N. Scott Nelson, PE.  
*City Engineer*

Cc. Scott Hodge, Public Works Director  
Dan Schuler, Public Works Inspector and Storm Water Manager  
Michael McDonald, Building Official



# Planning Commission

## STAFF REPORT

AGENDA ITEM  
**#7**

**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:** February 5, 2014

**SUBJECT:** Discussion and Recommendation for Action on Zoning Text Amendments related to Non-Depository Institutions

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### RECOMMENDATIONS

Consider staff provided information from January and provide direction and next steps for staff.

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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, and Clearfield Code identifies only Utah Code Annotated title 7, chapter 23 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.

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### ANALYSIS

*The Planning Commission had a brief chance to discuss this information in the January 8, 2014 meeting. The Planning Commission Chair asked Commissioners to consider the articles provided and their thoughts and direction to provide staff. The rest of this staff report is the same information that was provided in January. Staff intends to do the following in the February 5, 2014 meeting: **Take Comment and Direction from Planning Commission** follow up by **Posting a Public Hearing Notice for March Planning Commission Meeting** in order to **Consider Draft Ordinance Language in March.***

Utah State Department of Financial Institutions is the regulating agency for banks, credit unions, and other non-depository institutions. The term non-depository institution is used to define lending agencies whose primary service is providing financial products, and not operating as a federally insured deposit institution.

The State requests these institutions to fill out a self-reported aggregate of information. This report does not specify information for title lending, payday lending, or any other type of lending in particular, but acts as an aggregate for the entire lending sector.

The report completed for 2012 has been included in this packet, and contains information from 78 institutions. The average loan amount extended was \$358, the average annual interest rate was 473.52%, and the average payment for loans was \$393. There is little to no comparison to be made between these types of lending products and those offered at a bank or credit union. These loan rates are clearly much higher.

In an attempt to collect information about title lending, I researched various academic articles written on the subject. The information available specific to title lending is fairly slim compared to payday lending, but there are journal articles and academic pieces that are beginning to build the literature base. I have included three articles for your consideration. These are probably overkill, and you do not need to read them all. It would be worth your time to look through them and make your own observations on the practice of title lending.

To help understand exactly what title lending is about, I will provide a description from the Missouri Law Review, "A title loan is a high-interest, deeply over-secured consumer loan, in which the consumer uses an unencumbered automobile as collateral for a non-purchase money loan." The term "deeply over-secured" related to the fact that many title lenders will offer only 25-40% of the value of a vehicle in order to reduce financial liability, and becoming upside down in a car they have loaned money on. This practice is very different from that of a local credit union or bank who will often offer up to 115% of the value of an automobile in order to cover purchase price, taxes, and sales fees.

An example of a title loan in process is provided by one article. A customer uses a \$10,000 vehicle as collateral for a \$4,000 loan. The loan payment amount is \$581.47 for eighteen months. That equates to a total payout of \$10,466.46 on a \$4,000 loan. As cited in the Grand Theft Auto Loans article, the title lender often has no interest in the loan applicant's ability to financially pay the loan back. Although the average default rate on these loans is difficult to know, it is easy to see that the lender is in a good position to recoup any losses through the sale of these vehicles due only loaning a fraction of the vehicle's value.

One interesting article speaks to the fact that these types of lenders prey on military personnel, and attempt to locate near bases and military institutions. Hill Air Force Base is a major economic driver for Clearfield City and the region, and it is clear that our area has a higher than average percentage of military personnel living in the area. Military families are often made up of young families beginning careers and their lives. They often have limited financial means, and may be in need of quick and easy financial resources to cover debts or family needs. Military personnel are also typically a captive clientele who are stationed at bases for 24 months or more at a time which guarantees for the title lending agency that the person will not be skipping town to avoid their debts.

Another interesting item noted by these articles is that non-depository lending businesses are one of the fastest growing segments in the business arena. One article states that there are more non-depository institutions than McDonald's and Starbucks combined in some states. The prolific nature of these businesses would suggest to me that they would not be burdened by one community's regulations or limitations.

I believe that the literature shows the predatory nature of the title lending business. For Clearfield City, we must consider how many of these types of businesses are equitable to have in our City. If we want to limit their numbers, I believe we need to be specific for the reasons, and have defensible code language drafted to back up the negative aspects we can show for our community.

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## **ATTACHMENTS**

None provided with this item.