



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, September 10, 2014*, on the 3rd 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. July 2, 2014
 - B. August 6, 2014

SCHEDULED ITEMS:

3. Discussion and Possible Action on **SP 1408-0003**: A request by Justin Wixom, on behalf of Malnove Inc. of Utah, for Site Plan Approval for a scrap paper recovery system upgrade located at Building A-16F, Freeport Center (TIN: 12-021-0026).
4. Discussion and Possible Action on **SP 1406-0007**: A request by Michael Christensen, on behalf of Thackeray Company's, for Site Plan Approval for Architectural Review for Phase 1 buildings in an approved Mixed-Use Development on approximately 70 acres located at 1250 South State Street (TIN: 12-066-0071, 12-067-0139).

PUBLIC HEARINGS:

5. Public Hearing, Discussion, and Possible Action on **CUP 1407-0008**: A request by Craig Chagnon, on behalf of Crown Castle for a Conditional Use Permit for an expansion in height on the Pepper Ridge Wireless Communication Tower in the C-2 (Commercial) zoning district located at 1350 East 700 South (TIN: 09-020-0036).
6. Public Hearing, Discussion, and Possible Action on **CUP 1408-0005**: A request by Robert Goupios, on behalf of Beehive Daycare for a Conditional Use Permit for a commercial daycare facility located entirely within the B-1 (Buffer Zone) zoning district located at 573 N 1000 West (TIN: 14-262-0005).

7. Public Hearing, Discussion, and Possible Action on **PSP 1407-0001**: a request by Marvin Murri and John Ryan, on behalf of Hamblin Investment group, for Preliminary Subdivision Plat review of a multi-family housing subdivision located at approximately 880 South 550 East (TIN: 12-067-0109, 12-067-0145, 12-067-0144). The property is approximately 1.64 acres and lies in the Residential (R-2) and (R-3) zoning districts.
8. Public Hearing, Discussion and Possible Action on **FSP 1407-0001**: a request by Marvin Murri and John Ryan, on behalf of Hamblin Investment group, for a Final Subdivision Plat review of a multi-family housing subdivision located at approximately 880 South 550 East (TIN: 12-067-0109, 12-067-0145, 12-067-0144). The property is approximately 1.64 acres and lies in the Residential (R-2) and (R-3) zoning districts.
9. Discussion and Possible Action on **SP 1407-0001**: a request by Marvin Murri and John Ryan, on behalf of Hamblin Investment group, for Site Plan review of a multi-family housing subdivision located at approximately 880 South 550 East (TIN: 12-067-0109, 12-067-0145, 12-067-0144). The property is approximately 1.64 acres and lies in the Residential (R-2) and (R-3) zoning districts.

DISCUSSION ITEMS

10. Discussion on potential Zoning Text Amendment regarding Daycare and Preschool facilities.
11. Discussion on potential Zoning Text Amendment regarding Mobile Food Vendor standards.

COMMUNICATION ITEMS:

12. Staff Communications – Administrative Site Plan Review
13. Planning Commissioners’ Minute

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

Dated this 5th day of September, 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

July 2, 2014

7:00 P.M. - Regular Session

PRESIDING: Nike Peterson Chair

PRESENT: Norah Baron Commissioner
Kathryn Murray Commissioner
Timothy Roper Commissioner
Robert Browning Commissioner
Robert Allen Alternate Commissioner
Michael Millard Alternate Commissioner
Michael LeBaron Council Liaison

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

VISITORS: Natalie Najera, Tracy Reed, David Reed, Ashlie DeVaughn, Cris Hawthorne, Denise Sly, Wendy Osborn, Pat Osborn, Kristyn Hansen, Emilee Draney, Lori Miller, Paul Ray, Robert Goupios, Marshall McKinnon, Keith Sorensen, Amber Huntsman, Charles K. Provow, Brenda Provo, Laurence Abel, Julio Otay, Ron Jones, Keri Benson, Becky Brooks

Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF AGENDA

Chair Peterson recommended revising the order of the agenda. She recommended the items be considered in the following order: item number 6, 7, 4, 8, 5, 9, 10 and 11. **Commissioner Browning moved to approve the agenda as amended. Seconded by Commissioner Baron. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.**

APPROVAL OF MINUTES FROM MAY 7, 2014 PLANNING COMMISSION MEETING

Commissioner Murray moved to approve the May 7, 2014 minutes as presented. Seconded by Commissioner Baron. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

APPROVAL OF MINUTES FROM JUNE 4, 2014 PLANNING COMMISSION MEETING

Chair Peterson stated that the minutes of the June 4, 2014 meeting were not available for approval.

PUBLIC HEARING ON CUP 1406-0001 CATERPILLAR PRESCHOOL A REQUEST FOR A HOME PRESCHOOL LOCATED AT 103 SOUTH 525 WEST

Scott Hess said the conditional use permit (CUP) for a preschool facility was consistent with the City's land use ordinance. He said City ordinance allowed 22 children per day, with 11 children per class and two classes per day, one in the morning from 9:30 a.m. to 11:30 a.m. and one in the afternoon from 12:30 p.m. to 3:00 p.m. He said the pick-up/drop-off schedule would be provided to each parent to reduce the number of cars stacked in front of the home at one time. Mr. Hess said the property had fence on three sides with no fence along the north side of the rear yard. He said staff recommended fencing on the north property line. Mr. Hess said no public comment had been received to date. He reviewed the conditions of approval.

Chair Peterson asked Brian Brower, City Attorney, to review the rules for participation in the public hearings. She said public comment forms needed to be filled out prior to making comments. Mr. Brower said because of the number of public hearings on the agenda, comments would be limited to three minutes per individual. He said in order to conserve time and consideration of other applicants, limit the comments to issues or items that had not already been stated.

Chair Peterson declared the public hearing open at 7:15 p.m.

PUBLIC COMMENTS:

None

Commissioner Allen moved to close the public hearing at 7:16 p.m. Seconded by Commissioner Millard. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

Emily Draney said she and Kristyn Hansen would run the preschool. She stated they had a pick-up/drop-off schedule to stagger the time for the parents. Ms. Draney said a fence would be installed in August. Commissioner Murray asked her if she was okay with adding the fence. She said she was. Commissioner Allen asked if she had pets. She said there were not any pets, trampolines or pools. Commissioner Allen asked staff if a pick-up/drop-off schedule worked. Mr. Hess said the impact would be low, but staggering pick-up/drop-off times was recommended and if there was a problem, the condition of approval could be enforced.

APPROVAL OF CUP 1406-0001 CATERPILLAR PRESCHOOL A REQUEST FOR A HOME PRESCHOOL LOCATED AT 103 SOUTH 525 WEST

Commissioner Browning moved to approve as conditioned, CUP 1406-0001, a conditional use permit for a home preschool, Caterpillar Cove Preschool, located at 103 South 525 West (TIN: 12-59-0028) based on the finding and discussion in the staff report and with the following conditions:

- 1) **This Conditional Use Permit is for a preschool located at 103 South 525 West.**

- a. **The preschool shall meet the provisions of the Land Use Ordinance, of not more than eleven children per class, with no more than two classes per day, for a maximum of four hours per class.**
 - b. **The applicant will submit a drop-off and pick-up schedule with staggered times proposed in order to mitigate traffic flow problems. Approval of the final drop-off/pick-up schedule shall be handled through an administrative review and approval by Staff.**
 - c. **Participants of the preschool must drop children off from the west side of 525 West with all preschool traffic facing south.**
 - d. **A fence shall be installed along the north rear property line.**
- 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 Murray. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

PUBLIC HEARING ON FSP-1405-0003, CLEARFIELD STATION TOD FINAL SUBDIVISION PLAT REVIEW FOR PHASE 1 ON AN APPROVED MIXED-USE DEVELOPMENT LOCATED AT 1250 SOUTH STATE STREET

Scott Hess said the final subdivision plat was continued from the June meeting. He said there were changes that revolved around access to the site. Mr. Hess said the developer was unsuccessful in obtaining a right-of-way easement access for the northern entrance point. He said for this reason the road was shifted to the south to accommodate the necessary curve radius required for large trucks to turn into the development from State Street. He said small decorative rock walls would be placed around an open space which added more landscaping to the site. Mr. Hess said a 50 foot easement for a UTA transportation corridor had been released by UTA which allowed portions of the development to shift slightly north. He said North Davis Fire District worked with the developer to incorporate fire infrastructure. He said public works and engineering were concerned with water and sewer connections. Mr. Hess said one concern was sewer capacity in 1000 East. The developer had monitored the sewer flow. Mr. Hess said the final results of the tests had not been received but the developer might be required to upsize the sewer line. Mr. Hess reviewed the conditions of approval. The public hearing was opened at the June 4, 2014 meeting.

Chair Peterson asked for public comments.

There were no public comments.

Commissioner Roper moved to close the public hearing at 7:30 p.m. Seconded by Commissioner Murray. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

Commissioner Allen asked if the main road in the development would be adequate for entire subdivision. Scott Hess said the roadway width would be substantially wide enough for the entire development. Commissioner Allen asked about the comment from North Davis Fire District (NDFD) which required an approved turn around. Mr. Hess said it was a standard requirement from NDFD. Commissioner Allen asked about the six foot easement. Mr. Hess said the six foot public utility easements around each lot were for future utility use and would not be used for fire, infrastructure or additional asphalt.

RECOMMENDATION OF FSP-1405-0003, CLEARFIELD STATION TOD FINAL SUBDIVISION PLAT REVIEW FOR PHASE 1 ON AN APPROVED MIXED-USE DEVELOPMENT LOCATED AT 1250 SOUTH STATE STREET

Commissioner Browning moved to recommend to City Council approval of FSP 1405-0003, Clearfield Station TOD final subdivision plat located at 1250 South State Street (TIN:12-066-0071, 12-067-0139) based on the discussion and findings in the staff report with the following conditions:

- 1) The developer shall submit a final clean copy of the Final Subdivision Plat documents correcting all errors and omissions indicated by Staff Reviews.**
- 2) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer and Public Works Department. Developer shall demonstrate sufficient capacity in the City's sanitary sewer collection system in 1000 East and downstream to provide adequate service for the project; or, in the alternative, Developer shall improve (expand/upsized) the City's system to accommodate the Project.**
- 3) The final Fire Infrastructure design shall meet North Davis Fire District standards and be to the satisfaction of the Fire Marshall.**
- 4) Pursuant to the City Code § 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.**
- 5) No building permits shall be issued or construction of buildings or improvements may begin until after recordation of the final plat. Final plat recordation may come in phases for large tract development.**
- 6) All Final Subdivision Plat and Site Plan submittals shall be in substantial conformance with the approved Master Development Plan and Master Development Agreement.**

Seconded by Commissioner Baron. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

DISCUSSION ON SP 1406-0007, A REQUEST FOR SITE PLAN APPROVAL FOR CLEARFIELD STATION TOD PHASE 1 ON AN APPROVED MIXED-USE DEVELOPMENT AT 1250 SOUTH STATE STREET

Scott Hess said site plans controlled specific land uses on property such as landscaping, fencing and building location. He said the site plan for Clearfield Station was governed by the Master Development Plan (MDP), the Master Development Agreement (MDA) and Clearfield City Code. He said if a finding was not clearly specified in the MDP then Clearfield City code governed. Mr. Hess said City code required landscaped parking islands every 12 spaces. He said landscaping would be required for each phase, garbage dumpsters were required to be enclosed. He said there was small decorative fencing around the apartment complexes. Mr. Hess said the important fencing was the perimeter fencing around the development. He said the temporary UTA building was used for indoor storage and a permanent building was included in a future phase. Mr. Hess stated the sign package was not included with the site plan approval. He reviewed the conditions of approval. He said an additional condition could be added which stated the final approval of the site plan was conditioned upon on the City Council accepting the final subdivision plat.

Chair Peterson asked for discussion from the commissioners. Commissioner Browning asked if the temporary building was a replacement for the building currently on the site. Mr. Hess said the new building would replace the existing building and would be a prefabricated building set on a foundation. He said there would be 10 percent landscaping and ample parking. There were no concerns from North Davis Fire District. Commissioner Murray asked if the permanent UTA building would be in a flex building. Mr. Hess said the UTA storage building would be included in phase three within the proposed flex building. Commissioner Murray asked if a time limit could be given for the use of the temporary building. JJ Allen, Assistant City Manager, stated the MDA specified that the temporary building must be removed within five years. Commissioner Millard asked if the apartments had a purchase option. Amber Huntsman said the apartments were rental only. Mr. Hess said the MDA controlled the total number of units. Brian Brower stated that phase one allowed 168 units.

Chair Peterson asked if there were concerns about the design standards and the rendering that were provided. Amber Huntsman said there would be four color options and the exterior materials would be stucco and possibly hardi-board. Chair Peterson said the intent of the project was for a more urban feel and unique multi-family housing product than existed in the City. Commissioner Allen asked about the sizes of the apartments. Ms. Huntsman said there were three different unit types; the smallest unit was about 800 square feet. Commissioner Roper asked about the flow of traffic into Clearfield Station. Ms. Huntsman said the current access would be used until phase two was built out. She said the access would be used for both construction and access to the Clearfield Station parking area. Commissioner Allen asked about the fencing around the apartment complexes. Ms. Huntsman said the fence would be a decorative four foot wrought iron fence. Commissioner Allen asked about the school parcel. Ms. Huntsman stated the property would be maintained as UTA property until the school was built.

APPROVAL OF SP 1406-0007, FOR SITE PLAN APPROVAL FOR CLEARFIELD STATION TOD PHASE 1 ON AN APPROVED MIXED-USE DEVELOPMENT AT 1250 SOUTH STATE STREET

Commissioner Millard moved to approve SP 1406-0007, Clearfield Station site plan approval for Phase 1 on an approved mixed-use development on approximately 70 acres located at 1250 South State Street, based on discussion and findings in the staff report with the following conditions of approval:

- 1) The developer shall submit a final clean copy of the Phase 1 Site Plan documents correcting all errors and omissions indicated by Staff Reviews.
- 2) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer and Public Works Director.
- 3) The final Fire Infrastructure design shall meet North Davis Fire District standards and be to the satisfaction of the Fire Marshall.
- 4) There should be at least one covered parking space per residential unit. The design of the parking lot should meet City Code § 11-14-5F including landscaped parking lot islands at a minimum of every 12 stalls.
- 5) As per City Code § 11-13-23C, the developer should post a bond of 125% of the value of the landscape within each phase. Should the landscape not be installed prior to Certificate of Occupancy, pursuant to City Code § 11-13-23(B), (C) and (D) Final building permit approval is subject to the applicant establishing an escrow account, as reviewed and approved by the City Engineer and City Attorney.
- 6) As per City Code § 12-4-5, an estimate of public improvements (as outlined in City Code § 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.
- 7) No building permits shall be issued or construction of buildings or improvements may begin until after recordation of the final plat. Final plat recordation may come in phases for large tract development.
- 8) All Final Subdivision Plat and Site Plan submittals shall be in substantial conformance with the approved Master Development Plan and Master Development Agreement.
- 9) 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.
- 10) The site plan approval is pending City Council approval of Phase One final subdivision plat.

Seconded by Commissioner Browning. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

PUBLIC HEARING ON CUP 1406-0002, A REQUEST BY DAVIS MEDICAL INVESTMENTS (TANNER CLINIC) FOR CONDITIONAL USE PERMIT FOR A COMMERCIAL PARKING FACILITY LOCATED AT 1550 SOUTH 1500 EAST

Scott Hess said City Council enacted a temporary land use regulation against commercial parking within C-1 and C-2 zones. He said staff and legal counsel determined a formal request by the applicant was made prior to the temporary land use regulation. Mr. Hess said the conditional use permit was for a commercial parking facility within a C-1 zone. He said the request was for the demolition of two buildings which were adjacent to Tanner Clinic and approximately 100 spaces of surface parking were being proposed. Mr. Hess said impacts would be traffic, noise, light, storm water, and reduction of tax base. He said staff did not find negative traffic impacts. He said the area was surrounded by office and hospital uses and no further mitigation measures were anticipated to be required. Mr. Hess said staff recommended shielded light fixtures to reduce impacts from glare on Chancellor Gardens and surrounding properties. He suggested that the lighting plan be approved administratively. Mr. Hess said the surface parking increased the overall surface water drainage load on storm sewer infrastructure. He said site plan and construction documents for the landscaped area and storm water detention facility must meet City Code and be to the satisfaction of the City Engineer and Public Works Director. Mr. Hess said the reduction of tax base impact came from the removal of existing buildings and staff believed that the overall tax collected on those buildings was minimal; however, it was an important finding. He reviewed the conditions of approval.

Chair Peterson declared the public hearing open at 8:15 p.m.

PUBLIC COMMENT:

None

Commissioner Murray moved to close the public hearing at 8:16 p.m. Seconded by Commissioner Millard. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

Keith Sorenson, architect, and Marshall McKinnon with Tanner Clinic were present to answer questions from the commissioners. Mr. Sorenson said the goal for the parking area was to have close to 110 parking spaces. He said the design had 107 parking spaces and was still within Clearfield City requirements.

Commissioner Millard asked if the project was presented earlier but wasn't approved. Scott Hess said Tanner Clinic approached the City prior to the temporary land use regulation. He communicated with Mr. McKinnon and had written record legitimizing the application. Scott said it met City Code under current ordinances. Brian Brower said staff's recommendation was that the application be considered under the ordinance that was still in effect. Mr. Brower consulted a land use attorney who concurred with the approach from staff because the applicant met with City staff prior to the discussion of the temporary land use regulation. Commissioner Allen asked if there were tenants in the buildings. Mr. McKinnon said the buildings were 60 percent occupied and in poor condition. Commissioner Murray asked if Tanner Clinic had an obligation to help the

tenants relocate. Mr. McKinnon said help would be given along with financial assistance. Commissioner Allen asked if demolition was part of the site plan. Scott Hess said a permit was required for the demolition of the buildings and tests were required for asbestos. Mr. McKinnon said the asbestos inspection had been completed and there were three metal sinks with asbestos that would be removed professionally but no other asbestos was noted.

Chair Peterson asked if the commissioners were okay with staff approving the lighting administratively. There were no concerns. Mr. Hess said the lighting code was simplistic and safety based. He said Tanner Clinic chose to light the parking lot.

APPROVAL OF CUP 1406-0002, A REQUEST BY DAVIS MEDICAL INVESTMENTS (TANNER CLINIC) FOR CONDITIONAL USE PERMIT FOR A COMMERCIAL PARKING FACILITY LOCATED AT 1550 SOUTH 1500 EAST

Commissioner Murray moved to approve CUP 1406-0002, a request by Davis Medical Investments (Tanner Clinic) for conditional use permit for a commercial parking facility located at 1550 South 1500 East (TIN: 09-022-0057, 09-022-0022) based on discussion and findings in the staff report and with the following conditions:

- 1) This Conditional Use Permit is for a Commercial Parking Facility located at 1550 South 1500 East. This Conditional Use Permit approval is intended for the sole use of the applicant as it relates to this application.**
- 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.**
- 3) Light glare should be mitigated through the use of proper fixtures to reduce impacts to surrounding property owners.**
- 4) Storm water must be collected and detained in accordance with Clearfield City Codes and be designed and installed to the satisfaction of the City Engineer and Public Works Director.**

Seconded by Commissioner Roper. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

DISCUSSION ON SP 1406-0002, A REQUEST BY DAVIS MEDICAL INVESTMENTS (TANNER CLINIC) FOR SITE PLAN APPROVAL FOR A COMMERCIAL PARKING FACILITY LOCATED AT 1550 SOUTH 1500 EAST

Scott Hess reviewed the layout of the site plan. He said the drive access was off 1500 East and staff did not foresee any traffic impacts from the site. Mr. Hess said there were no changes to the vehicular and pedestrian traffic. He said any damaged or deteriorating concrete on the public sidewalk along 1500 East needed to be replaced. He said the project would provide approximately 107 parking stalls and the stalls must meet code. Mr. Hess said there should be landscaping islands at a minimum of every twelve stalls. He said additional surface lighting must

meet City Code and would be approved by City staff. He said a minimum of ten percent landscaping was required and may be used jointly as storm detention facilities but must be improved with landscaping and a viable irrigation system. Mr. Hess said the detention basin was on the west side of the property. He said the outflow was yet to be determined. Mr. Hess said the utilities provided to the buildings must be capped off and would be inspected at the time of the demolition. He reviewed the conditions of approval.

Chair Peterson asked about the ADA compliant parking spaces. Mr. Sorensen said that Tanner Clinic had two times the required ADA parking spaces within their existing parking lot. Brian Brower said Tanner Clinic had stated in a prior meeting that the required number of parking spaces and ADA parking spaces had been met with the expansion of the facilities without the additional parking area; however, for service of customers and employees the additional parking was being added. Mr. Sorensen said to be most effective, handicapped parking spaces needed to be close to building without physical barriers and Tanner Clinic was reluctant to have ADA compliant parking in the new parking area. Scott Hess said the total landscaping being provided was 16 percent but was not mentioned in the staff report.

APPROVAL OF SP 1406-0002, A REQUEST BY DAVIS MEDICAL INVESTMENTS (TANNER CLINIC) FOR SITE PLAN APPROVAL FOR A COMMERCIAL PARKING FACILITY LOCATED AT 1550 SOUTH 1500 EAST

Commissioner Browning moved to approve SP 1406-0002, a request by Davis Medical Investments (Tanner Clinic) for site plan to consider additional parking area located at 1550 South 1500 East (TIN: 09-022-0057, 09-022-0022) based on discussion and findings in the staff report and with the following conditions:

- 1) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer and Public Works Director.**
- 2) The final Fire Infrastructure design shall meet North Davis Fire District standards and be to the satisfaction of the Fire Marshall.**
- 3) Landscaping islands shall be provided at a minimum of every 12 stalls and be designed to meet requirements within City Code § 11-14-5F.**
- 4) Landscaping must be provided at 10 percent minimum. The storm detention facility may be included in the total landscaping calculation, but must be properly landscaped and irrigated per City Code § 11-13-23.**
- 5) No garbage dumpster or garbage dumpster enclosure may be kept on the property.**

Seconded by Commissioner Millard. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

PUBLIC HEARING ON CUP 1406-0005 A REQUEST BY KATHY ARMIJO ON BEHALF OF NO EXCUSE FOR ABUSE LLC, FOR A CONDITIONAL USE PERMIT FOR A BEHAVIOR, DRUG AND ALCOHOL TREATMENT FACILITY LOCATED AT 370 SOUTH 500 EAST UNIT 126 (TIN: 12-678-0209)

Scott Hess said behavioral drug and alcohol treatment facilities were not always conditional uses within City Code and this site had two behavioral drug and alcohol treatment facilities. Mr. Hess said the Police Department was contacted about calls specific to those two businesses. One business had been there for ten years and had received two calls; the other business had been there since 2009 and had received one call.

Mr. Hess said the Conditional Use Permit (CUP) was specifically for a behavior drug and alcohol treatment facility and the use was permitted with an approved CUP. He said the business would operate during normal daytime business hours. He said the applicant indicated the facility was staffed during the day and there would not be any 24 hour services provided on site. Mr. Hess said the property had access off 500 East, the commercial condominium complex was not completely rented out and the parking lot had ample space. He said there were no general parking, circulation and access concerns. Mr. Hess said the unpredictable nature of abuse and domestic violence created a need for victims to have 24 hour access and a 24 hour phone number would be provided for after hour needs, but the business would not be staffed 24 hours and would not provide any overnight stays. He reviewed the conditions of approval.

Chair Peterson declared the public hearing open at 8:47 p.m.

PUBLIC COMMENT:

Denise Sly, Clearfield, was concerned that this type of business kept ending up in her neighborhood. She said she had obtained a list from Community Development of entities in Clearfield City that were concerned with health and counseling and there were 59 and none of the residential youth group homes were mentioned. She said there were four current businesses operating at Lakeside Square. Ms. Sly's opinion was that there was more than a fair share in her neighborhood. She understood that this type of business was needed, but not all in one place.

Commissioner Allen moved to close the public hearing at 8:52 p.m. Seconded by Commissioner Baron. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

Chair Peterson asked if there was an ordinance prohibiting clustering of this type of business. Brian Brower said there was not an ordinance at this time. He explained for the public's benefit, there were uses listed for each zone. He said the uses listed as a conditional use were essentially permitted, however it gave the Planning Commission an opportunity to place conditions to mitigate detrimental impacts on the neighboring residents and businesses. Mr. Brower said CUPs were not recommended to be denied, but conditions could be imposed.

Ashlie DeV Vaughn, administrative manager of No Excuse for Abuse (NEFA), said the business was an outpatient treatment center and had been in business since 1999. She said they had two

incidents with the police since 1999. She said all clients know the requirements. They do not operate during evening hours. She said referrals were received from the courts.

Commissioner Baron asked if the treatment was for domestic violence and not drug treatment. Ms. DeVaughn said they dealt with domestic violence and substance abuse. She said they had two licensed probation officers. She said the treatment was for the perpetrators but they provided a support system for the victims. Ms. DeVaughn said there were no prescriptions or medications on site. Commissioner Browning asked how the location was chosen. Ms. DeVaughn said they worked with the courts in the Davis and Weber County area. Brian Brower explained that court houses had representatives from various businesses like NEFA waiting in the courtroom for referrals from the judge. Commissioner Millard said his experience with this type of business was that the problem people stay away because they fail. Ms. DeVaughn said in the past three years NEFA had more graduating clients than those that failed.

Commissioner Allen asked about the need to be specific to the unit number. Chair Peterson said this type of business needed to be considered case by case to look at the impact on the neighborhood. Brian Brower said the City issued CUPs to the applicant, whereas a variance ran with the land. Commissioner Allen was concerned that a potential need to relocate to a larger unit required the applicant to return for a new CUP. Mr. Brower said that Utah Code on a CUP was not specifically attached to the land or the applicant. He said Clearfield City adopted a position that a CUP was attached to the applicant. Commissioner Millard asked if the Commission needed to consider clustering for this type of business. Commissioner Murray said the unit number needed to be added. Chair Peterson said the protection to the residents would give another review if the business decided to move units. Commissioner Browning asked what happened if a client failed a drug test. Ms. DeVaughn said it was reported to court immediately.

APPROVAL OF CUP 1406-0005 A REQUEST BY KATHY ARMIJO ON BEHALF OF NO EXCUSE FOR ABUSE LLC, FOR A CONDITIONAL USE PERMIT FOR A BEHAVIOR, DRUG AND ALCOHOL TREATMENT FACILITY LOCATED AT 370 SOUTH 500 EAST UNIT 126 (TIN: 12-678-0209)

Commissioner Browning moved to approve as conditioned, CUP 1406-0005, a conditional use permit for a behavior, drug, and alcohol treatment facility located at 370 South 500 East, Unit #126 (TIN:12-678-0209) based on the findings and discussion in the staff report and with the following conditions:

- 1) This Conditional Use Permit is for a Behavioral, Drug, and Alcohol Treatment Facility located at 370 South 500 East.**
 - a. The facility shall only operate during normal daytime business hours.**
 - b. The facility shall not provide 24 hour treatment or services to clients.**
 - c. The facility shall not provide overnight stays, or be staffed overnight.**
- 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 Roper. The motion carried upon the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen and Millard. Voting NO: None.

PUBLIC HEARING ON ZTA 1406-0003 A REQUEST FOR A ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 3 TO PROPOSE AMENDMENTS TO THE DEFINITION OF "PARKS AND OPEN SPACE"

Scott Hess said as a point of clarification for Zoning Text Amendments (ZTA) which were effective City wide the notice requirements were for advertisement in the newspaper. He said most ZTAs weren't dealing with a particular parcel or parcels. He said any ZTA should be considered for Clearfield City as a whole. Mr. Hess said due to the heightened awareness of the issues that brought this ZTA forward, City staff provided a courtesy notice to residents within 300 feet of the Goupios dental building. Mr. Hess stated the notice list from the last Conditional Use Permit (CUP) was used. Mr. Hess said the proposed request added the following language to the ordinance: *"A park or open space may be used to satisfy outdoor recreation requirements for a daycare, on either the same or adjacent property as the daycare, which may be fenced and secured during daycare hours of operation."*

Mr. Hess said land use guideline number five in the General Plan stated that transitions between different land uses should be gradual and adequate screening and buffering were required to protect existing residential areas from more intense land uses. He said a commercial daycare was a more intense use than standard, permitted residential land uses. Mr. Hess told the commissioners to consider whether there was a way to maintain adequate buffering between land uses in this case and in other areas where parks or open spaces might become fenced and provided for the use of a daycare facility. He said as long as the ordinance met the criteria of the General Plan, then the amendment might be considered as following the land use guidelines. Mr. Hess stated no public comment had been received to date.

Chair Peterson reminded the commissioners that any proposed ZTA would be applied across the entire City and was not site specific. She explained that for comments during the public hearing, the item was a stand-alone item and was not being considered in relation to any previous application. She said all public comments must be directed toward the ZTA being applied to any parks and open space in the City.

Chair Peterson declared the public hearing open at 9:18 p.m.

PUBLIC COMMENT:

Wendy Osborn, Clearfield, said the definition of open space did not fall under open space when language was added to fence off open space; it was open or it was not. She said the daycare he was referring to was commercial and the open space was residential. Ms. Osborn said the appeal hearing conclusion was that it was not legal to allow a commercial daycare in a residential zone.

Brenda Provow, Clearfield, said the problem with the proposal was a fence placed around open space and left open at night was open for all types of crime. She said there was problem with the basement walkway and drug dealing down there, now there was a big space closed off it was a breeding ground for crime.

Tracy Reed, Clearfield, said she had three disabled children. She said when they moved to Clearfield nine years ago she inquired about construction and was told it would remain residential on the back side of the lot for the dental office. She said she was concerned about additional traffic and speed on 1050 West.

Cris Hawthorne, Clearfield, had comments which were read by Chair Peterson. She stated she would not like the extra traffic or the inconvenience.

Natalie Najera, Clearfield, had four disabled children. She said it had been safe but if the childcare was put there they would not be able to ride bikes or play outside. She said the street would no longer be safe if childcare was allowed there because there would be traffic coming in and out. She said one day a child would be hit.

Laurence Abel, Clearfield, wrote he was opposed.

Charles Provow, Clearfield, said the problem was the open door policy. He said if it was approved then every park would be affected. He was concerned control of parks would be gone. He lived behind the dental office and wanted the open space area to stay residential. Mr. Provow said the increased traffic would be dangerous for kids.

Paul Ray, Clinton, Utah State House of Representative representing the area, said the issue was not about a daycare. He said there was ambiguity in the City Code and the change would clarify the ambiguity. He said his involvement was because there were issues. He said the property was owned by an individual and Mr. Goupios was not taking a public area. He said the purpose was to clarify ambiguities in the law.

Lori Miller, Clinton, said the point of the language was to clarify the use that was imposed upon Mr. Goupios by taking his private property and making it public open space. She said the change clarified and allowed dual use for the property. She said the daycare was used only during the daytime. She said she didn't understand the difficulty.

Julio Otay, Clearfield, said a lot of the neighbors were not agreeing with the proposal. He said it was not acceptable to have the commercial business in the residential zone.

David Reed, Clearfield, the State Representative may have opened the door, but he would close it. He said Representative Ray was not present when there were 45 cops on his street with gang activity. He couldn't go to Mr. Goupios' park when he wanted because it was Mr. Goupios land.

Becky Brooks, former Clearfield resident, said she was not from the neighborhood with the dental building. She said based on the information, Clearfield City welcomed the substance abuse

businesses, the youth offenders, the used car lots, but not someone trying to open a good honest business, the ordinances made it impossible for the business to open. She said it didn't appear on paper that Clearfield City supported local businesses.

Commissioner Murray moved to close the public hearing at 9:35 p.m. Seconded by Commissioner Allen. The motion carried on the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen, and Millard. Voting NO: None

Chair Peterson stated the zoning text amendment was across all zoning districts and not relative to one specific piece of property. She said one item mentioned in the public comment was that the public open space was forced by the City and asked City staff for clarification. Scott Hess stated a site plan for additional parking for the dental office provided open space to the area as a benefit for the applicant receiving additional parking located on residential property. He said the ZTA applied for was to change the definition of open space. Mr. Hess said it included open spaces within condominium projects or homeowners associations, the risk was in public open spaces within privately held properties.

Robert Goupios, applicant, said comments were made by the neighbors about increased traffic. He said the dental business used 1000 West and there were no plans to use the gated exit on 1050 West, it was only for an emergency. Mr. Goupios said the request was for use of the open space during operational hours of the daycare. He said the majority of open space was still open and available to the public. He said the fenced open space was needed for the occupancy of the daycare as required by the State.

Chair Peterson reminded the commissioners the application before them was not a conditional use permit for a daycare, it was a ZTA on parks and open space areas in the City. Commissioner Baron asked if she could put a fence on a public park to meet daycare requirements. Brian Brower stated property controlled by the City or County could not be used for personal use. Mr. Brower said the example given by the applicant affected his property but the ordinance change would have a far broader reach than just for the applicant.

Chair Peterson said the change would allow a resident to fence a portion of property used by others. Commissioner Allen said for example, an apartment owner could purchase property adjacent to the apartment complex and it could be used by a daycare. Chair Peterson asked if it was a good fit across the City. She was concerned about the unintended consequences with the ordinance change. Commissioner Browning said the language impacted everything and he said it didn't solve any problems for the neighbors and it didn't do anything for the City. Commissioner Murray said it was not for the benefit of the City and was concerned about the unintended consequences. Commissioner Baron said she did not want the ordinance for the entire City.

Commissioner Allen said the ordinance didn't follow the General Plan and there should be a clean buffer zone. Chair Peterson was concerned that any business could ask for a change to benefit it. Commissioner Millard said he was not in favor of creating a cubby hole in the sense that the area was fenced during the day and after dark what would happen. He said parks were open because it minimized vandalism. He said open space needed to be open. Scott Hess said

there were several ways a ZTA was brought forward and any applicant could apply for a ZTA. Chair Peterson told the commissioners there were three options; the Planning Commission needed to recommend approval, denial, or approval with amendments to the City Council. Scott Hess said the City Council was scheduled to hear the item on July 22, 2014.

Commissioner Browning recommended to the City Council, denial of ZTA 1406-0003. Seconded by Commissioner Roper. The motion carried on the following vote: Voting AYE: Commissioners Baron, Murray, Roper, Browning, Allen, and Millard. Voting NO: None

DISCUSSION ON SP 1406-0004 A REQUEST BY MATT ROBINSON FOR SITE PLAN TO CONSIDER AN ADDITIONAL APARTMENT BUILDING AT ASPEN PARK APARTMENTS LOCATED AT 200 WEST 1700 SOUTH (TIN:12-065-0165). THE PROPERTY IS APPROXIMATELY 2.52 ACRES AND LIES IN THE RESIDENTIAL R-3 ZONING DISTRICT

Scott Hess said the applicant wanted recommendations from the Planning Commission on plans for an addition and improvements to the Aspen Park Apartments. Chair Peterson asked if changes to the existing structure would be considered with the new building. Mr. Hess said it was included with the site plan. He said there were some items that could be imposed on the existing as well as the new. Mr. Hess said the project as was proposed met the minimum requirements of the R-3 zone. Chair Peterson said the existing structure would need to be brought to current design standards in City Code §11-18 to have a cohesive color palette. Chair Peterson asked what site improvements related to the existing structure. Mr. Hess said site improvements would be a standard requirement. He said the site was unique to have available extra land within the R-3 zone for amendments to be made.

Matt Robinson said the plan was to upgrade the old building that was built in 1944; some of the same architectural designs would be incorporated in the new building. He said the requirements for storm water could be met. He said it was a challenge to make nice residential apartments with warehouses on one side and a recycling center on the other. Mr. Robinson said they wanted to preserve the trees and only needed to have one removed.

Chair Peterson was encouraged by the development and an applicant who wanted to make improvements to the property. She said something more attractive provided an increased quality of life. The commissioners were enthusiastic about the project and looked forward to seeing more details with the formal application.

STAFF REPORTS

Scott Hess said the Planning Commission was down three commissioners and desired to have the new commissioners soon. He said the first administrative site plan was received for an awning at Maverik on 1700 South. He said the application would be sent to JJ Allen for final approval.

Brian Brower commended the commissioners on all that was accomplished at the meeting. He read from State Code that a properly noticed public meeting was required for the zoning text

amendment and not a public hearing.

PLANNING COMMISSIONERS' MINUTE

Councilmember LeBaron – said the gravel driveway issue was finalized by Council and he congratulated the Planning Commission that gravel driveways were in the past. He said one change was made to the gravel driveway ordinance changing the depth from four inches of gravel to two inches. He thanked the commissioners for all they did.

Commissioner Millard – said it made sense to limit the number of similar businesses in one area and suggested having a zoning ordinance that would limit the number of abuse center businesses that could be in the same area. Brian Brower said if the City were to single out a particular type of business, justification must be shown on the effects caused by too many congregated together; it was more complicated than just making the request.

Commissioner Browning – Nothing

Commissioner Roper – Nothing

Commissioner Baron – said Burger King looked good. She said August would be her last meeting.

Commissioner Murray – Nothing

Commissioner Allen – said Happy 4th of July, enjoy the fireworks.

Chair Peterson – said it was difficult to listen to a resident with concerns about the consequences of having certain types of businesses near her home. She said the City needed to find some way to give the citizens a fighting chance to have a safe neighborhood.

There being no further business to come before the Planning Commission, **Commissioner Murray moved to adjourn 10:40 at P.M. Seconded by Commissioner Browning.**



Planning Commission

STAFF REPORT

AGENDA ITEM
#3

TO: Planning Commission

FROM: Scott A. Hess, MPA
Development Services Manager
scott.hess@clearfieldcity.org (801) 525-2785

MEETING DATE: September 10, 2014

SUBJECT: Discussion and Possible Action on **SP 1408-0003**: A request by Justin Wixom, on behalf of Malnove Inc. of Utah, for Site Plan Approval for a scrap paper recovery system upgrade located at Building A-16F, Freeport Center (TIN: 12-021-0026).

RECOMMENDATION

Move to **approve as conditioned**, SP 1408-0003, a Site Plan for Malnove Inc. of Utah for a scrap paper recovery system upgrade, based on the findings and discussion in the Staff Report.

PROJECT SUMMARY

Project Information	
Project Name	Malnove Paper Recovery
Site Location	Freeport Center, Building A-16F
Tax ID Number	12-021-0026
Applicant	Justin Wixom Malnove Inc. of Utah
Owner	Lifetime/Freeport
Proposed Actions	Site Plan approval
Current Zoning	M-1 (Manufacturing)
Land Use Classification	Manufacturing
Gross Site Area	80.10 acres
Bldg. A-16F Additions	Scrap paper recovery system upgrade

Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	Freeport Center, Developed Industrial Buildings	M-1 (Manufacturing Zone)	Manufacturing
East	Freeport Center, Developed Industrial Buildings	M-1 (Manufacturing Zone)	Manufacturing
South	Freeport Center, Developed Industrial Buildings	M-1 (Manufacturing Zone)	Manufacturing
West	Freeport Center, Developed Industrial Buildings	M-1 (Manufacturing Zone)	Manufacturing

ANALYSIS

Master Plan and Zoning

The site is located in the vicinity of 16th Street just west of the Denver and Rio Grande Rail Trail and Industrial Way in Freeport Center at Building A-16F. The property is zoned M-1 and master planned Manufacturing. The proposed addition is consistent with the Master Plan and zoning.

Site Plan Review

Air Handling – Scrap Paper Recovery Cyclone Equipment

Additional air handling and paper recovery cyclones are proposed to be constructed just west of Building A-16 adjacent to the internal rail line for Freeport Center, located directly on top of and beside the existing air handling equipment. (See Attachment 1: Malnove Site Plan). The new equipment will sit atop a structural steel support, and will be approximately 51 feet in height from the ground floor of Building A-16. There will be additional roof piping that will be constructed adjacent to existing similar piping to move air for the manufacturing process (See Attachment 2: Malnove Elevation).

Section 11-13-11 of the City Code makes height limitation exceptions for such items as water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Air handling equipment, and equipment used in the recovery of paper scraps in order to control air emissions would be classified as a similar structure. The site is already developed with heavy industrial uses with other existing tall mechanical equipment in the immediate vicinity used for similar purposes at Building B-11 and Building B-12. There are no further zoning regulations on these types of structures.

Public Comment

No public comment has been received to date.

REVIEW CONSIDERATIONS

Site Plan Review

Clearfield Land Use Ordinance Section 11-5-3 establishes the review considerations the Planning Commission shall make to approve Site Plans. The findings and staff's evaluation are outlined below:

Review Consideration		Staff Analysis
1)	<i>Traffic:</i> The effect of the site development plan on traffic conditions on abutting streets.	Does not apply for this request. No additional traffic is anticipated with this addition.
2)	<i>Vehicle; Pedestrian:</i> The layout of the site with respect to locations and dimension of vehicular and pedestrian entrances, exists, drives and walkways.	The location of the air handling equipment is outside the pedestrian walkways of the property and out of vehicular traffic areas.
3)	<i>Off-Street Parking:</i> Compliance of off-street parking facilities with Chapter 14 of this Title.	Does not apply for this request. The addition does not create additional parking needs. The existing parking meets the standards for manufacturing building.
4)	<i>Loading and Unloading Facilities:</i> The location, arrangement and dimensions of truck loading and unloading facilities.	Does not apply for this request. The addition does not necessitate additional loading spaces.
5)	<i>Surfacing and Lighting; Parking:</i> The surfacing and lighting of off-street parking.	Does not apply for this request. The parking lot is already developed.
6)	<i>Screen Planting:</i> The location, height and materials, of walls, fences, hedges and screen planting.	The location of the additional air handling equipment is surrounded by developed industrial uses and additional screening is not necessary.
7)	<i>Landscaping:</i> The layout and appropriateness of landscaping.	The addition does not alter the existing landscape, nor necessitates the addition of landscaping.
8)	<i>Drainage:</i> The effect of the site development plan on City storm water drainage systems.	Does not apply for this request. The location of the addition does not alter the existing drainage.

9)	<i>Utility:</i> The effect of the site development plan on City utility systems.	Does not apply for this request. The addition does not impact the existing utility systems.
10)	<i>Building Locations:</i> Consideration of building locations on the site, elevations and relation to surrounding areas (Ord. 84-06B, 9-11-1984)	The air handling equipment and the additional cyclones are proposed to be located directly adjacent and above the existing air handling equipment and is located within existing industrial development. Visibility and impact should be minimal to surrounding properties.
11)	<i>Exterior Design:</i> Consideration of exterior design in relation to adjoining structures and area character to assure compatibility with other structures in the neighborhood, existing or intended. (Ord. 84-08, 10-23-1984)	The proposal is an ancillary building to an existing industrial building. Under 11-18-3 minor structures added to a site may deviate from strict adherence to Design Standards. (Refer to these findings in the table below.)
12)	<i>Signs:</i> Compliance of signs with Chapter 15 of this Title and particular consideration to the location of signs upon the site, their effect upon parking, ingress and egress, the effects upon neighboring properties and the general harmony of signs with the character of the neighborhood, existing or intended.	Does not apply for this request. Signage is not a part of the request.

FINDINGS

Deviations from Strict Compliance

Clearfield Land Use Ordinance Section 11-18-3 establishes the findings that Planning Commission shall make to approve deviations from some of the Chapter 18 design standards. The findings and staff's evaluation are outlined below:

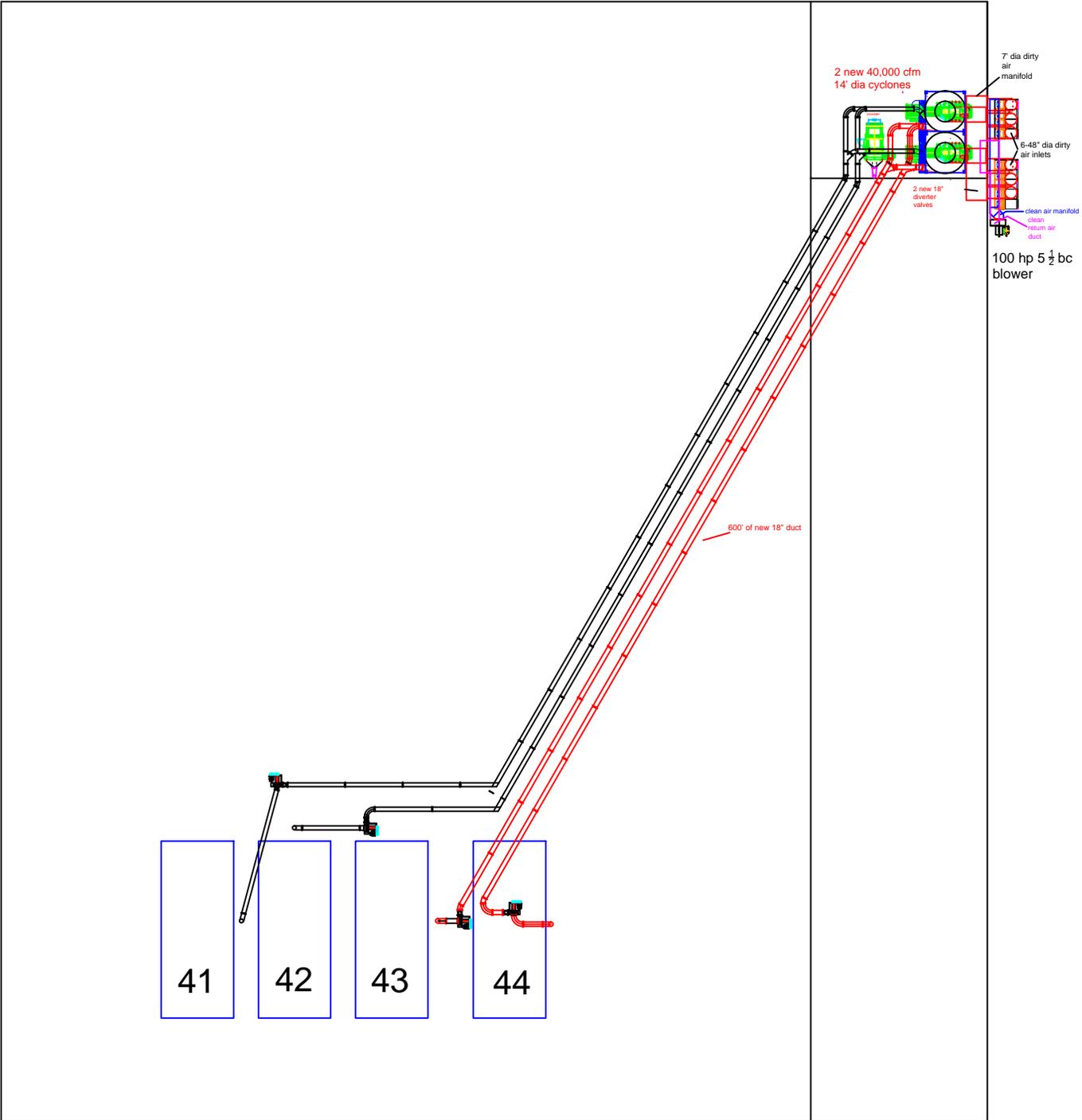
Findings for Deviations		Staff Analysis
1)	Is consistent with the purpose of [Chapter 18] and any applicable master plan or ordinance.	The proposal consists of air handling equipment and cyclones to better capture scrap paper (ancillary building) at a location that is surrounded by developed industrial uses on all sides.
2)	Will not adversely affect neighboring property owners or residents; and	The subject property and all surrounding properties are already developed with heavy industrial uses. The expansion would not adversely affect the neighboring properties.
3)	Creates a consistent and compatible design in cases which involve minor structures added to a site.	The proposed equipment is consistent with typical heavy industrial developments and other materials in the immediate vicinity.

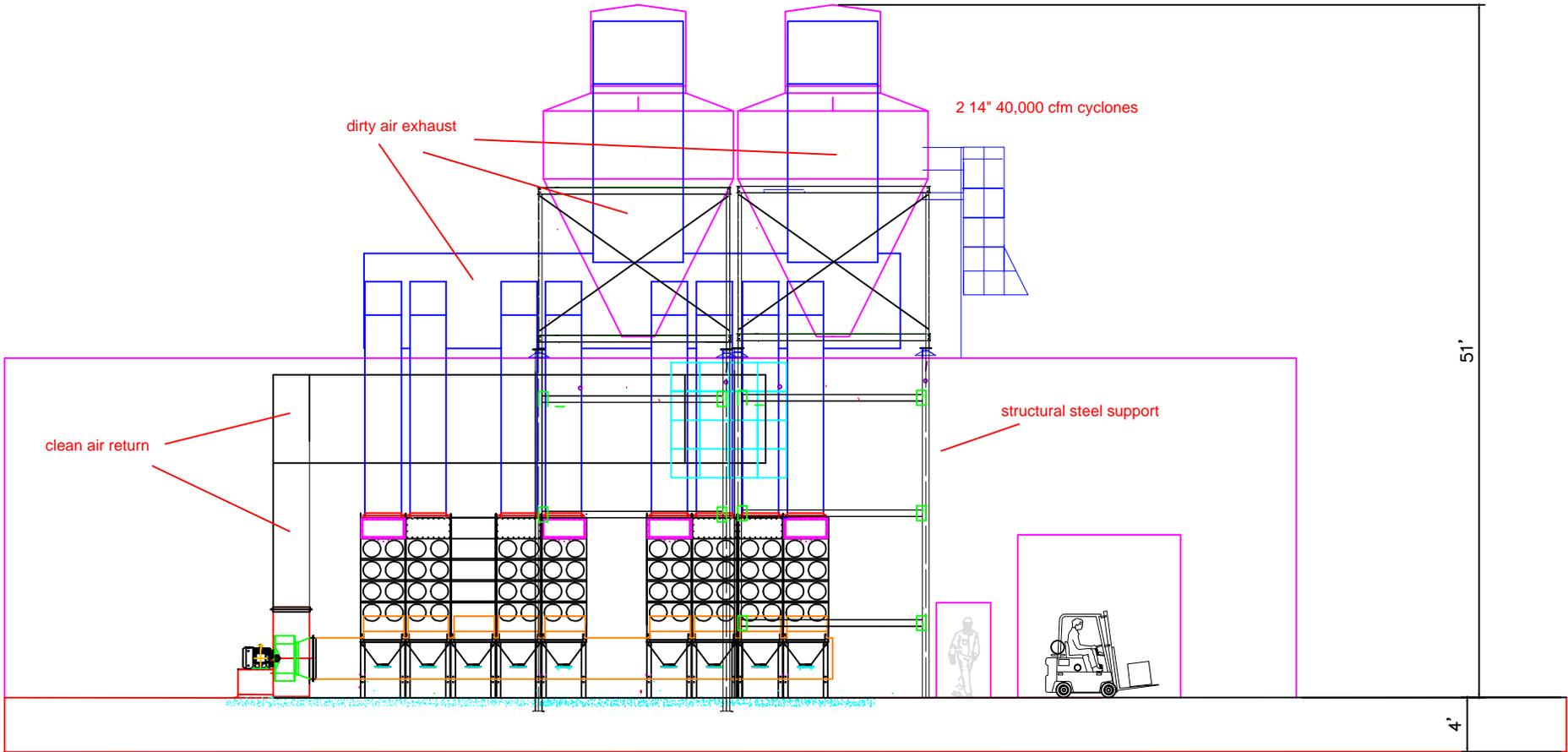
CONDITIONS OF APPROVAL

- 1) The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1408-0003.

ATTACHMENTS

1. Malnove Site Plan
2. Malnove Elevation







Planning Commission

STAFF REPORT

AGENDA ITEM
#4

TO: Planning Commission

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

MEETING DATE: July 2, 2014

SUBJECT: Discussion and Possible Action on **SP 1406-0007**: A request by Michael Christensen, on behalf of Thackeray Company's, for Architectural Review for Phase 1 buildings in an approved Mixed-Use Development on approximately 70 acres located at 1250 South State Street (TIN: 12-066-0071, 12-067-0139).

RECOMMENDATIONS

- 1.) Move to **approve as conditioned SP 1406-0007**, Clearfield Station Architectural Site Plan Approval for Phase 1 in an approved Mixed-Use Development on approximately 70 acres located at 1250 South State Street, based on discussion and findings in the staff report.

PROJECT SUMMARY

Project Information	
Project Name	Clearfield Station
Site Location	1250 S. State (SWC of State Street and 1000 East)
Tax ID Number	12-066-0071, 12-067-0139
Applicant	Michael Christensen Thackeray Garn Company
Owner	Utah Transit Authority (UTA) Curtis Clayton, Representative
Proposed Actions	Phase 1 – Architectural Review
Current Zoning	MU (Mixed Use)
Land Use Classification	Mixed-Use
Gross Site Area	70 acres

Surrounding Properties and Uses:	Current Zoning District	Comprehensive Plan Land Use Classification
North	Clearfield City Cemetery, agricultural properties with existing residences and Shady Grove Mobile Home Park	R-2 (Multi-family Residential) A-1 (Agricultural) C-2 (Commercial)
East	State Street, various commercial developments (e.g. Lucky Auto, Jim's Tires, Noah's Auto, Almosta Junction)	C-2 (Commercial)
South	Oakstone Apartments and Townhomes	R-3 (Multi-Family Residential)
West	Union Pacific Railroad, then developed Industrial properties	M-1 (Manufacturing)

ANALYSIS

Site Plan Review – Architectural Standards

DESIGN STANDARDS

Chapter 18 *Design Standards* of the Land Use Ordinance regulates new construction, and construction that requires a building permit. The Clearfield Station project generally meets the intent of the Clearfield City Code.

Clearfield City Code 11-5-2C10 governing Site Plan Review states that an applicant must provide the following:

“Architectural drawings at a scale no smaller than one-eighth inch equals one foot ($\frac{1}{8}'' = 1'$), sketches or perspectives of exterior elevations, structures, signs and indication of types of materials to be used. Said elevations or renderings must be sufficiently complete to show building heights and rooflines, exterior finish materials, the location and height of any walls, signs, light standards, openings in the facade, and the general architectural character of the building.”

The applicant has provided final color boards and renderings for the Planning Commission’s consideration. Section 5.4 of the Clearfield Station Master Development Plan specifies Architectural Design. This includes a list of potential elements to establish the characteristics of the architecture we are likely to see. This includes but is not limited to the following: “Urban Industrial Character” with flat roofs and high proportions of glazing; “Base Activation” which provides numerous windows and clear entrances at the ground level to anchor the buildings to

the site; “Façade Articulation” to distinguish various building uses and entrances versus private space; “Materials and Colors” designed and selected to create a unique built environment. “Corners” to focus on key intersections; “Roofs” as a key integrated space and design feature; “Private/Public Space” the relationship of how the buildings are utilized by residents and visitors; “Building Lighting” integrated lighting for pedestrian safety integrated into the overall design; “Signage” identifying the brand and unique character of the area.

Overall, the architectural renderings agree with much of the list provided in the MDP, and they generally conform to Clearfield City Code Chapter 18 Design Standards. The MDP is designed to be flexible and provide options for the developer to come up with creative designs without being held strictly to any one material or color list. The MDP only restricts the use of vinyl siding as an exterior finish. There are no other materials called out to be restricted. The use of stucco, hardi-board or other cement board products on the residential portion of the project is not limited through the MDP. Likewise, the use of painted concrete and various metal panels on the Flex Business portion is not restricted through the MDP.

Both the residential and flex business renderings show modern design with flat roofs, and façade articulation. The window glazing provided on the flex business buildings should wrap the buildings in order to avoid large blank walls fronting the main access road. Maintaining an interesting façade around all sides of the buildings will be crucial due to the accessibility this site has, and the numerous ways residents and visitors will utilize the site.

The entrances on the apartment buildings somewhat fade into the overall structure. Differentiating them through color or material would help with Base Activation as it is called out in the MDP, “each individual entrance for ground floor residential units shall have a patio or stoop that serves as a transitional area”.

The Urban Industrial Character portion of the MDP calls for “predominately brick and steel buildings”. Increasing the percentage of brick or adding an element of steel or metal surface to the apartment buildings would complement the urban character. Overall EIFS and stucco are limited to 30% of the exterior of the residential structure.

Conformance with Section 5.4 of the MDP is included as a condition of approval.

REVIEW CONSIDERATIONS

Site Plan Review

Clearfield Land Use Ordinance Section 11-5-3 establishes the review considerations the Planning Commission shall make to approve Site Plans. The findings and staff’s evaluation are outlined below:

Review Consideration		Staff Analysis
1)	<i>Traffic:</i> The effect of the site development plan on traffic conditions on abutting streets.	Does not apply to this request.
2)	<i>Vehicle; Pedestrian:</i> The layout of the site with respect to locations and	Does not apply to this request.

	dimension of vehicular and pedestrian entrances, exits, drives and walkways.	
3)	<i>Off-Street Parking:</i> Compliance of off-street parking facilities with Chapter 14 of this Title.	Does not apply to this request.
4)	<i>Loading and Unloading Facilities:</i> The location, arrangement and dimensions of truck loading and unloading facilities.	Does not apply to this request.
5)	<i>Surfacing and Lighting; Parking:</i> The surfacing and lighting of off-street parking.	Does not apply to this request.
6)	<i>Screen Planting:</i> The location, height and materials, of walls, fences, hedges and screen planting.	Does not apply to this request.
7)	<i>Landscaping:</i> The layout and appropriateness of landscaping.	Does not apply to this request.
8)	<i>Drainage:</i> The effect of the site development plan on City storm water drainage systems.	Does not apply to this request.
9)	<i>Utility:</i> The effect of the site development plan on City utility systems.	Does not apply to this request.
10)	<i>Building Locations:</i> Consideration of building locations on the site, elevations and relation to surrounding areas (Ord. 84-06B, 9-11-1984)	Does not apply to this request.
11)	<i>Exterior Design:</i> Consideration of exterior design in relation to adjoining structures and area character to assure compatibility with other structures in the neighborhood, existing or intended. (Ord. 84-08, 10-23-1984)	Section 5.4 of the MDP regulates building design. Elevation drawings, color boards, and renderings of buildings within Phase 1 have been provided in this submittal for the Planning Commission's review. Please see conditions of approval for Staff notes.
12)	<i>Signs:</i> Compliance of signs with Chapter 15 of this Title and particular consideration to the location of signs	Does not apply to this request.

	upon the site, their effect upon parking, ingress and egress, the effects upon neighboring properties and the general harmony of signs with the character of the neighborhood, existing or intended.	
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CONDITIONS OF APPROVAL

- 1) The developer shall show that building renderings and construction documents are in substantial conformance with Section 5.4 of the Master Development Plan. This includes:
 - a. Maintaining façade articulation and architectural elements around all 4 elevations of each building within the development.
 - b. Development and identification of Base Articulation for the entrances of the apartment buildings to differentiate entrances from the rest of the building.
 - c. Per MDP 5.5B ground floor units shall have an exterior access point to the unit, for all units along a street or main walkway.
 - d. EIFS or stucco material is not to exceed 30% of the total exterior.
 - e. Corners indicated 5.4.1E shall have treatments to emphasize their unique gateway locations within the development.
- 2) All other design elements described in MDP Chapter 5 apply to both residential and commercial structures.
- 3) All final plan submittals shall be in substantial conformance with the approved Master Development Plan and Master Development Agreement.
- 4) 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.

ATTACHMENTS

1. Residential Exterior Renderings
2. Flex Business Exterior Renderings

STUCCO FINISHES

SW CRISP LINEN 6378
 BM COUNTRY REDWOOD PM-16



RED COLOR SCHEME

METALS - KAWNEER BLACK #29
 FIBER CEMENT SIDING - SW DOVETAIL 7018
 BRICK - ENDICOTT MANGANESE IRONSPOT

BM COASTAL FOG AC-1 OR 976
 BM TEMPLETON GREY HC-161



BLUE COLOR SCHEME

METALS - KAWNEER BLACK #29
 BM PURITAN GRAY HC-164
 BRICK - ENDICOTT MANGANESE IRONSPOT

SW CRISP LINEN 6378
 BM CHESTERTOWN BUFF HC-9



YELLOW COLOR SCHEME

METALS - KAWNEER BLACK #29
 BM WHEELING NEUTRAL HC-92
 BRICK - ENDICOTT MANGANESE IRONSPOT

BM LITCHFIELD GREY HC-78
 BM FAIRVIEW TAUPE HC-85



GREY COLOR SCHEME

METALS - KAWNEER BLACK #29
 BM ALEXANDRIA BEIGE HC-77
 BRICK - ENDICOTT MANGANESE IRONSPOT



CLEARFIELD
 STATION
 APARTMENTS

1250 South State Street
 UTA FrontRunner Station
 Clearfield, Utah



The
THACKERAY GARN
 Company



PAINT CONCRETE TO MATCH
FIRESTONE UNA CLAD COLOR
"COLONIAL RED"

PAINT CONCRETE TO MATCH
BENJAMIN MOORE COLOR
"WHEELING NEUTRAL"

FIRESTONE UNA CLAD (OR
EQUIVALENT) DARK BRONZE
METAL PANEL CANOPY

PAINT CONCRETE TO MATCH
FIRESTONE UNA CLAD COLOR
"COLONIAL RED"

FIRESTONE UNA CLAD (OR
EQUIVALENT) DARK BRONZE
METAL PANEL

PAINT CONCRETE TO MATCH
FIRESTONE UNA CLAD
METAL PANEL COLOR
"MEDIUM BRONZE"

PAINT CONCRETE TO MATCH
FIRESTONE UNA CLAD
METAL PANEL COLOR
"MEDIUM BRONZE"



Planning Commission

STAFF REPORT

AGENDA ITEM

#5

TO: Planning Commission

FROM: Scott A. Hess, MPA
Development Services Manager
scott.hess@clearfieldcity.org (801) 525-2785

MEETING DATE: September 10, 2014

SUBJECT: Public Hearing, Discussion, and Possible Action on **CUP 1407-0008**: A request by Craig Chagnon, on behalf of Crown Castle for a Conditional Use Permit for an expansion in height on the Pepper Ridge Wireless Communication Tower in the C-2 (Commercial) zoning district located at 1350 East 700 South (TIN: 09-020-0036).

RECOMMENDATION

Move to **approve as conditioned**, CUP 1407-0008: A request by Craig Chagnon, on behalf of Crown Castle for a Conditional Use Permit for an expansion in height on the Pepper Ridge Wireless Communication Tower in the C-2 (Commercial) zoning district located at 1350 East 700 South (TIN: 09-020-0036), based on the findings and discussion in the Staff Report.

PROJECT SUMMARY

Project Information	
Project Name	Pepper Ridge Wireless Tower Expansion
Site Location	1350 East 700 South
Tax ID Number	09-020-0036
Applicant	Craig Chagnon, Crown Castle
Property Owner	John Petroff
Proposed Actions	Conditional Use Permit
Current Zoning	C-2 Commercial
Master Plan Land Use	Commercial
Gross Site Area	0.61 Acres, 1,300 SF ground lease plus 448 SF addition, and a 14 foot tower height increase

Vicinity and Zoning Map



Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	JP's Service Center	C-2 (Commercial)	Commercial
East	Tai Pan	C-2 (Commercial)	Commercial
South	Pepper Ridge Apartments	R-3 (Multi-Family Residential)	Commercial
West	Interstate 15	N/A	N/A

ANALYSIS

Comprehensive Plan and Zoning

Wireless Communication Towers are regulated through Clearfield City Code 11-13-19 within the "Supplementary Regulations" of Title 11. This code section identifies where wireless communication towers are permitted, conditionally permitted, and what style of towers are acceptable. Monopole Towers within Commercial zones are Conditional Use Permits.

The site was originally approved through the CUP process in October 1996, and has had a number of collocations since that time. The current request is for an expansion to both the ground lease area as well as an increase in tower height. Due to the expansion of the existing CUP, this application must go through Planning Commission again to consider potential impacts and mitigation efforts. This request consistent with Clearfield City Code Title 11 and with the Master Plan, and does not pose any threat or impact to achieving the stated goals of that plan.

Conditional Use Permit Review

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.

The request for a Conditional Use Permit (CUP) for an increase in tower height and ground lease area for an existing monopole tower is consistent with the City's Land Use Ordinance as this use is permitted with an approved CUP in the C-2 zoning district.

In addition to standard review criteria for CUP applications outlined in Chapter 4 of City Code, Clearfield City Code 11-13-19I sets five specific review criteria for CUP requests for Wireless Communication Towers.

Compatibility: "Whether the proposed structure is compatible with the height and mass of existing buildings and utility structures. Height of the tower structure should be reasonable, dependent upon the surrounding structures or buildings and compatible to the surrounding neighborhood."

This tower is the tallest thing in the area, and has been that way since the original installation in 1996. The tower height has not caused any problems that have been noted in the file. Staff requested that the applicant provide a Determination of No Hazard letter from the Federal Aviation Administration. This letter has been included with the staff report. Due to the existing height, the time it has been there, and the fact that there have been no impacts seen, staff feels that the tower height request will not cause any undue hardship or burden.

Collocation: "Whether collocation of the antenna on other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles, etc., is possible without significantly impacting antenna transmission or reception."

The request is for a collocation on an existing monopole tower. The current tower has no available space left for equipment collocation, so the applicant has applied to increase the height and capacity of the tower in order to locate above the existing equipment. This is a more desirable option to staff as a solution to the need for increased wireless service, as opposed to

the installation of another tower in the immediate vicinity. Due to the spacing and height of this particular tower in this area of Davis County, there are no other reasonable collocation options.

Screening: "The location in relation to existing vegetation, topography and buildings to obtain the best visual screening."

This site is directly adjacent to a large residential housing area, an improved recreational trail, and sits in the gateway area of Clearfield where pedestrians and vehicles enter into Clearfield City. Clearfield City has been in the process of creating a Gateways Plan with comprehensive signage and landscaping plans for those key entry points into the City. There is not currently screening of ground equipment on the existing tower. It is impractical to ask for the tower itself to be screened, however ground equipment screening would be a benefit to this area. Landscaping for screening could potentially turn into a code enforcement issue, and reasonable access to irrigation water is not available. Staff would recommend an improved screening fence be installed, or slats in the chain link fence in order to screen the ground equipment and improve the area.

Spacing: "Whether the spacing between monopoles and lattice towers creates detrimental impacts to adjoining properties."

This request does not impact spacing of monopole towers in the area.

Negative Impacts: "Whether there are any negative impacts associated with the use that must be mitigated through screening, landscaping, height limits or specifying construction materials and colors, etc."

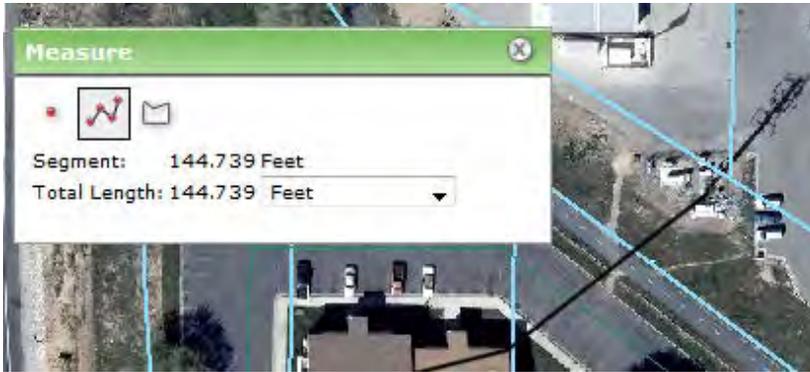
Staff does not foresee any additional negative impacts. This request does not affect ground transportation or site accessibility. The existing tower and ground lease area are located on the site to the extreme south outside of any travel patterns. The color of the tower has not been an impact to the area, and staff would not specify a new color for the tower.

ADDITIONAL REVIEW CRITERIA

Yard Requirements

The current site has approximately 1,300 square feet of ground lease area and a monopole tower of 97.5 feet tall. The request is to add 448 square feet of ground lease area to accommodate additional equipment, and to raise the tower 14 feet for a total height of 111.5 feet. There is no maximum permitted height for wireless communication towers within Clearfield City Code; rather there are yard requirements which limit the location's proximity to surrounding residential uses.

City Code 11-13-19E sets standards for yard requirements. The base of the tower to any adjoining residential *structure* must be at least 100% of the tower height plus 10 feet. Utilizing the measurement tool on the City's GIS mapping system, the nearest residential structure is nearly 145 feet from the base of the tower. At the proposed height of 111.5 feet there will not be a conflict with this code requirement.



Public Comment

There have not been any public comments received for this item.

GENERAL STANDARDS

Conditional Use Permit Review

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>1) <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"> a. The health, safety, and welfare of the City and its present and future inhabitants and businesses; b. The prosperity of the City and its present and future inhabitants and businesses; c. The peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses; d. The tax base; e. Economy in governmental expenditures; f. The State's agricultural and other industries; 	<p>The requested collocation, height increase, and ground lease area increase on an existing monopole tower is equivalent to a permitted use. Staff does not foresee any health, safety, or welfare issues at this site. There are no other unique impacts from this site that are assumed will occur, once the impacts are property mitigated.</p>

	<p>g. The urban and nonurban development;</p> <p>h. Access to sunlight for solar energy devices; or</p> <p>i. Property values.</p>	
2)	<p><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.</p>	<p>This request is not expected to create any additional impact burden on the residents of Clearfield City.</p>
3)	<p><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.</p>	<p>The proposed use does not limit the effectiveness of land use controls or the success of the General Plan. The proposed use is not anticipated to promote blight or injure property values. It is a wireless communication tower height increase in the C-2 zoning district. Conditions of approval are proposed to mitigate impact to the surrounding properties.</p>
4)	<p><i>11-13-19I Additional Conditional Use Requirements:</i></p> <ol style="list-style-type: none"> 1. Compatibility 2. Collocation 3. Screening 4. Spacing 5. Negative Impacts 	<p>The request is compatible with the surrounding area, and is consistent with the conditions that have been in place since the tower was originally approved in 1996. The request is a collocation, and is more desirable than creation of a new monopole tower in the vicinity. Screening should be provided for all ground lease equipment through fence slats, or an improved screening fence. The request does not impact tower spacing. There are no additional negative outcomes foreseen with this use at this location.</p>

CONDITIONS OF APPROVAL

- 1) This Conditional Use Permit is for an increase in height of an existing monopole wireless communication tower to a maximum of 111.5 feet, and an additional ground lease area of 448 square feet located at 1350 East 700 South. Submitted Construction Documents shall be in conformance with the plans submitted for CUP 1407-0008.
- 2) Screening should be provided for the entire perimeter of ground lease equipment, including equipment and area that is currently on the site. Screening may be in the form of increase landscaping and vegetation, fence slats, or another screening fencing material.

- 3) 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.

ATTACHMENTS

1. Tower Plans
2. Determination of No Hazard Letter



PEPPER RIDGE UTL01255 FA#12906866

1350 EAST 700 SOUTH
CLEARFIELD, UTAH 84015



PROJECT INFORMATION

PEPPER RIDGE
SITE ID 3752669337
UTL01255
FA#12906866

CURRENT ISSUE DATE

5/21/2014

ISSUED FOR

ZONING DRAWINGS

REV	DATE	DESCRIPTION	BY
1	5-21-2014	90% COMPLETE	AN
2	6-25-2014	PRE 100% COMPLETE	AN

PLANS PREPARED BY



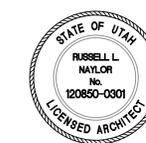
CONSULTANT

NSA WIRELESS, INC

2010 CROW CANYON PLACE
SUITE 335
SAN RAMON, CA 94583

DRAWN BY: AN
CHK: _____
APV: _____

LICENSER



THESE ARE ZONING DRAWINGS AND ARE NOT TO BE USED FOR CONSTRUCTION

SHEET TITLE

TITLE SHEET

SHEET NUMBER

T1



CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

- 2012 INTERNATIONAL BUILDING CODE (IBC)
- 2011 NATIONAL ELECTRIC CODE (NEC)
- 2012 INTERNATIONAL MECHANICAL CODE (IMC)
- INTERNATIONAL FIRE CODE
- 2009 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)
- ANY LOCAL BUILDING CODE AMENDMENTS TO THE ABOVE

PROJECT DESCRIPTION

AT&T IS PROPOSING A UNMANNED TELECOMMUNICATION FACILITY LOCATED AT: 1350 EAST 700 SOUTH, CLEARFIELD, UTAH 84015. CONSTRUCTION OF THE NEW SITE CONSISTS OF THE FOLLOWING:

A 14 FT X 32 FT COMPOUND ENCLOSED BY A PROPOSED CHAIN LINK FENCE. THE NEW FENCE WILL MATCH THE EXISTING FENCE. THE NEW LEASE SPACE WILL HAVE A NEW 12 FT X 24 FT SHELTER (W/ OUTDOOR DIESEL GENERATOR) AND H FRAME FOR UTILITIES. ANTENNA WILL BE PLACED ON AN EXISTING 97'-6" TOWER W/ 14'-0" EXTENSION - ANTENNA TIP AT A HEIGHT OF 111'-6". 3 SECTORS (12) TOTAL ANTENNA TO BE PLACED ON POLE.

DRIVING DIRECTIONS

DIRECTIONS BEGINNING FROM AT&T OFFICE AT: 4393 S. RIVERBOAT ROAD, TAYLORSVILLE, UT 84123 DRIVING DIRECTIONS TO 225 WEST 650 NORTH, CLEARFIELD, UTAH 84015:

- Start out going south on Riverboat Rd toward W 4700 S/UT-266. 0.02 mi
- Turn left onto W 4500 S/UT-266. 0.6 mi
- Merge onto I-15 N via the ramp on the left. 5.8 mi
- Keep left to take I-15 N toward Ogden. 26.2 mi
- Take the UT-193 exit, EXIT 334, toward Clearfield/West Point. 0.2 mi
- Merge onto E 700 S/UT-193 toward HILL A.F.B./WSU-DAVIS. 0.1 mi
- 1350 E 700 S is on the right.

GENERAL CONTRACTOR NOTES

DO NOT SCALE DRAWING:

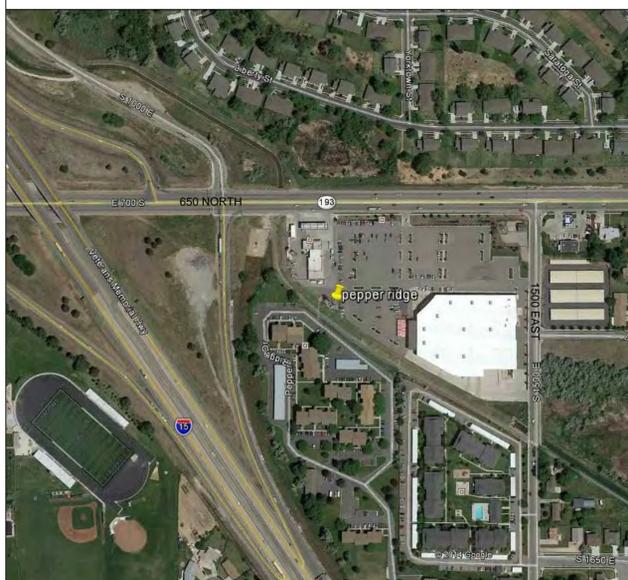
CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

THESE ARE ZONING DRAWINGS AND ARE NOT TO BE USED FOR CONSTRUCTION

SHEET INDEX

SHEET	DESCRIPTION
T1	TITLE SHEET, SITE INFORMATION AND VICINITY MAP
C-1	SITE PLAN
C-1.1	PROPOSED EQUIPMENT LAYOUT AND ANTENNA PLAN
C-2	ELEVATION

VICINITY MAP



PROJECT INFORMATION

SITE ADDRESS	1350 E 700 S CLEARFIELD, UTAH 84015
APN	# 09-020-0035
LAND/ PROPERTY OWNER:	WARRANTY OF AMERICA, INC.
MONO POLE COORDINATES LATITUDE: LONGITUDE:	41.1029805 -112.000194
GROUND ELEVATION: HEIGHT OF STRUCTURE: TOP OF ANTENNA	AMSL 4564 FT. EXIST. TOWER: 97'-6" + 14'-0" EXTENSION APPROX. 111'-6"
ZONING: JURISDICTION: TYPE OF CONSTRUCTION: OCCUPANCY: BUILDING USE:	CLEARFIELD CITY N/A UNOCCUPIED N/A
UTILITIES TELEPHONE: POWER:	CENTURY LINK ROCKY MOUNTAIN POWER

PROJECT TEAM

APPLICANT/ LESSEE AT&T BYRON BOSSHARDT AT&T UID: BB572m 4393 RIVERBOAT RD, SUITE 400 TAYLORSVILLE, UT 84123 PHONE: (801) 458-8888 EMAIL: bb572m@att.com	RF ENGINEER: SIMI AJOSE AT&T 4393 S. RIVERBOAT ROAD TAYLORSVILLE, UT 84123 PHONE: (214) 695-6965 EMAIL: sa111v@att.com
SITE ACQUISITION: RACHEL FENTON NSA WIRELESS, INC. 2010 CROW CANYON PLACE SUITE 335 SAN RAMON, CA 94583 PHONE: (925) 244-1890 EMAIL: rachel.fenton@nsawireless.com	ZONING MANAGER: RACHEL FENTON NSA WIRELESS, INC. 2010 CROW CANYON PLACE SUITE 335 SAN RAMON, CA 94583 PHONE: (925) 244-1890 EMAIL: rachel.fenton@nsawireless.com
ARCHITECT/ ENGINEER: ADAM NAYLOR NICHOLS NAYLOR ARCHITECTS 1155 E WILMINGTON AVE. SALT LAKE CITY, UT 84106 PHONE: (801) 487-3330 EMAIL: adamn@nicholsnaylor.com	AT&T CONSTRUCTION: JAVIER ZAMORA ROCKY MT REGION NSB CONSTRUCTION MANAGER UTAH-IDAHO-MONTANA- N. WYOMING 4393 RIVERBOAT RD TAYLORSVILLE, UTAH 84123-2503 CELL: (801) 682-7461 EMAIL: jz6220@att.com



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
2601 Meacham Boulevard
Fort Worth, TX 76193

Aeronautical Study No.
2014-ANM-801-OE

Issued Date: 06/02/2014

Lynn Ori
Crown Castle
5350 N. 48th St, STE 305
Chandler, AZ 85226

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower 880545 JP's Texaco
Location: Clearfield, UT
Latitude: 41-06-08.90N NAD 83
Longitude: 112-00-00.00W
Heights: 4563 feet site elevation (SE)
115 feet above ground level (AGL)
4678 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 12/02/2015 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (310) 725-6591. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ANM-801-OE.

Signature Control No: 212230127-219641416

(DNE)

Tamera Burch
Technician

Attachment(s)
Frequency Data

cc: FCC

Frequency Data for ASN 2014-ANM-801-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W



Planning Commission

STAFF REPORT

AGENDA ITEM

#6

TO: Planning Commission

FROM: Scott A. Hess, MPA
Development Services Manager
scott.hess@clearfieldcity.org (801) 525-2785

MEETING DATE: September 10, 2014

SUBJECT: Public Hearing, Discussion and Possible Action on **CUP 1408-0005**, a request by Robert Goupios, for a Conditional Use Permit for Beehive Daycare, a commercial daycare facility in the B-1 (Buffer Zone) zoning district located at 573 N 1000 West (TIN: 14-262-0005).

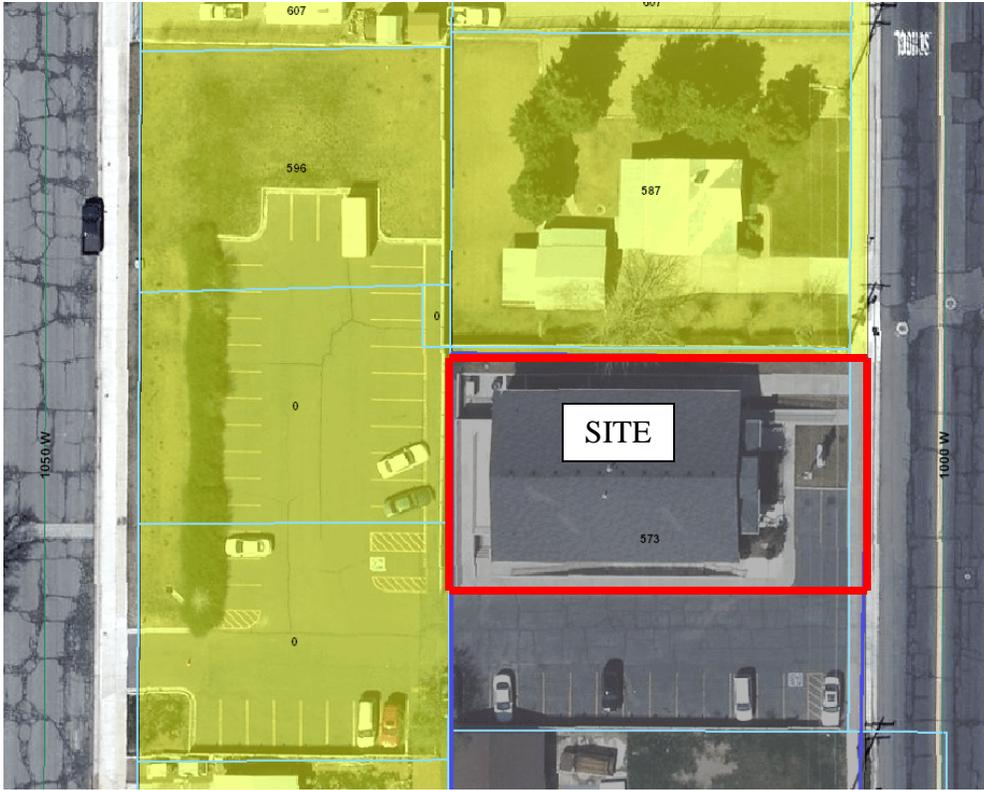
RECOMMENDATION

Move to **approve as conditioned**, CUP 1408-0005, a Conditional Use Permit for Beehive Daycare, a commercial daycare facility in the B-1 (Buffer Zone) zoning district located at 573 N 1000 West (TIN: 14-262-0005), based on the findings and discussion in the Staff Report.

PROJECT SUMMARY

Project Information	
Project Name	Beehive Daycare
Site Location	573 N 1000 W
Tax ID Number	14-262-0005 (Parcels Combined 3-12-2014)
Applicant	Robert Goupios
Property Owner	Robert Goupios
Proposed Actions	Conditional Use Permit
Current Zoning	B-1 (Buffer Zone - Business) / R1-8 (Single-Family Residential – Rear Parking/Open Space)
Master Plan Land Use	Commercial
Gross Site Area	1.031 acres (44,910 SF)
Office Building	9,000 SF (4,500 SF lower and upper each)

Vicinity and Zoning Map



(Daycare Use and Playground to be located entirely on B-1 zoned property)

Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	Existing Residential Single-Family Home	R1-8 (Single-Family Residential)	Residential
East	1000 West, then Steed Park	PF (Public Facility)	Residential
South	Existing Residential Single-Family Home	B-1 (Buffer Zone)	Commercial
West	Country Village No. 1 Subdivision	R-8 (Single-Family Residential)	Residential

HISTORY

DATE	CC/PC	TYPE	MOTION
2/18/1998	Planning Commission	Request to amend GP for the purpose of expansion of the commercial area	Consider amending GP
3/18/1998	Planning Commission	Rezone from R-1-9 to B-1	Recommendation of denial
3/25/1998	City Council	Rezone from R-1-9 to B-1	
5/20/1998	Planning Commission	Rezone from R-2 to B-1(SP) 425 to 587 N, 1000 West	
5/26/1998	City Council	Public hearing	cancelled
6/9/1998	City Council	Rezone from R-2 to B-1(SP) 425 to 587 N, 1000 West	Ordinance 98-09 to rezone
6/9/1998	City Council	Public hearing - rezone land between 435 & 573 N 1000 W from R-1-8 to B-1 (SP)	
7/15/1998	Planning Commission	Site Plan for Dental Office	Approved to go to City Council
7/28/1998	City Council	Pondview Subdivision	approved
12/1/1999	Planning Commission	Request for GP amendment at 573 N 1000 W. Adding more dentists and need more parking	Recommendation of denial, due to intrusion on residential area
7/5/2000	Planning Commission	GP Amendment for 568 & 572 N 1050 W	Denial
12/5/2001	Planning Commission	Request to occupy building w/o fence	Must have fence
7/3/2002	Planning Commission	Rezone 568, 572 & 596 N 1050 W from R-1-8 to B-1 SP	Recommendation of approval
7/9/2002	City Council	Rezone 568, 572 & 596 N 1050 W from R-1-8 to B-1 SP	tabled (failure to post property)
7/23/2002	City Council	Rezone 568, 572 & 596 N 1050 W from R-1-8 to B-1 SP	Denial

10/15/2003	Planning Commission	Rezone 568, 572 & 596 N 1050 W from R-1-8 to B-1 SP	Denial
10/28/2003	City Council	Rezone 568, 572 & 596 N 1050 W from R-1-8 to B-1 SP	Application withdrawn
11/3/2004	Planning Commission	Rezone 568 & 572 N 1050 W from R-1-8 to B-1 SP	Tabled
11/9/2004	City Council	Rezone 568 & 572 N 1050 W from R-1-8 to B-1 SP	Tabled
2/16/2005	Planning Commission	Site Plan for neighborhood Park & parking lot	Approved park & parking lot
12/12/2005		Letter to Elected Officials from Planning Staff	
9/1/2010	Planning Commission	CUP Daycare at 573 N 1000 W	approved
9/15/2010	Planning Commission	Site Plan for Daycare at 573 N 1000 W	approved
5/2/2012	Planning Commission	CUP Daycare at 573 N 1000 W	approved
3/5/2014	Planning Commission	CUP Daycare at 573 N 1000 W	Approved
4/15/2014	City Council (Appeal Authority)	Appeal of Planning Commission Decision to approve CUP	Appealed – Remanded back to Planning Commission

ANALYSIS

Comprehensive Plan and Zoning

The property is a combined total of approximately 1.031 acres located off of 1000 West, north of 525 North. It is currently split-zoned B-1 (Buffer Zone) and R-1-8 (Residential). The Master Plan shows Commercial for the frontage of this property and residential for the rear portion. Steed Park is directly across the street to the east and zoned PF (Public Facility). Existing single-family residences are located on parcels to the north and south. The parcel to the north is zoned R1-8 and Master Planned Residential. The parcel to the south is zoned B-1 and Master Planned Commercial. Single-family homes of the Country Village No. 1 subdivision are to the west and are Master Planned and zoned Residential. The site formerly consisted of three parcels, but was combined into a single tax ID on March 12, 2014. The parcels are still separate legal descriptions. The current CUP application is for the portion of the entire parcel which is zoned B-1. Pursuant to the determination by the appeal authority, it is illegal to allow a commercial

daycare on residentially zoned property, so the applicant has amended his request and has been able to accommodate the Daycare use solely on B-1 zoned property.

There was an original approved Site Plan in December of 1999. The site is currently developed with an office building and associated parking lot and site improvements (*See Attachment 1: Site Plan*). The additional parking and open space to the west was developed based on an approved site plan in 2005. The building consists of 4,500 square feet on both the upper and lower levels. The top floor of the building is a dental office; the daycare facility will be occupying the lower level. Access to the business will be along the south side of building.

Conditional Use Permit Review

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.

The request for a Conditional Use Permit (CUP) for a commercial daycare facility is consistent with the City's Land Use Ordinance as this use is permitted with an approved CUP in the B-1 zoning district.

The current request is for the commercial daycare to be operated entirely on property zone B-1. The daycare's State-required open space will be located on the north side of the existing building, and will operate entirely within property zoned B-1. The Site Plan shows a change to the fencing configuration to assure that there is a fence along the B-1 zoned property and R-1-8 zoned property on the west side of the existing building. The fencing that is currently installed on the open space parcel on the west side of the lot will be removed (This is a condition of approval).

The daycare use is expected to be primarily operated during normal daytime business hours and staff does not expect the use to generate objectionable noise, odors, dust or fumes that would make it incompatible with the adjacent residential uses. After a State of Utah review of the location, it is anticipated that the daycare could care up to eighty children. The specific impact that will need review is site circulation for an additional use on this property.

Parking, Circulation, and Access

As of the 2005 Site Plan approval for additional parking and open space, the site will provide 45 parking spaces for both use by occupants of the existing commercial building. This exceeds the minimum required parking spaces, which even under the most liberal application prescribing a much more intense use for the parking ratio would require at most 32 parking spaces.

Currently, there is one two-way driveway that provides access to 1000 West. It is approximately 32 feet wide. There is another 21 foot wide driveway along the western property line that accesses 1050 West, but it is closed off with a chain and is used only for emergency purposes. City Code requires a minimum of 16 feet for one-way traffic and 30 feet for two-way traffic.

The site is currently striped to accommodate the increase in intensity of use for a daycare center. There is a specific traffic pattern with a dedicated drop off zone with 5 car spaces provided for curb-side drop of children. The west side of the parking area has a 60 foot radius turnaround to accommodate traffic returning to the exit on 1000 West. This traffic pattern will create a single means of ingress and egress off the property, and will provide stacking and circulation for vehicles dropping off children which will serve to alleviate traffic flow concerns. A

staggered drop off and pick up schedule should be provided to the city and the parents to limit the number of cars entering the parking lot at any one time.

Outdoor Play Area and Proposed Fencing

A new outdoor play area is being proposed to be located primarily on the north as well as a narrow portion immediately south of the existing building (all within B-1 zoned property). It will consist of a grassy play area, a shaded area, drinking fountain and existing concrete. The area is surrounded by a six foot high solid vinyl fence, located along the play area perimeter. A security gate will be located in the northwest corner of the play area, and should remain locked during normal business hours. Outdoor play areas are to be designed and approved by the State of Utah. Written confirmation of acceptance of the new outdoor play area is recommended (This is a condition of approval).

Co-location with Dental Office

The daycare facility will be located on the lower floor, beneath an existing dental office. The architect has included additional notes on the plans that indicate specifications for materials of additional separation between the two uses. Building permit for construction and finishing of the basement was issued May 16, 2012 after receiving CUP and Site Plan approval at that time. That approval has since lapsed, and the building permit needs to have a final inspection prior to Certificate of Occupancy.

Public Comment

The Planning office has fielded a number of phone calls regarding this use after public hearing letters were mailed. There was one email received from Wendy Osborn that is included in the packet as attachment 3.

GENERAL STANDARDS

Conditional Use Permit Review

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>		
1)	<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</p>	<p>The requested daycare facility is proposed to be in an existing office building, with an outdoor play area to be provided on property zoned B-1. This is a use that is compatible with adjacent residential properties, once the impacts are property mitigated.</p>

	<p>use that is permitted in the zone:</p> <ol style="list-style-type: none"> a. The health, safety, and welfare of the City and its present and future inhabitants and businesses; b. The prosperity of the City and its present and future inhabitants and businesses; c. The peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and 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. 	
2)	<p><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.</p>	<p>Daycare centers have a unique traffic and circulation impact, as there is a tendency for peak uses in the morning and the evening during rush hour times where the roads are also in much heavier use. The site has been designed and striped to accommodate potential traffic flow, and mitigate the impact on adjacent properties and roads as much as possible.</p>
3)	<p><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.</p>	<p>The proposed use does not limit the effectiveness of land use controls or the success of the General Plan. The proposed use is not anticipated to promote blight or injure property values. It is a daycare facility in the B-1 zoning district. Conditions of approval are proposed to mitigate impact to the surrounding properties.</p>

CONDITIONS OF APPROVAL

- 1) This Conditional Use Permit is for a daycare center located at 573 N 1000 West, limited strictly to portions of the property zoned B-1, formerly Lot 1 of Pond View Subdivision. Submitted Construction Documents shall be in conformance with the plans submitted for CUP 1408-0005.
- 2) Written approval from the State of Utah shall be provided regarding the use and configuration of the open space located to the north of the building within the B-1 zone.
- 3) The outdoor play area shall be fully fenced, and located entirely within the B-1 zone.

- 4) Fencing on the open space parcel to the west zoned R-1-8 shall be removed in order to facilitate full use of that property as a neighborhood park as approved in 2005.
- 5) No portion of the residentially zoned property to the west shall be used for operation of the commercial daycare facility, outside of parking and transportation as was previously approved for this site in 2005.
- 6) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

ATTACHMENTS

1. Site Plan
2. Wendy Osborn - Email

From: Wendy Osborn <gungygirltoo@yahoo.com>
Date: August 29, 2014 at 12:26:57 PM MDT
To: Scott Hess <scott.hess@clearfieldcity.org>
Subject: CUP request by Goupios
Reply-To: Wendy Osborn <gungygirltoo@yahoo.com>

Scott,

I would like to speak to you in person about this request. I do not understand why the city is allowing Mr. Goupios these further requests. This is a waste of all of our time. I understand his persistence, however this is getting old.

I am now getting the feeling that the city officials or someone within the city is encouraging him and will do whatever they have to to help him get what he wants. I have concerns about how Mr. Goupios handles his business dealings and they are all BUT honest.

Please let me know when we can meet and discuss my concerns further.

Thank you.

Wendy Osborn



Planning Commission

STAFF REPORT

AGENDA ITEM

#7

TO: Planning Commission

FROM: Scott A. Hess, MPA
Development Services Manager
scott.hess@clearfieldcity.org (801) 525-2785

MEETING DATE: September 10, 2014

SUBJECT: Public Hearing, Discussion and Possible Action on **PSP 1407-0001**: a request by Marvin Murri and John Ryan, on behalf of Hamblin Investment group, for a Preliminary Subdivision Plat review of a multi-family housing subdivision located at approximately 880 South 550 East (TIN: 12-067-0109, 12-067-0145, 12-067-0144). The property is approximately 1.64 acres and lies in the Residential (R-2) and (R-3) zoning districts.

RECOMMENDATIONS

Move to **approve as conditioned PSP 1407-0001**, a request by Marvin Murri and John Ryan, on behalf of Hamblin Investment group, for a Preliminary Subdivision Plat review of a multi-family housing subdivision located at approximately 880 South 550 East (TIN: 12-067-0109, 12-067-0145, 12-067-0144).

PROJECT SUMMARY

Project Information	
Project Name	Kensington Place Phase 2
Site Location	Approx. 880 South 550 East
Tax ID Number	12-067-0109, 12-067-0145, 12-067-0144
Applicant and Property Owner	Marvin Murri and John Ryan
Property Owner	Marvin Murri and John Ryan
Proposed Actions	Preliminary Subdivision Plat Review
Current Zoning	R-3 and R-2 Multi-Family Residential
Master Plan Land Use	Residential
Gross Site Area	1.64 Acres

Development Standards:	Proposed	Required
Lot Size	1.64 acres	6,500 square feet
Lot Width	>65 feet	65 feet
Setbacks		
Front	Approx. 5 feet	25 feet
Side	Approx. 6 and 10 feet	10 feet
Rear	Approx. 20 feet	30 feet
Landscaping	21.8%	25%
Parking Spaces	55 spaces, 20 covered	2.125 spaces per unit, 1 covered

Vicinity Map



Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	Brookshire Townhomes	R-3 (Multi-Family Res Zone)	Residential
East	Single Family Homes 550 East Street	R-2 (Multi-Family Res Zone)	Residential
South	Kensington Place	R-3 (Multi-Family Res Zone)	Residential
West	Meadow Condominiums	R-3 (Multi-Family Res Zone)	Residential

ANALYSIS

The area west of 550 East Street has been developing with townhomes and condominiums for approximately the last 10 years. Developer Marvin Murri has completed multiple projects in this area, and the project being proposed as Kensington Place Phase 2 would connect two existing townhome developments, and conclude the original vision for Mr. Murri's developments in the area.

The request for the Planning Commission's consideration is the addition of a new multi-family residential development as an in-fill project connecting two existing developments. The applicant has provided a Preliminary Subdivision Plat documents along with Final Plat, Geotechnical Report, Site Plan, and a draft Development Agreement. The applicant is asking to receive a determination on the subdivision documents submitted, and to run the Preliminary and Final Plat together in the same meeting. Due to the development being a single phase, and not expected to see changes between Preliminary and Final Plat, staff has agreed to run the items together.

Comprehensive Plan and Zoning

This project is subject to Subdivision Plat and Site Plan approval due to the request to add additional units of residential. The property is currently zoned R-3 and R-2 which lists multi-family dwellings as a permitted use. The General Plan essentially prohibits new R-2/R-3 rezones, but since the zoning for this project is already in place, there are no provisions of the General Plan that conflict with the proposed project.

Development on this site would need to be pursuant to a Development Agreement. In 2009 the Clearfield City Code for R-3 was amended. The currently developed Kensington Place and Brookshire Townhomes projects both have features about their design that do not comply with the current R-3 Zoning. The majority of the non-compliance is in the setbacks and garage size. In order to create a consistent look and feel in this area, it is Staff's opinion that the Developer work with Clearfield City to develop a Development Agreement in order to allow this development to be constructed to the same standard as those units surrounding this project. Development Agreements are regulated through City Code 11-1-16, and may be entered into to "resolve issues regarding unique features or challenges confronting development", and may alter the following: minimum lot frontage and minimum yard requirements among other items.

DEVELOPMENT AGREEMENT ITEMS

The project as it is proposed has a 20 foot rear yard setback instead of the currently required 30 foot, and has a 5 foot front setback on the southern building instead of a 25 foot. The setbacks within the development and from private streets are items that the development agreements should weigh in on.

The current R-3 code states that “each single-family and two-family dwelling unit shall have an attached two car garage”. The code is silent on units that are larger than “two-family”. The development proposes two 6-unit buildings and one 7-unit building. Each unit is proposed to have a single-car garage.

The road network for this property is proposed to be private. Staff would recommend that the development agreement specify this, and indicate how the roadways will be maintained in perpetuity.

A draft Development Agreement has been provided to the City, and the City has redlined the proposal. A draft Development Agreement will be sent to the Planning Commission outside of this staff report for review.

ENGINEERING REVIEW

Engineering and Public Works have reviewed the submitted Preliminary Subdivision, Final Subdivision and Site Plan documents and Engineering provided a review of this site that encompasses all three documents. There are specific call outs to the size of the proposed detention facility as well how the water will be piped off-site. The improvements for this site must be in substantial conformance with the Engineer’s review letter.

Conformance with the Engineering review letter is included as a condition of approval.

OTHER AGENCY REVIEW

Fire Review

North Davis Fire District sat in on a sketch plan meeting for this site. They encouraged connecting the road networks and making sure that fire infrastructure was properly installed. The revised plans will be reviewed during the Plat approval and Building Permit phase to assure conformance.

Public Comment

No public comment has been received to date.

REVIEW CONSIDERATIONS

The Preliminary Plat has a number of small issues and redlines noted between Planning, Public Works, and Engineering. In most cases these small call outs can be amended between Plat approval and recordation of a Final Plat. Street addresses and building addresses need to be added, signature blocks need to be corrected, the subdivision narrative needs to be corrected to state private rather than public streets. Engineering’s review letter covers the majority of these small items. The intent and final product of the subdivision will not substantially change, and there are no fatal-flaws seen in the design with this subdivision so long as Planning Commission is willing to accept the terms of the Development Agreement, and staffs recommended conditions.

CONDITIONS OF APPROVAL

- 1) Approval of this development is contingent upon the review and acceptance of a Development Agreement specifying building locations, setbacks, open space, road network, and parking requirements at minimum.
- 2) A final clean copy of the Preliminary Subdivision Plat needs to be filed with the Planning Department, with all changes and redlines corrected from Planning, Public Works, and Engineering.
- 3) The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Preliminary Subdivision Plat approval, PSP 1407-0001; however, they will also include and address the following:
 - a. The final engineering design (construction drawings) submitted for site improvements shall meet City standards and be to the satisfaction of the City Engineer.
 - b. The final building plans submitted shall meet building safety standards and be to the satisfaction of the City Building Official.
 - c. The final building plans shall meet the minimum standards for building materials as established in R-3 Zone 11-9E-13(F). The final building plans should be in substantial conformance with Chapter 18 Design Guidelines.
 - d. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. A minimum of 20 stalls must be covered. An adequate number of stalls must meet ADA standards.
 - e. Site circulation must be designed in such a manner that on site traffic flow is not impeded. Adequate paved markings and/or signage shall be provided and incorporated on the site.
 - f. New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.
 - g. A minimum of 25 percent landscaping shall be provided and meet the minimum standards set forth in 11-13-23.
 - h. Proposed signage must meet Title 11, Chapter 15 standards. Signs are not included as part of this Site Plan approval. Separate review and approval will be required.
- 4) Plat approval is subject to North Davis County Fire District review and approval.
- 5) 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.

ATTACHMENTS

1. Preliminary Plat Documents
2. Engineer's Review Letter

Project Narrative/Notes/Revisions

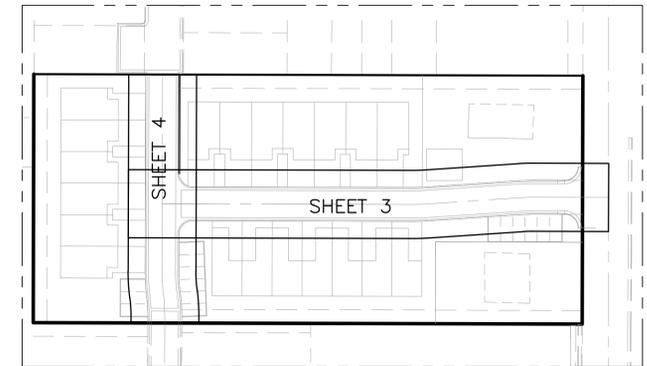
- 1) 8/6/14 RH - COMPLETED DESIGN FOR CLIENT & CITY REVIEW.
- 2) 8/11/14 ST - UPDATES TO RETENTION BASIN.

KENSINGTON PLACE Phase-2 Improvement Plans

CLEARFIELD CITY, DAVIS COUNTY, UTAH
AUGUST 2014



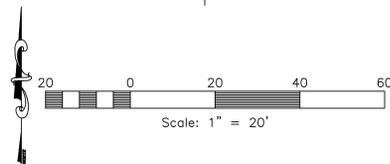
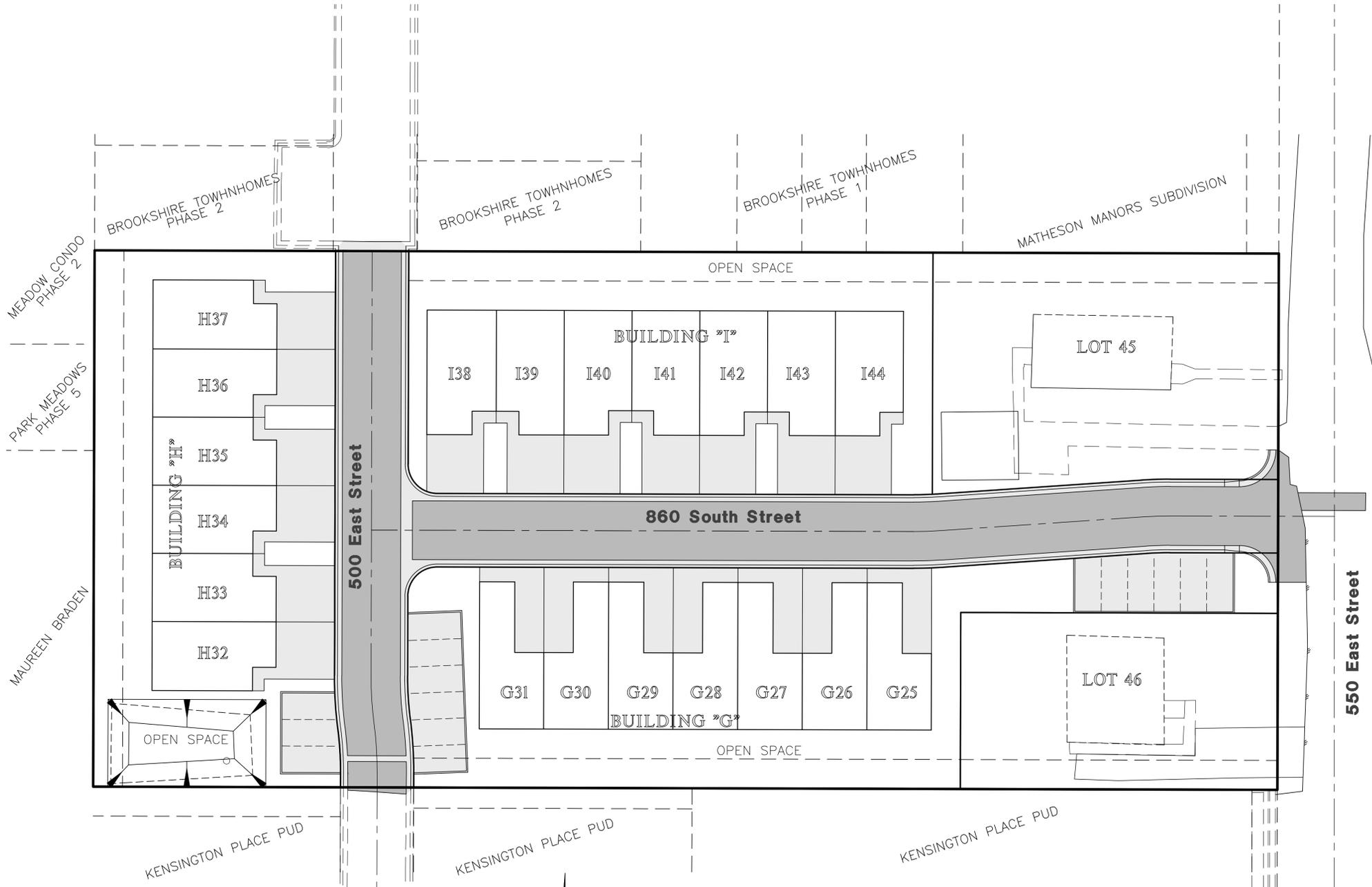
Vicinity Map
NOT TO SCALE



Sheet Index Key Map
NOT TO SCALE

Sheet Index

- Sheet 1 - Cover/Index Sheet
- Sheet 2 - Notes/Legend/Street Cross-Section
- Sheet 3 - 860 South 10+00.00 - 14+00.00
- Sheet 4 - 500 East 6+50.00 - 9+25.00
- Sheet 5 - Storm Water Pollution Prevention Plan Exhibit
- Sheet 6 - Storm Water Pollution Prevention Plan Details



Reeve & Associates, Inc.
920 CHAMBERS STREET, SUITE 14, OGDEN, UTAH 84403
TEL: (801) 621-2100 FAX: (801) 621-2666 www.reeve-assoc.com
LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS

REVISIONS	DATE	DESCRIPTION
	8-11-14	ST Retention Basin

Kensington Place Phase 2
CLEARFIELD CITY, DAVIS COUNTY, UTAH

Cover/Index Sheet



Project Info.

Engineer:	J. NATE REEVE, P.E.
Drafter:	R. HANSEN
Begin Date:	AUGUST 4, 2014
Name:	KENSINGTON PLACE PHASE 2
Number:	6388-01

Sheet	6
1	Sheets

Engineer's Notice To Contractors
THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED FROM AVAILABLE INFORMATION PROVIDED BY OTHERS. THE LOCATIONS SHOWN ARE APPROXIMATE AND SHALL BE CONFIRMED IN THE FIELD BY THE CONTRACTOR, SO THAT ANY NECESSARY ADJUSTMENT CAN BE MADE IN ALIGNMENT AND/OR GRADE OF THE PROPOSED IMPROVEMENT. THE CONTRACTOR IS REQUIRED TO CONTACT THE UTILITY COMPANIES AND TAKE DUE PRECAUTIONARY MEASURE TO PROTECT ANY UTILITY LINES SHOWN, AND ANY OTHER LINES OBTAINED BY THE CONTRACTOR'S RESEARCH, AND OTHERS NOT OF RECORD OR NOT SHOWN ON THESE PLANS.

Developer Contact:
John Ryan
Hamblin Investment Group
1027 West 350 South
Layton City, Utah, 84041
PH: (801) 509-0616

Blue Stakes Location Center
Call: Toll Free
1-800-662-4111
Two Working Days Before You Dig

3 September 2014

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

Attn: Scott A. Hess, Development Services Manager
Proj: **Kensington Place Subdivision - Phase 2**
Subj: Plat & Improvement Drawing – Review

Dear Scott,

I reviewed the Plat & Improvement Drawings for “Kensington Place – Phase 2” and submit the following comments for review:

General Note:

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

Plat

1. The Plat drawing is very different from the Preliminary Design drawing originally submitted. The Preliminary Drawing clearly identifies the creation of lots in a PRUD where the Plat drawing indicates three large building with individual units. The Plat drawing needs to be corrected to reflect individual lots and noted as a PRUD if this is the intent of the Developer.
2. Addresses for the Lots and the Streets need to be shown on the Plat. Also the Plat drawing needs all roadways to be identified as to “private streets and/or public streets”.
3. The “Owners Dedication and Certification” has several spelling errors and needs to note the streets as “private streets” which are not dedicated to the public as public thoroughfares. The balance of the dedication and certification language needs to be checked for the appropriate dedication language. The name of the Owner(s) signing the Plat needs to be printed under the signature line for clarification.
4. The “Narrative” needs to be modified to call out “private streets”.
5. An easement for the discharge of overflow storm water from the development is needed to be on the Plat or as a separate document.
6. The title block date on the Plat should be updated upon approval.

Improvement Drawings

1. Notes need to be placed on the improvement drawings indicating all deteriorated, damaged or missing public surface improvements surrounding the perimeter of the development be replaced or installed; i.e., curb and gutter, sidewalk, landscaping park strip improvements, asphalt patching, etc.
2. The City has previously designed the curb & gutter (tbc elevation and curb slopes) along 550 East Street. The Developers Engineer will need to adjust the curb & gutter top back of curb (tbc) elevations along 860 South Street to match the City design on 550 East Street.
3. A 5 foot wide waterway will be required at the intersection of 550 East Street & 860 South Street to transport storm water along the westerly side of 550 East Street.
4. The City will install the curb & gutter and sidewalk along the East frontage of Lots 45 or (21) & 46 or (22). The Developer will need to install the curb & gutter around the radius along with the handicap ramps and sidewalk at the two east corners on 860 South Street.
5. Due to the distance between fire hydrants the hydrant will need to be moved east from lot (19) to a point mid-way along the lot frontage of 45 or (21) and a second fire hydrant will need to be installed near lot (14).
6. The City will install a new waterline in 550 East Street and extend an 8" waterline to the west right-of-way of 550 East Street for the Developer to connect onto.
7. The waterways in the subdivision should be 4' or 5' in width.
8. The plans are very confusing as to how storm water flows from 500 East Street into the detention basin. The design for the subdivision needs to be clearly shown as to how the storm water gets into the detention basin (inlet structure, piping into & out of the basin, outlet control orifice, overflow spillway, the basin bottom floor slope, etc.)
9. There are several elevations and grades missing from the drawings of the proposed improvements.
10. The detention basin is not sized correctly. It is our opinion the detention basin needs to be a minimum of 6,800 cubic feet in volume.
11. The overflow freeboard height needs to be a minimum of 12" in height.
12. The overflow of storm water will need to be piped within an easement which extends to the West to the right-of-way of Depot Street. The City will interconnect the Developers outlet discharge piping (15" diameter minimum) with the future City storm water collection piping on Depot Street.
13. The existing waste water ditch along the west rear of the subdivision needs to be piped.
14. Near the southwesterly corner of the development there is a note stating existing utilities to be relocated. Those utilities need to be identified and new locations shown.
15. Other comments from other departments will also need to be considered.

Should you have any question feel free to contact our office.

Sincerely,

CEC, Civil Engineering Consultants, PLLC.



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

27 August 2014

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

Attn: Scott A. Hess, Development Services Manager
Proj: **Kensington Place Phase 2**
Subj: Geotechnical Study – Review

Dear Scott,

I reviewed the Geotechnical Study for “Kensington Place – Phase 2” and in my opinion the geotechnical study has properly addressed the necessary soil concerns which must be considered with land development and the construction of new residential homes at the site indicated in the study.

I would recommend approval of the geotechnical study and require the Developer to adhere to all conditions and requirements of the “Geotechnical Study for Kensington Place Phase 2” - prepared on the 22 August 2014, by GSH Geotechnical, Inc.

Should you have any question feel free to contact our office.

Sincerely,
CEC, Civil Engineering Consultants, PLLC.



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

#8

TO: Planning Commission

FROM: Scott A. Hess, MPA
Development Services Manager
scott.hess@clearfieldcity.org (801) 525-2785

MEETING DATE: September 10, 2014

SUBJECT: Public Hearing, Discussion and Possible Action on **FSP 1407-0001**: a request by Marvin Murri and John Ryan, on behalf of Hamblin Investment group, for a Final Subdivision Plat review of a multi-family housing subdivision located at approximately 880 South 550 East (TIN: 12-067-0109, 12-067-0145, 12-067-0144). The property is approximately 1.64 acres and lies in the Residential (R-2) and (R-3) zoning districts.

RECOMMENDATIONS

Move to **recommend approval as conditioned to the City Council FSP 1407-0001**, a request by Marvin Murri and John Ryan, on behalf of Hamblin Investment group, for a Final Subdivision Plat review of a multi-family housing subdivision located at approximately 880 South 550 East (TIN: 12-067-0109, 12-067-0145, 12-067-0144).

PROJECT SUMMARY

Project Information	
Project Name	Kensington Place Phase 2
Site Location	Approx. 880 South 550 East
Tax ID Number	12-067-0109, 12-067-0145, 12-067-0144
Applicant and Property Owner	Marvin Murri and John Ryan
Property Owner	Marvin Murri and John Ryan
Proposed Actions	Discussion – Site Plan Review
Current Zoning	R-3 and R-2 Multi-Family Residential
Master Plan Land Use	Residential
Gross Site Area	1.64 Acres

Development Standards:	Proposed	Required
Lot Size	1.64 acres	6,500 square feet
Lot Width	>65 feet	65 feet
Setbacks		
Front	Approx. 5 feet	25 feet
Side	Approx. 6 and 10 feet	10 feet
Rear	Approx. 20 feet	30 feet
Landscaping	21.8%	25%
Parking Spaces	55 spaces, 20 covered	2.125 spaces per unit, 1 covered

Vicinity Map



Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	Brookshire Townhomes	R-3 (Multi-Family Res Zone)	Residential
East	Single Family Homes 550 East Street	R-2 (Multi-Family Res Zone)	Residential
South	Kensington Place	R-3 (Multi-Family Res Zone)	Residential
West	Meadow Condominiums	R-3 (Multi-Family Res Zone)	Residential

ANALYSIS

The Final Subdivision Plat is nearly identical to the Preliminary Subdivision Plat in this development. There are no phases or separate conditions between the two sets of development submittals. Conditions that must be satisfied for the Preliminary Subdivision Plat are the same as those that must be met for the Final Subdivision Plat. For that reason, the conditions for the Final Plat are identical to those required in the Preliminary Plat.

Acceptance of a Development Agreement must accompany the Final Subdivision Plat. The narratives, street names, property line notations, and all call-outs in the Engineer's letter must be satisfied prior to moving the plans forward to City Council.

CONDITIONS OF APPROVAL

- 1) Approval of this development is contingent upon the review and acceptance of a Development Agreement specifying building locations, setbacks, open space, road network, and parking requirements at minimum.
- 2) The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Preliminary Subdivision approval, PSP 1407-0001; however, they will also include and address the following:
 - a. The final engineering design (construction drawings) submitted for site improvements shall meet City standards and be to the satisfaction of the City Engineer.
 - b. The final building plans submitted shall meet building safety standards and be to the satisfaction of the City Building Official.
 - c. The final building plans shall meet the minimum standards for building materials as established in R-3 Zone 11-9E-13(F). The final building plans should be in substantial conformance with Chapter 18 Design Guidelines.
 - d. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. A minimum of 20 stalls must be covered. An adequate number of stalls must meet ADA standards.

- e. Site circulation must be designed in such a manner that on site traffic flow is not impeded. Adequate paved markings and/or signage shall be provided and incorporated on the site.
 - f. New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.
 - g. A minimum of 25 percent landscaping shall be provided and meet the minimum standards set forth in 11-13-23.
 - h. Proposed signage must meet Title 11, Chapter 15 standards. Signs are not included as part of this Site Plan approval. Separate review and approval will be required.
- 3) Final Plat approval is subject to North Davis County Fire District review and approval.
- 4) 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.

ATTACHMENTS

1. Final Subdivision Plat

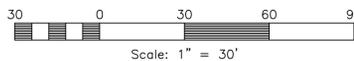
KENSINGTON PLACE PHASE 2 SUBDIVISION

PART OF THE NORTHEAST QUARTER OF SECTION 12, T.4N., R.2W., S.L.B.&M., U.S. SURVEY
CLEARFIELD CITY, DAVIS COUNTY, UTAH
JULY, 2014



VICINITY MAP
SCALE: NONE

- = SECTION CORNER
- = SET STREET MONUMENT
- = SET 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES"
- = BOUNDARY LINE
- = LOT LINE
- = ADJOINING PROPERTY
- = EASEMENTS
- = SECTION TIE LINE
- = PUBLIC UTILITY EASEMENT
- = EXISTING BUILDING TO BE REMOVED
- = BUILDING PAD
- = EXISTING BUILDING TO REMAIN



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE SECTION LINE BETWEEN THE FOUND DAVIS COUNTY MONUMENT AT THE NORTHEAST CORNER AND A FOUND DAVIS COUNTY MONUMENT AT THE NORTH QUARTER CORNER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. SHOWN HEREON AS: N89°47'01"W

NARRATIVE

THE PURPOSE OF THIS PLAT IS TO DIVIDE THIS PROPERTY INTO LOTS AND STREETS. ALL BOUNDARY CORNERS AND REAR LOT CORNERS WERE SET WITH A 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES". ALL FRONT LOT CORNERS WERE SET WITH A LEAD PLUG IN THE TOP BACK OF CURB AT THE EXTENSION OF THE SIDE LOT LINES.

BOUNDARY DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY BEGINNING AT A POINT, SAID POINT LIES 2646.77 FEET, N89°47'01"W AND 730.39 FEET S00°09'18"W FROM A FOUND DAVIS COUNTY MONUMENT AT THE NORTHEAST CORNER OF SAID SECTION 12 AND RUNNING: THENCE S89°50'42"E 404.58 FEET; THENCE S00°09'18"W 182.30 FEET; THENCE N89°50'42"W 404.58 FEET; THENCE N00°09'18"E 182.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 73,755 SQUARE FEET OR 1.693 ACRES

CLEARFIELD CITY PLANNING COMMISSION

APPROVED THIS _____ DAY OF _____, 20____ BY THE CLEARFIELD CITY PLANNING COMMISSION.

CHAIRMAN, CLEARFIELD CITY PLANNING COMMISSION

CLEARFIELD CITY ENGINEER

I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

CLEARFIELD CITY ENGINEER DATE

CLEARFIELD CITY COUNCIL

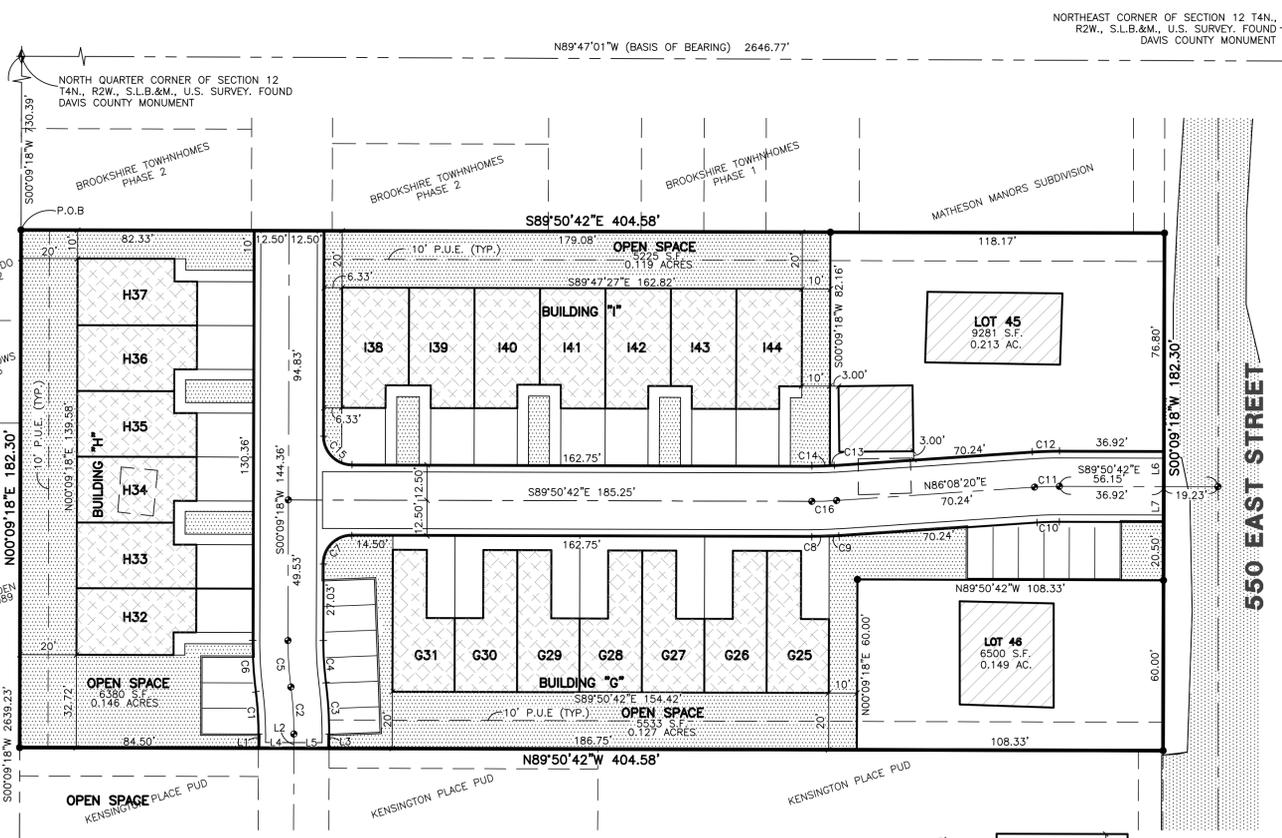
PRESENTED TO THE CLEARFIELD CITY COUNCIL THIS THE _____ DAY OF _____, 20____ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

CLEARFIELD CITY MAYOR ATTEST: CITY RECORDER

CLEARFIELD CITY ATTORNEY

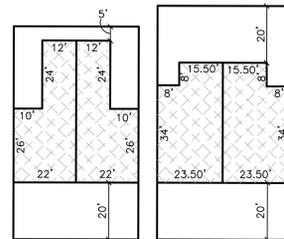
APPROVED BY THE CLEARFIELD CITY ATTORNEY THIS THE _____ DAY OF _____, 20____.

CLEARFIELD CITY ATTORNEY



CURVE TABLE

#	RADIUS	ARC LENGTH	CHD LENGTH	TANGENT	CHD BEARING	DELTA
C1	112.50'	14.90'	14.89'	7.45'	N03°36'18"W	7°35'18"
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TYPICAL BUILDING DETAIL
NOT TO SCALE

DEVELOPER:

HAMLIN INVESTMENT GROUP
JOHN RYAN
1027 W. 350 S.
LAYTON, UT 84041
(801) 509-0616

PROJECT INFORMATION

Surveyor:	Project Name:
SURVEYOR'S NAME	KENSINGTON PLACE PHASE 2
Designer:	Number:
E. ROCHE	6388-01
Begin Date:	Scale:
07-29-14	1"=30'
	Revision:
	Checked:

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
FILED FOR RECORD _____
AND RECORDED, _____ AT _____
IN BOOK _____ OF _____
THE OFFICIAL RECORDS, PAGE _____
RECORDED FOR: _____
DAVIS COUNTY RECORDER
DEPUTY, _____

SURVEYOR'S CERTIFICATE

I, ROBERT D. KUNZ, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTIONS 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND THAT THIS PLAT OF KENSINGTON PLACE PHASE 2 SUBDIVISION IN CLEARFIELD CITY, DAVIS COUNTY, UTAH, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE DAVIS COUNTY RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME ON THE GROUND; I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF CLEARFIELD CITY, DAVIS COUNTY CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 20____

150228

UTAH LICENSE NUMBER

ROBERT D. KUNZ



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SIGNED THIS _____ DAY OF _____, 20____

ACKNOWLEDGMENT

STATE OF UTAH)ss.
COUNTY OF _____)

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, (AND) _____, SIGNER(S) OF THE ABOVE OWNER'S DEDICATION AND CERTIFICATION, WHO BEING BY ME DULY SWORN, DID ACKNOWLEDGE TO ME _____ SIGNED IT FREELY, VOLUNTARILY, AND FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES _____ NOTARY PUBLIC

ACKNOWLEDGMENT

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COUNTY OF _____)

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COMMISSION EXPIRES _____ NOTARY PUBLIC



415 S. HARRISON BLVD., SUITE 310, OGDEN, UTAH 84403
TEL: (801) 621-3100 FAX: (801) 621-0868 WWW.REEVE-ASSOCIATES.COM
LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS



Planning Commission

STAFF REPORT

AGENDA ITEM
#9

TO: Planning Commission

FROM: Scott A. Hess, MPA
Development Services Manager
scott.hess@clearfieldcity.org (801) 525-2785

MEETING DATE: September 10, 2014

SUBJECT: Discussion and Possible Action on **SP 1407-0001**: a request by Marvin Murri and John Ryan, on behalf of Hamblin Investment group, for Site Plan review of a multi-family housing subdivision located at approximately 880 South 550 East (TIN: 12-067-0109, 12-067-0145, 12-067-0144). The property is approximately 1.64 acres and lies in the Residential (R-2) and (R-3) zoning districts.

RECOMMENDATIONS

Move to **approve as conditioned SP 1407-0001**, a request by Marvin Murri and John Ryan, on behalf of Hamblin Investment group, for Site Plan review of a multi-family housing subdivision located at approximately 880 South 550 East (TIN: 12-067-0109, 12-067-0145, 12-067-0144) based on discussion and findings in the staff report.

PROJECT SUMMARY

Project Information	
Project Name	Kensington Place Phase 2
Site Location	Approx. 880 South 550 East
Tax ID Number	12-067-0109, 12-067-0145, 12-067-0144
Applicant and Property Owner	Marvin Murri and John Ryan
Property Owner	Marvin Murri and John Ryan
Proposed Actions	Site Plan Review
Current Zoning	R-3 and R-2 Multi-Family Residential
Master Plan Land Use	Residential
Gross Site Area	1.64 Acres

Development Standards:	Proposed	Required
Lot Size	1.64 acres	6,500 square feet
Lot Width	>65 feet	65 feet
Setbacks		
Front	Approx. 5 feet	25 feet
Side	Approx. 6 and 10 feet	10 feet
Rear	Approx. 20 feet	30 feet
Landscaping	21.8%	25%
Parking Spaces	55 spaces, 20 covered	2.125 spaces per unit, 1 covered

Vicinity Map



Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	Brookshire Townhomes	R-3 (Multi-Family Res Zone)	Residential
East	Single Family Homes 550 East Street	R-2 (Multi-Family Res Zone)	Residential
South	Kensington Place	R-3 (Multi-Family Res Zone)	Residential
West	Meadow Condominiums	R-3 (Multi-Family Res Zone)	Residential

SITE PLAN REVIEW

DESIGN STANDARDS

Chapter 18 *Design Standards* of the Land Use Ordinance regulates new construction, and construction that requires a building permit. The chapter focuses on the use of quality materials for new and renovated structures. Staff would recommend that the applicant review Chapter 18, and make sure that selected exterior materials meet the intent of the City Code. Conformance with Chapter 18 will be confirmed with Building Permits.

Conformance with Chapter 18 would be required for the newly proposed structures. The applicant has indicated that their desire is to match the exterior of the new buildings with existing buildings in the surrounding developments.

Conformance with Chapter 18 Design Guidelines is included as a condition of approval.

SITE CIRCULATION and PARKING

City Code 11-14-3 requires that multi-family residential uses provide 2.125 spaces per unit with at least one unit covered. The Site Plan as it is proposed shows a total of 55 parking spaces with 20 covered as single car garages, for a total of 20 new residential units. The plan as proposed has an adequate number of spaces.

This item is included as a condition of approval.

LANDSCAPING

Minimum landscaping that needs to be provided is 25% of the total development. The current proposal is 21.8%. The landscaping plan may include storm water detention areas if they are improved with turf grass and useable as open space. This item should be addressed in the Development Agreement. The applicant is working with their engineer to provide on-site detention within the proposed landscaping areas. Landscaping must be 25% for the entire development.

This item is included as a condition of approval.

GARBAGE DUMPSTER

There is not a garbage dumpster shown on the site plan drawing. Staff would encourage that the location of the dumpster not be visible from the 550 East right-of-way. At a minimum per City Code any on-site dumpster must be screened from view within an approved enclosure.

This item is included as a condition of approval.

FENCING PLAN

Per City Code, walls and fences may be required around all multi-family projects. Staff would recommend fencing to be installed which matches the existing perimeter fencing for Kensington Phase 1 and Brookshire.

This is included as a condition of approval.

SIGN PACKAGE

Signage is not included as part of this Site Plan approval.

ENGINEERING/PUBLIC WORKS REVIEW

Engineering and Public Works have reviewed the submitted Preliminary Subdivision, Final Subdivision and Site Plan documents and Engineering provided a review of this site that encompasses all three documents. There are specific call outs to the size of the proposed detention facility as well how the water will be piped off-site. The improvements for this site must be in substantial conformance with the Engineer's review letter.

Conformance with the Engineering review letter is included as a condition of approval.

OTHER AGENCY REVIEW

Fire Review

North Davis Fire District sat in on a sketch plan meeting for this site. They encouraged connecting the road networks and making sure that fire infrastructure was properly installed. The revised plans will be reviewed during the Plat approval and Building Permit phase to assure conformance.

Public Comment

No public comment has been received to date.

REVIEW CONSIDERATIONS

Site Plan Review

Clearfield Land Use Ordinance Section 11-5-3 establishes the review considerations the Planning Commission shall make to approve Site Plans. The findings and staff's evaluation are outlined below:

Review Consideration		Staff Analysis
1)	<i>Traffic:</i> The effect of the site development plan on traffic conditions on abutting streets.	This site has adequate access from 550 East. Staff does not foresee any negative traffic impacts from this site.
2)	<i>Vehicle; Pedestrian:</i> The layout of the site with respect to locations and dimension of vehicular and pedestrian entrances, exits, drives and walkways.	The driveway to the site is proposed to be located between two single family homes which will stay in their current location. There are no public sidewalks within the development, and streets are held privately within this proposed development and the surrounding townhome projects.

3)	<i>Off-Street Parking:</i> Compliance of off-street parking facilities with Chapter 14 of this Title.	It is estimated that approximately 55 parking stalls will be provided. There are 15 parking stalls proposed that are not part of any single townhome. These spaces would be for guests of the residents. Parking must meet minimums for the zone. The size of the stalls will need to meet code standards of 9 feet wide by 20 feet long and provide an adequate number of ADA compliant spaces. There should be a minimum of 20 covered stalls.
4)	<i>Loading and Unloading Facilities:</i> The location, arrangement and dimensions of truck loading and unloading facilities.	The new building on the site is not subject to an off-street loading space requirement.
5)	<i>Surfacing and Lighting; Parking:</i> The surfacing and lighting of off-street parking.	The proposal does not show any additional lighting; although the construction documents may include new lighting for both the parking areas and exterior on the buildings that must meet city code.
6)	<i>Screen Planting:</i> The location, height and materials, of walls, fences, hedges and screen planting.	This site is not subject to screen plantings.
7)	<i>Landscaping:</i> The layout and appropriateness of landscaping.	A minimum of 25 percent landscaping is a requirement in the R-3 zoning district. The construction drawings will need to demonstrate this standard is met and the provisions of 11-13-23 for the minimum number of trees and shrubs. The appropriate number of trees and shrubs will be indicated at the time of the construction documents (the building permit submittal). Landscaping areas may be used jointly as storm detention facilities, but must be improved with landscaping and a viable irrigation system.
8)	<i>Drainage:</i> The effect of the site development plan on City storm water drainage systems.	The storm water detention facility is not large enough, and the collected water must be piped to the storm water system per the City Engineer's letter. The applicant must demonstrate in revised site plan drawings compliance with current City standards and mitigate the impact on the storm drain system.
9)	<i>Utility:</i> The effect of the site development plan on City utility systems.	The utility and improvement plans must be in compliance with current City standards and mitigate impact on the utilities system.

10)	<i>Building Locations:</i> Consideration of building locations on the site, elevations and relation to surrounding areas (Ord. 84-06B, 9-11-1984)	The site layout is three buildings located along private streets containing 6 and 7 units each respectively. Parking is proposed to be a single car garage and a driveway space for each unit. The proposed building locations and setbacks will require a development agreement in order to accept the current configuration.
11)	<i>Exterior Design:</i> Consideration of exterior design in relation to adjoining structures and area character to assure compatibility with other structures in the neighborhood, existing or intended. (Ord. 84-08, 10-23-1984)	The project is subject to the Chapter 18 Design Standards should the Commission determine further improvements are required, these should be included as Conditions of Approval.
12)	<i>Signs:</i> Compliance of signs with Chapter 15 of this Title and particular consideration to the location of signs upon the site, their effect upon parking, ingress and egress, the effects upon neighboring properties and the general harmony of signs with the character of the neighborhood, existing or intended.	A sign package review will be under separate review and approval.

CONDITIONS OF APPROVAL

- 1) Approval of this development is contingent upon the review and acceptance of a Development Agreement specifying building locations, setbacks, private road network, and parking requirements at minimum.
- 2) The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1407-0001; however, they will also include and address the following:
 - a. The final engineering design (construction drawings) submitted for site improvements shall meet City standards and be to the satisfaction of the City Engineer.
 - b. The final building plans submitted shall meet building safety standards and be to the satisfaction of the City Building Official.
 - c. The final building plans shall meet the minimum standards for building materials as established in R-3 Zone 11-9E-13(F). The final building plans should be in substantial conformance with Chapter 18 Design Guidelines.
 - d. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. A minimum of 20 stalls must be covered. An adequate number of stalls must meet ADA standards.
 - e. Site circulation must be designed in such a manner that on site traffic flow throughout the development is not impeded. Adequate paved markings and/or signage shall be provided and incorporated on the site.

- f. New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.
 - g. A minimum of 25 percent landscaping shall be provided and meet the minimum standards set forth in 11-13-23.
 - h. Proposed signage must meet Title 11, Chapter 15 standards. Signs are not included as part of this Site Plan approval. Separate review and approval will be required.
- 3) Garbage dumpster for this site must be screened.
 - 4) Site Plan approval is subject to North Davis County Fire District review and approval.
 - 5) 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.

ATTACHMENTS

- 1. Site Plan dated July 8, 2014

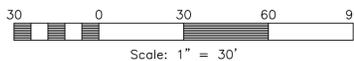
KENSINGTON PLACE PHASE 2 SUBDIVISION

PART OF THE NORTHEAST QUARTER OF SECTION 12, T.4N., R.2W., S.L.B.&M., U.S. SURVEY
CLEARFIELD CITY, DAVIS COUNTY, UTAH
JULY, 2014



VICINITY MAP
SCALE: NONE

- = SECTION CORNER
- = SET STREET MONUMENT
- = SET 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES"
- = BOUNDARY LINE
- - - = LOT LINE
- - - = ADJOINING PROPERTY
- - - = EASEMENTS
- - - = SECTION TIE LINE
- P.U.E. = PUBLIC UTILITY EASEMENT
- [Hatched Box] = EXISTING BUILDING TO BE REMOVED
- [Dotted Box] = BUILDING PAD
- [Solid Box] = EXISTING BUILDING TO REMAIN



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE SECTION LINE BETWEEN THE FOUND DAVIS COUNTY MONUMENT AT THE NORTHEAST CORNER AND A FOUND DAVIS COUNTY MONUMENT AT THE NORTH QUARTER CORNER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. SHOWN HEREON AS: N89°47'01"W

NARRATIVE

THE PURPOSE OF THIS PLAT IS TO DIVIDE THIS PROPERTY INTO LOTS AND STREETS. ALL BOUNDARY CORNERS AND REAR LOT CORNERS WERE SET WITH A 3/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES". ALL FRONT LOT CORNERS WERE SET WITH A LEAD PLUG IN THE TOP BACK OF CURB AT THE EXTENSION OF THE SIDE LOT LINES.

BOUNDARY DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY BEGINNING AT A POINT, SAID POINT LIES 2646.77 FEET, N89°47'01"W AND 730.39 FEET S00°09'18"W FROM A FOUND DAVIS COUNTY MONUMENT AT THE NORTHEAST CORNER OF SAID SECTION 12 AND RUNNING: THENCE S89°50'42"E 404.58 FEET; THENCE S00°09'18"W 182.30 FEET; THENCE N89°50'42"W 404.58 FEET; THENCE N00°09'18"E 182.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 73,755 SQUARE FEET OR 1.693 ACRES

CLEARFIELD CITY PLANNING COMMISSION

APPROVED THIS _____ DAY OF _____, 20____ BY THE CLEARFIELD CITY PLANNING COMMISSION.

CHAIRMAN, CLEARFIELD CITY PLANNING COMMISSION

CLEARFIELD CITY ENGINEER

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CLEARFIELD CITY COUNCIL

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CLEARFIELD CITY ATTORNEY

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CLEARFIELD CITY ATTORNEY

DESIGN CRITERIA

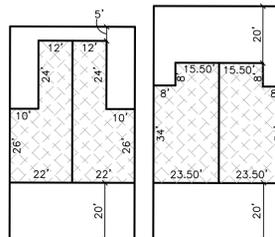
TOTAL AREA1.69 ACRES
AREA OF TOWNHOMES.....1.33 ACRES
OPEN SPACE/COMMON AREA.....0.29 ACRES (21.8%)
AREA OF HARDSCAPE.....0.63 ACRES (47.4%)
AREA OF UNITS.....0.41 ACRES (30.8%)
DENSITY 15.1 UNITS/ACRE

LINE TABLE

LINE	BEARING	DISTANCE
L1	S00°11'21"W	5.01'
L2	N00°11'21"E	5.00'
L3	N00°11'21"E	4.89'
L4	S89°50'42"E	12.50'
L5	EAST	12.50'
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NOT TO SCALE

DEVELOPER:

HAMBUN INVESTMENT GROUP
JOHN RYAN
1027 W. 350 S.
LAYTON, UT 84041
(801) 509-0616

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COMMISSION EXPIRES _____

NOTARY PUBLIC

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STATE OF UTAH)ss.
COUNTY OF _____)

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, (AND) _____ BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THEY ARE _____ AND _____ OF SAID CORPORATION AND THAT THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES _____

NOTARY PUBLIC

PROJECT INFORMATION

Surveyor: _____
Project Name: KENSINGTON PLACE PHASE 2
Designer: E. ROCHE
Scale: 1"=30'
Begin Date: 07-29-14
Checked: _____

DAVIS COUNTY RECORDER

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

RECORDED FOR:

DAVIS COUNTY RECORDER

DEPUTY,



Reeve & Associates, Inc.
1105 S. HARRISON BLVD., SUITE 310, OGDEN, UTAH 84403
TEL: (801) 621-3100 FAX: (801) 621-3968 WWW.REEVE-ASSOCIATES.COM

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Planning Commission

STAFF REPORT

AGENDA ITEM
#10

TO: Planning Commission

FROM: Stacy Millgate
Business Licenses, CDBG Coordinator
smillgate@clearfieldcity.org (801)525-2781

MEETING DATE: September 10, 2014

SUBJECT: Discussion on potential Zoning Text Amendment regarding Daycare and Preschool facilities.

RECOMMENDATION

1. Review and discuss information provided by staff.
2. Provide feedback and recommendations to staff on amendments being presented.

ANALYSIS

Clearfield City Code 11-8 Agricultural Zones and 11-9 Residential Zones lists home daycares and preschools as being required to obtain a Conditional Use Permit prior to receiving their initial business license. City Code § 11-4-4, Conditions and Requirements, lays out twenty-eight specific criteria to be considered for a Conditional Use Permit. Following the criteria in the code helps lead to predictable reviews and recommendations.

Currently, the review body for all Conditional Use Permits is the Planning Commission. While the requirement to bring all Conditional Use Permits to the Planning Commission has helped drive quality standards, it can become a time burden on the Planning Commission to review very minor items that are required based on the current procedures. Also, from the applicant's perspective waiting for the Planning Commission to review what seems to be a very minor or insignificant project can be frustrating. During a discussion, held by the Planning Commission, on August 6, 2014, language was to be created and brought before the commissioner's for their review and recommendations.

Proposed Changes

Staff is proposing a change to the Agriculture and Residential sections of the City Code, which would change the classification of home daycares and preschools from a conditional use to a permitted use. As part of this change, language would be adopted and codified in Title 11, Chapter 13 Supplementary Regulations, to require additional documents be submitted for obtaining approval for this particular type of business.

Title 11, Chapter 8 and Chapter 9 RESIDENTIAL ZONES (AMENDED LANGUAGE)

The amendments include reclassifying "Daycares, residential" and "Preschools, residential" from a Conditional Use to a Permitted Use within the A-1, A-2, R-1-9, R-1-8, R-1-6, R-2, R-3 and R-

1-Open zones. (Currently these types of businesses are not allowed in the R-M zone and amendments to this zone are not being requested at this time.)

Title 11, Chapter 13

SUPPLEMENTARY REGULATIONS (NEW LANGUAGE TO BE ADDED)

11-13-32: RESIDENTIAL DAYCARES AND PRESCHOOLS:

- A. Drop-off/Pick-up Plans: Applicant shall submit a drop-off and pick-up schedule, subject to the approval by the City Zoning Administrator, with staggered times proposed in order to mitigate traffic impacts. If applicant is requesting approval for a home preschool, that holds more than one class per day, the ending time of the first class to the beginning time of the second class shall be scheduled at least one hour apart, to prevent overlapping times of pick-up and drop-off of students.
- B. Traffic Flow: Applicant shall submit a copy of the traffic flow plan, subject to approval by the City Zoning Administrator.
- C. Outdoor Environment: There shall be an outdoor play area for children that is safely accessible to children. Enclosed and installed to the satisfaction of State of Utah Licensing Division.
- D. If the Zoning Administrator determines that an application needs further interpretation, he may request planning commission review of the approval.



Planning Commission

STAFF REPORT

AGENDA ITEM

#11

TO: Planning Commission

FROM: Stacy Millgate
Business Licenses, CDBG Coordinator
smillgate@clearfieldcity.org (801)525-2781

MEETING DATE: September 10, 2014

SUBJECT: Discussion on potential Zoning Text Amendment regarding Mobile Food Vendor standards.

RECOMMENDATION

1. Review and discuss information provided by staff.
2. Provide feedback to staff on recommended language to be adopted in Title 11, Chapter 13, Section 26 Fireworks Stand, Temporary or Seasonal Merchant, and Mobile Food Vendor Regulations, based on the amendments provided in the Staff Report.

Background

On June 10, 2014 the city council passed an ordinance to amend the license period for a temporary or seasonal merchant from 60 days to 180 days. As part of this process, staff was directed to investigate a zoning text amendment that would allow for temporary food vendors, while limiting the negative impacts associated with these types of businesses. During the August 6, 2014, staff presented documents comparing Clearfield City's zoning ordinance for Temporary, Seasonal Merchant or Mobile Food Vendor License with six other jurisdictions. Planning Commission recommended language be drafted and presented during a future Planning Commission meeting.

Analysis

Staff has reviewed and compared the current city code with other jurisdictions that regulate these types of businesses. The intent of the code is to limit the negative impacts associated with these types of businesses. Staff believes the changes made to the code in 2009, has substantially reduced the problems that were occurring at that time. However, additional code language is being requested, which will help clarify and alleviate any future problems that may arise.

Attachment 1: Amended language to Title 11, Chapter 13, Section 26: Firework Stand, Temporary or Seasonal Merchant, and Mobile Food Vendor Regulations.

Title 11, Chapter 13

TEMPORARY OR SEASONAL MERCHANTS AND MOBILE FOOD VENDORS (AMENDED LANGUAGE)

11-13-26: FIREWORKS STAND, TEMPORARY OR SEASONAL MERCHANT, AND MOBILE FOOD VENDOR REGULATIONS:

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

A. Location Specified; Location Restrictions:

1. Each license shall specify the location where the business is approved to operate. No operation shall occur at locations other than the approved site.
2. Licenses issued under this section shall be limited to the following street corridors:
 - a. Main Street, State Street, 1700 South, 700 South, and 300 North, if outside of Freeport Center & Freeport West.
 - b. No location restrictions imposed by City if locating inside Freeport Center or Freeport West.

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

BC. Impervious Surface: Each fireworks stand, temporary or seasonal merchant, and mobile food vendor shall be located on an impervious, all weather surface with no portion of the business located in a landscaped or nonimproved area.

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

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

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

FG. Business Conduct: A fireworks stand, temporary or seasonal merchant, or mobile food vendor shall not solicit or conduct business with persons in motor vehicles or use any flashing lights, noise, sound or other motion producing devices to attract attention to its operation.

GH. Minimum Separation Required:

1. No mobile food vendor shall be located within two hundred feet (200') of the primary public entrance of an existing restaurant use.

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

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

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

JK. City Sponsored Event Or Activity: This section shall not apply to fireworks stands, temporary or seasonal merchants, or mobile food vendors participating in a city sponsored event or activity. (Ord. 2009-40, 11-24-2009)