



## Community Development

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

### MEETING NOTICE OF THE CLEARFIELD CITY PLANNING COMMISSION

Notice is hereby given that the Clearfield City Planning Commission has cancelled the regularly scheduled meeting at 7:00 P.M., Wednesday, September 3, 2014, and will hold a *rescheduled meeting at 7:00 P.M., Wednesday, November 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 MINUTES
  - A. October 1, 2014
  - B. October 15, 2014 – Special Session

#### **PUBLIC HEARINGS:**

3. Public Hearing, Discussion and Possible Action on **CUP 1408-0002**: a request by Abraham Sanchez, on behalf of American Pawn, Inc., for a Conditional Use Permit for a Pawn and Secondhand Business located at 699 South State Street within units 699, 687, and 683 (TIN: 12-004-0182). The property is approximately 0.88 acres and lies in the Commercial (C-2) zoning district.
4. Public Hearing, Discussion and Possible Action on **ZTA 1410-0004** Zoning Text Amendment to Title 11, Chapter 11, Article E, Downtown Redevelopment Zone (D-R) to amend commercial and residential ratios, unit size, and permitted and conditional uses. This zoning text amendment would be effective across all Downtown Redevelopment Zoned property in Clearfield City.

#### **DISCUSSION ITEMS**

5. Discussion on potential Zoning Text Amendments for Title 11 and Title 12.
6. Discussion on Site Plan – Clearfield Center.

#### **COMMUNICATION ITEMS:**

7. Staff Communications – Administrative Site Plan Review
8. Planning Commissioners' Minute

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

Dated this 31<sup>st</sup> day of October, 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.



# Planning Commission

## STAFF REPORT

AGENDA ITEM  
**#3**

**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:** November 5, 2014

**SUBJECT:** Public Hearing, Discussion and Possible Action on **CUP 1408-0002**: a request by Abraham Sanchez, on behalf of American Pawn, Inc., for a Conditional Use Permit for a Pawn and Secondhand Business located at 699 South State Street within units 699, 687, and 683 (TIN: 12-004-0182). The property is approximately 0.88 acres and lies in the Commercial (C-2) zoning district.

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### RECOMMENDATIONS

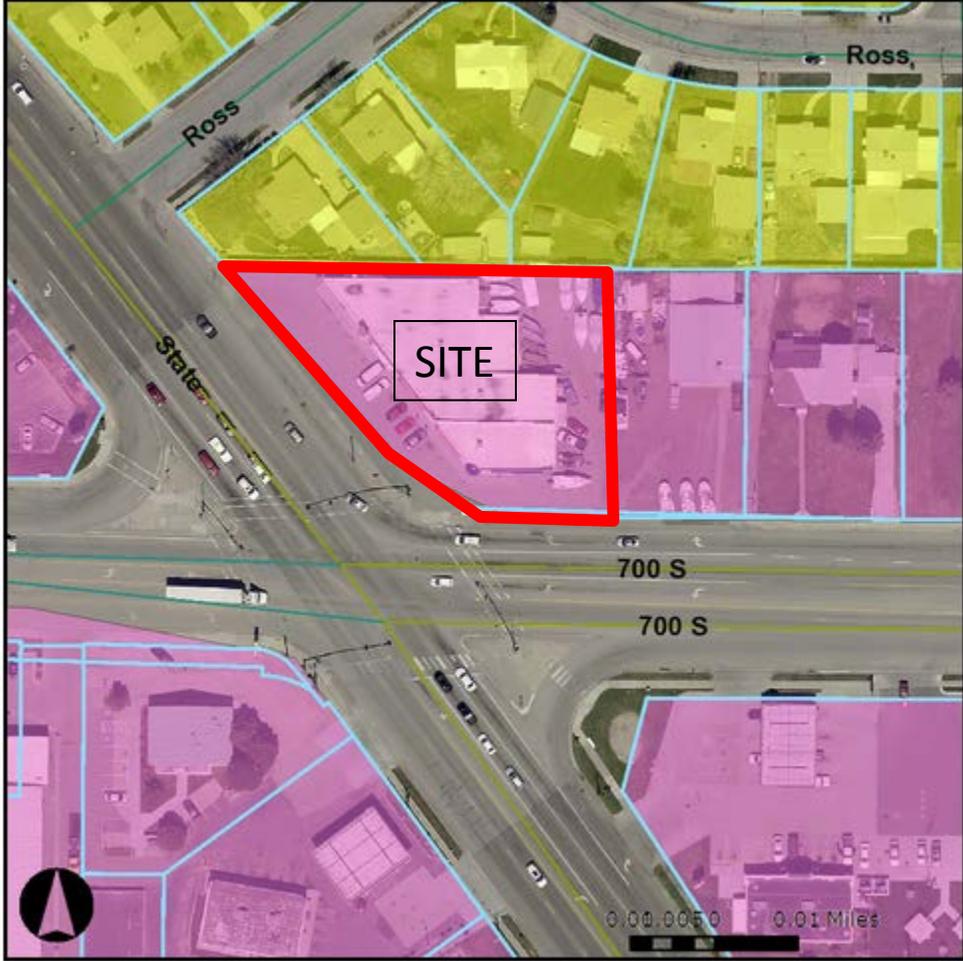
Recommend Approval as Conditioned **CUP 1408-0002**: a request by Abraham Sanchez, on behalf of American Pawn, Inc., for a Conditional Use Permit for a Pawn and Secondhand Business located at 699 South State Street within units 699, 687, and 683 based on findings and discussion in the staff report.

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### PROJECT SUMMARY

Project Information	
Project Name	American Pawn
Site Location	699 South State Street, Units 699, 687, 683
Tax ID Number	12-004-0182
Applicant and Property Owner	Abraham Sanchez
Property Owner	Dick's Boat Shop, LLC
Proposed Actions	Conditional Use Permit Approval
Current Zoning	C-2 Commercial
Master Plan Land Use	Commercial
Gross Site Area	0.88

Vicinity Map



Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	Single Family Residential	R-1-8 (Single-Family Residential)	Residential
East	Dick's Boat Shop	C-2 (Commercial)	Commercial
South	Maverick Country Store	C-2 (Commercial)	Commercial
West	First National Bank	C-2 (Commercial)	Commercial

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## **ANALYSIS**

The purpose of the CUP is to allow a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, *may* be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

### ***PAWN AND SECONDHAND BUSINESSES***

“Pawn and Secondhand Businesses,” are defined by the Clearfield City Code as follows: “Shall have the meaning set forth in Utah Code Annotated title 13, chapter 32a. This definition does not include businesses which acquire secondhand goods or merchandise exclusively by donation, or deal solely with consignment or solely in the purchasing, bartering, exchanging or selling of used motor vehicles or trailers.” Utah State further defines the use as, “any business operated by a pawnbroker or secondhand merchandise dealer, or the owner or operator of the business.” Clearfield City Code lists this business as a conditional use within the C-2 Commercial Zone.

The request for the Planning Commission is for an existing pawn shop to move to an unused suite within the building that they have occupied since August 2010. The former address was 699 South State Street. The business was co-located with American Title Lending, and has since divided interest and would like to set up a separate location with a new business name as “American Pawn” rather than the former “Star Pawn.” It is important to note that the American Pawn business would not be eligible to provide Title Loans or Payday Loans, as those are separately regulated business types through Clearfield Code and Utah State Code.

The business is requesting to occupy Units 687 and 683 in addition to the approved 699 S. location. The main entry for the business will be moved to 683 South State Street, and they would like new signage to indicate the change in name of the business. Suites 687 and 683 have held various commercial uses over the years, and have sat unoccupied. Moving the existing pawn business into these empty suites will occupy the entire structure. The applicant intends to improve the exterior of the structure with paint and signage; however there is no Site Plan review necessary on this site at this time.

Pawn shops generally operate as a retail location and as a creditor to those who wish to obtain collateral-backed loans. A discussion with Clearfield City Police Chief indicated that the Police Department has good working relationships with the existing pawn shops in Clearfield City, and in his opinion they do not cause a disproportionate burden on the police force. Pawn Shops are also very heavily regulated by the State. Patrons who pawn items are required to provide a copy of a driver’s license, finger print, and current address. State Code 13-32a-104 requires registration and limitations on pawned items. Potential impacts that the Planning Commission may attempt to mitigate for this type of business are in regards to the general operation of the business. This includes outside display and storage of merchandise, and signage.

### ***OUTDOOR STORAGE***

American Pawn does not require any outdoor storage for its business.

### ***OUTDOOR DISPLAY OF GOODS***

Pawn Shops may at times place goods outside of their store to attract customers to the retail sale portion of their business. This is not unlike many commercial businesses within Clearfield City including grocery stores, home improvement stores, tire stores, etc. Staff would recommend that outdoor display be limited in order to mitigate the potential for the business to

become unsightly. Clearfield City Code does not have any specific requirements regarding the limitation of outdoor display of goods. Staff would recommend that a limitation of 100 square feet be placed on this use in order to mitigate detrimental effects. This requirement is in line with similar recent approvals on this type of business.

**The Commission may or may not agree with the finding, and may choose to alter the condition of approval.**

**SIGNAGE**

Signage is approved administratively. The applicant has indicated their desire to place wall signs on west elevation, and will comply with the size and location standards specified in the code. Outdoor signage is further limited through Clearfield City Code and Code Enforcement efforts to mitigate detrimental effects.

**OTHER REQUIREMENTS**

The site has an existing garbage dumpster located on the north side of the building. Staff would recommend that the garbage dumpster be placed in an enclosed screened structure to bring that portion of the site in line with the C-2 zoning code requirements.

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**PUBLIC COMMENT**

None received for this request.

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**GENERAL STANDARDS**

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

General Standard		Staff Analysis
<p>DETERMINATION: A Conditional Use Permit shall be approved if conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards set forth [in the Land Use Code]. If the reasonably anticipated detrimental impacts or effects of the proposed conditional use cannot be substantially mitigated or eliminated by the proposal or the imposition of conditions to achieve compliance with the standards set forth [in the Land Use Code], the Conditional Use Permit may be denied.</p>		
<p><b>1)</b></p>	<p><i>Equivalent to Permitted Use:</i> Any detrimental impacts or effects from the proposed use on any of the following shall not exceed those which could reasonably be expected to arise from a use that is permitted in the zone:</p> <ul style="list-style-type: none"> <li>a. The health, safety, and welfare of the City and its present and future inhabitants and businesses;</li> <li>b. The prosperity of the City and its present and future inhabitants and businesses;</li> <li>c. The peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and</li> </ul>	<p>As conditioned, the pawn shop use is anticipated to be equivalent to other permitted uses in the C-2 zoning district. This would be a business of a retail nature located along an arterial street within a commercial zone. There are no perceived health, safety and welfare impacts. There is no discernable disproportionate number of calls to existing pawn shops in Clearfield City indicating that the peace and good order of the city will be maintained. Tax base is positively impacted through investment and expansion of new and existing businesses. This business will have no impact on agriculture or other urban and nonurban development. There are no concerns about access to solar energy from this structure. There is no direct evidence that this</p>

	businesses; d. The tax base; e. Economy in governmental expenditures; f. The State's agricultural and other industries; g. The urban and nonurban development; h. Access to sunlight for solar energy devices; or i. Property values.	project will negatively impact property values.
2)	<i>Impact Burden:</i> Any cost of mitigating or eliminating detrimental impacts or effects in excess of those which could be reasonably expected to arise from a permitted use shall become a charge against the development so as not to constitute a burden on the municipality, surrounding neighbors, or adjacent land uses.	The mitigation of impact or effects on adjacent and neighboring properties for a pawn shop is anticipated to be addressed by the conditions of approval placed on the use in regards to limitations of outdoor display and storage. No other negative impact burden is expected.
3)	<i>Conform to the Objectives of the General Plan:</i> The proposed conditional use shall not limit the effectiveness of land use controls, imperil the success of the General Plan for the community, promote blight or injure property values.	The effectiveness of land use controls and purposes of the General Plan can still be met with this proposal.

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**PROPOSED CONDITIONS OF APPROVAL**

- 1) This Conditional Use Permit pertains solely to American Pawn, and is for a pawn and secondhand business to be located at 699, 687, and 683 South State Street.
- 2) No Title Lending or Payday Lending is permitted for American Pawn.
- 3) No outdoor storage is permitted. This includes, but is not limited to, such items as materials, automobiles, pawned items, automotive parts, or the like.
- 4) Outdoor display of goods is limited to 100 square feet, and all outdoor displays must be put away within the enclosed structure at the end of business, each day.
- 5) The site shall be maintained in a neat and orderly manner.
- 6) The garbage dumpster on site must be placed in an approved screened enclosure as required by Clearfield City Code 11-11B-12B.
- 7) 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.

- 8) For this Conditional Use Permit to be in full force and effect, the Conditions of Approval shall be acknowledged and accepted in writing by both the tenant/business owner and the property owner, as joint applicants.

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**ATTACHMENTS**

None provided



# Planning Commission

## STAFF REPORT

AGENDA ITEM

**#4**

**TO:** Planning Commission

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

**MEETING DATE:** November 5, 2014

**SUBJECT:** Public Hearing, Discussion and Possible Action on **ZTA 1410-0004** Zoning Text Amendment to Title 11, Chapter 11, Article E, Downtown Redevelopment Zone (D-R) to amend commercial and residential ratios, unit size, and permitted and conditional uses. This zoning text amendment would be effective throughout Clearfield City for any parcels eligible for the Downtown Redevelopment zoning classification.

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### RECOMMENDATION

Move to **recommend approval of ZTA 1410-0004 to the City Council**, an amendment to Title 11, Chapter 11, Article E, Downtown Redevelopment Zone (D-R) to amend commercial and residential ratios, unit size, and development agreement requirements, based on the findings and discussion in the Staff Report.

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### ANALYSIS

Clearfield City Code 11-11E Downtown Redevelopment (D-R) Zone is designed to encourage redevelopment of vacant or under-utilized properties within the downtown area of Clearfield City. No property in Clearfield City is currently zoned D-R. The original version of this zone attempted to address what staff at the time believed what would be necessary in order to encourage multi-story mixed use development in the downtown area. A conceptual plan for desirable downtown development similar to the intent of the D-R zone has been submitted to Clearfield City Community Development. Execution of the conceptual plan as it has been proposed would require amendments to the existing D-R Zone which appear to be in the best interest of the community.

### Proposed Changes

Title 11, Chapter 11E (AMENDED LANGUAGE)

### 11-11E-4: APPROVALS REQUIRED:

- C. Development Agreement: A development agreement shall be required for all new development in the D-R downtown redevelopment zone. All applications for a rezone, preliminary plat, or site plan approval shall be conditioned upon final approval of the development agreement by the City Council.

**11-11E-5: REGULATIONS FOR RESIDENTIAL DEVELOPMENT:**

- A. Commercial Use Required: Except as otherwise allowed through a development agreement in order to facilitate projects which, in the city's opinion, will encourage development of underutilized parcels and/or the replacement, renovation, or rehabilitation of dilapidated and decaying structures, the following requirements will apply: i) residential dwelling units shall not be permitted unless as part of a commercial development; and ii) nonresidential uses are required in the minimum habitable floor depth on the first story of all building frontage along a public street, including State Street and North Main Street.
  
- B. Floor Area: Minimum unit size, average unit size, and mixture of 1/2/3 bedroom units will be specified in the development agreement

**Public Comment**

No public comment has been received to date.

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**FINDINGS**

**Zoning Ordinance Text Amendment**

Clearfield Land Use Ordinance Section §11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. The findings and staff's evaluation are outlined below:

Review Consideration		Staff Analysis
1)	The proposed amendment is in accordance with the General Plan and Map; or	The proposed text amendment is consistent with the goals and policies of the Land Use Element of the City's General Plan. It will assist in encouraging development of downtown parcels of land, and provide more flexibility through development agreement-based development.
2)	Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.	A recently submitted conceptual plan for downtown development has prompted staff to consider changes to the existing D-R Zone in order to better facilitate development of downtown parcels of property.