



## Community Development

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

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### MEETING NOTICE OF THE CLEARFIELD CITY PLANNING COMMISSION

Notice is hereby given that the Clearfield City Planning Commission will hold a regularly scheduled meeting at **7:00 P.M., Wednesday, December 2, 2015**, on the 3<sup>rd</sup> floor in the **City Council Chambers** of the Clearfield City Municipal Building, 55 S. State, Clearfield, Utah.

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

1. ROLL CALL
2. APPROVAL OF MINUTES

A. November 4, 2015

#### **PUBLIC HEARINGS:**

3. Public Hearing for **CUP-1511-0003** a request by Samantha Hanson, on behalf of Valley Behavioral Health for Conditional Use approval for the Highland Springs Specialty Clinic, a behavior, drug, or alcohol treatment facilities, located at 1785 E. 1450 S. suites 300 & 310 (TIN: 09-377-0303). The property is approximately 2.26 acres in size and is located in the C-2 (Commercial) zoning district.
4. Public Hearing for **ZTA 1511-0005**, a Zoning Text Amendment to Title 11, requested by Clearfield City Staff for amendments and corrections within Title 11 Land Use, Chapters 1, 2, 4, 5, 6, 11, 13, 14. Also, this zoning text amendment will consider supplemental regulations and a clarification for the use of outdoor storage in the M-1 and C-2 zoning districts. These changes would be effective across all applicable parcels of property and zones within Clearfield City.
5. Public Hearing for **FSP 1511-0004**, a request by Con Wilcox to amend the Wilcox Farms Subdivision Plat, Lot 26, located at 850 W. 1600 S. (TIN: 12-391-0014). The property is approximately 3.61 acres and is located in the C-2 (Commercial) zoning district.

#### **SCHEDULED ITEMS:**

6. Discussion and Possible Action on **CUP-1511-0003**, a request by Samantha Hanson, on behalf of Valley Behavioral Health for Conditional Use approval for the Highland Springs Specialty Clinic, a behavior, drug, or alcohol treatment facilities, located at 1785 E. 1450 S. suites 300 & 310 (TIN: 09-377-0303). The property is approximately 2.26 acres in size and is located in the C-2 (Commercial) zoning district.
7. Discussion and Possible Action on **ZTA 1511-0005**, a Zoning Text Amendment to Title 11, requested by Clearfield City Staff for amendments and corrections within Title 11 Chapters 1, 2, 4, 5, 6, 11, 13, 14. Also, this zoning text amendment will consider supplemental regulations and a clarification for the use of outdoor storage in the M-1 and C-2 zoning districts. These

changes would be effective across all applicable parcels of property and zones within Clearfield City.

8. Discussion and Possible Action - **FSP 1511-0004**, a request by Con Wilcox to amend the Wilcox Farms Subdivision Plat, Lot 26, located at 850 W. 1600 S. (TIN: 12-391-0014). The property is approximately 3.61 acres and is located in the C-2 (Commercial) zoning district.

**COMMUNICATION ITEMS:**

1. Staff Communications –
  - a. January we will be holding Chair and Vice Chair elections, as outlined in Planning Commission Rules and Regulations.  
Election of Chairperson and Vice-Chairperson.
    1. The Commission shall annually elect a Chairperson and Vice-Chairperson at the first regularly scheduled meeting in January by majority vote after taking nominations from the body. The term will be for a period of one year, with a maximum of five consecutive terms. If the Chairperson is no longer able to fulfill the responsibilities of the Chair, either due to death, resignation, removal, disqualification, etc., then the Vice-Chairperson shall serve as the acting Chair until a new Chairperson is elected by the body to fulfill the remaining portion of the Chair's unexpired term. The Commission need not wait until the annual election in January in order to replace a Chairperson that has resigned, been removed or disqualified, etc.
    2. A Commissioner must serve on the Planning Commission for at least one year before being eligible to be elected as the Chairperson. All Commissioners are eligible to serve as the Vice-Chairperson.
  - b. Appointment of Brady Jugler as a Regular Planning Commissioner by Mayor and Council at Meeting on November 24, 2015.

2. Planning Commissioners' Minute

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

Dated this 30<sup>th</sup> Day of November 2015  
/s/Spencer W. Brimley, Development Services Manager



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



# Planning Commission

## STAFF REPORT

AGENDA ITEM  
**#3, 6**

**TO:** Planning Commission

**FROM:** Spencer W. Brimley  
Development Services Manager  
[Spencer.Brimley@clearfieldcity.org](mailto:Spencer.Brimley@clearfieldcity.org) (801) 525-2785

**MEETING DATE:** December 2, 2015

**SUBJECT:** Public Hearing, Discussion and Possible Action on **CUP-1511-0003** a request by Samantha Hanson, on behalf of Valley Behavioral Health for Conditional Use approval for the Highland Springs Specialty Clinic, a behavior, drug, or alcohol treatment facility, located at 1785 E. 1450 S. suites 300 & 310 (TIN: 09-377-0303). The property is approximately 2.26 acres in size and is located in the C-2 (Commercial) zoning district.

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### RECOMMENDATION

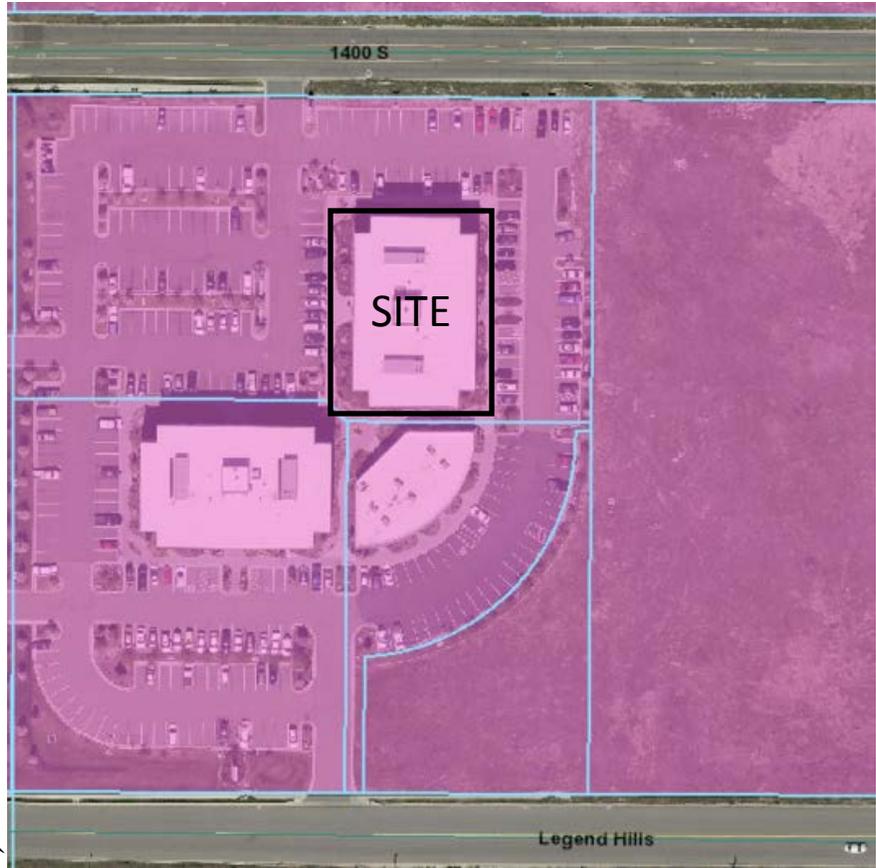
Move to **approve as conditioned**, CUP-1511-0003 a request by Samantha Hanson, on behalf of Highland Springs Specialty Clinic, for Conditional Use approval for a behavior, drug, or alcohol treatment facility, located at 1785 E. 1450 S. suites 300 & 310 (TIN: 09-377-0303), based on the findings and discussion in the Staff Report.

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### PROJECT SUMMARY

Project Information	
Project Name	Highland Springs Specialty Clinic
Site Location	1785 E. 1450 S. Suites 300 & 310
Tax ID Number	09-377-0303
Applicant	Samantha Hanson
Property Owner	Legend Hills
Proposed Actions	CUP for behavior, drug, alcohol treatment facility
Current Zoning	C-2
Master Plan Land Use	Commercial
Gross Site Area	2.26

**Vicinity Map**



<b>Surrounding Properties and Uses:</b>		<b>Current Zoning District</b>	<b>Comprehensive Plan Land Use Classification</b>
North	Undeveloped Property/Commercial Building	C-2 (Commercial)	Commercial
East	Undeveloped Property	C-2 (Commercial)	Commercial
South	Commercial Building (Legend Hills)	C-2 (Commercial)	Commercial
West	Commercial Building (Legend Hills)	C-2 (Commercial)	Commercial

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## ANALYSIS

### General Plan and Zoning

The property is currently zoned C-2 (Commercial) and is shown on the Future Land Use map as Commercial. The area to the east of this property is currently undeveloped, but is under the same ownership as the Legend Hills Offices, Mr. Wayne Belleau. The area west of this property contains additional buildings in the Legend Hills Center, a Commercial center that has frontage on Legend Hills Drive, 1400 S. and 1450 S. As per Clearfield City Code § 11-11B-3, a Behavior, Alcohol, and Drug treatment facility proposed to be located within the C-2 Commercial zone is required to receive a Conditional Use Permit.

### 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 Behavior, Drug, and Alcohol Treatment Facility is consistent with the City's Land Use Ordinance, and is permitted with an approved CUP in the C-2 zone. The proposed use would be operated during normal daytime business hours and does not generate objectionable noise, odors, dust or fumes that would make it incompatible with the adjacent residential uses. The applicant indicates that the facility will be staffed during the day, the applicant has not provided the number of staff, but has provided typical hours of operation for the business. There will not be any 24 hour services provided on site, and there will not be any overnight stays at the facility for clients or staff. The facility as proposed meets the requirements of the Clearfield City Code Section 11-4-3, as stated below.

### *Parking, Circulation, and Access*

The property is a commercial development with access off of 1400 S. and 1450 S. The parking lot for the proposed use has ample space. There are sidewalks provided along 1450 S. and 1400 S. There are no general parking, circulation, and access concerns.

### *24 Hour Impacts*

This proposed use is specifically operated as a day facility. The business will not be staffed 24 hours, and will not provide any overnight services for clients or staff. As stated by the applicant,

*"Valley started just over 2 years ago a commercial division of the company called Highland Springs Specialty Clinics. This is a very different business and business model for Valley in that we do not serve any court ordered or homeless individuals in these locations. In fact, we don't even accept Medicaid. These locations are 100% commercial insurance (BCBS, SelectHealth, United and so forth). We focus on individual, couple and family therapy and counseling services."*

The applicant has provided additional information related to the proposed use. Staff has included this information below for consideration by the Planning Commission:

### **We will NOT at this location do any of the following:**

- **Court ordered clients**
- **Homeless**
- **Medicaid**

- **Any jail/prison outpatient services**
  - o **Residential treatment or any 24 hour type services**
  - o **24 Hour hotlines or any sort of trauma or crisis services**

**We WILL at this location provide:**

- **Face to face outpatient counseling/therapy 60 minutes or less per session**
- **Regular business hours – Monday through Friday 8 AM to 7 PM and Saturday 9 AM to Noon**

**Public Comment**

There has been no public comment received at the time this report was written.

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**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 use that is permitted in the zone:</p> <ol style="list-style-type: none"> <li>a. The health, safety, and welfare of the City and its present and future inhabitants and businesses;</li> <li>b. The prosperity of the City and its present and future inhabitants and businesses;</li> <li>c. The peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses;</li> <li>d. The tax base;</li> <li>e. Economy in governmental expenditures;</li> <li>f. The State’s agricultural and other industries;</li> <li>g. The urban and nonurban</li> </ol>	<p>The requested behavior, drug, and alcohol treatment facility is proposed to be in an existing commercial facility within a well-established commercial area of the City. The use is compatible with adjacent properties and uses in the building.</p>

	<p>development; h. Access to sunlight for solar energy devices; or 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>Impacts in this case could come from the need for 24 hour services being generated. The proposed use will have hour of operation as stated in this staff report and will not be staffed 24 hours. It will not provide any overnight services for clients or staff. The applicant has stated that there will be no court ordered clientele at this location as well.</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 behavior, drug, and alcohol treatment facility in the C-2 zoning district. Conditions of approval are proposed to mitigate impact to the surrounding properties. These conditions are consistent with other facilities under this type of approval.</p>

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**CONDITIONS OF APPROVAL**

- 1) This Conditional Use Permit is for the Highland Springs Specialty Clinic a Behavioral, Drug, and Alcohol Treatment Facility located at 1785 E. 1450 S. suites 300 & 310.
  - a. The Highland Springs Specialty Clinic, shall operate during the hours of 8 AM to 7 PM Monday – Friday and 9 AM to Noon on Saturday.
  - 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.

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**ATTACHMENTS**

1. Site and property information.

## LEASE AGREEMENT OFFICE FORM – FULL SERVICE LEASE

THIS LEASE AGREEMENT (the "Lease") is made and entered into as of this 6th day of October, 2015 by and between Legend Hills Properties, LLC (the "Landlord"), and Valley Behavioral Health (the "Tenant").

For and in consideration of the rental to be paid by Tenant and of the covenants and agreements herein set forth to be kept and performed by Tenant, Landlord hereby leases to Tenant and Tenant hereby leases from Landlord, the Leased Premises (as hereinafter defined) and certain other areas, rights and privileges for the term, at the rental and subject to and upon all of the terms, covenants and agreements hereinafter set forth.

### I. PREMISES

1.1 Description of Premises. Landlord does hereby demise, lease and let unto Tenant, and Tenant does hereby take and receive from Landlord the following:

(a) That certain floor area containing approximately 2,826 useable square feet (the "Leased Premises") on the Third floor of the office building (the "Building") located at approximately 1785 E. 1450 S Clearfield, Utah 84015 as depicted Exhibit "A" Suites 300 & 310.

The monthly rental amount is calculated based upon rentable square footage, that is, the usable square footage plus a surcharge of 19.90% for the use of the common areas of the property (the "Tenant's Proportionate Share") to arrive as the rentable square footage upon which the rent is charged. The rentable square footage is agreed to be 2,826 square feet.

(b) The non-exclusive right to the use of the Common Areas (as defined in Section 17.1 below).

(c) Such non-exclusive rights-of-way, easements and similar rights with respect to the Building and Property as may be reasonably necessary for ingress to, and egress from, the Leased Premises and the Common Areas.

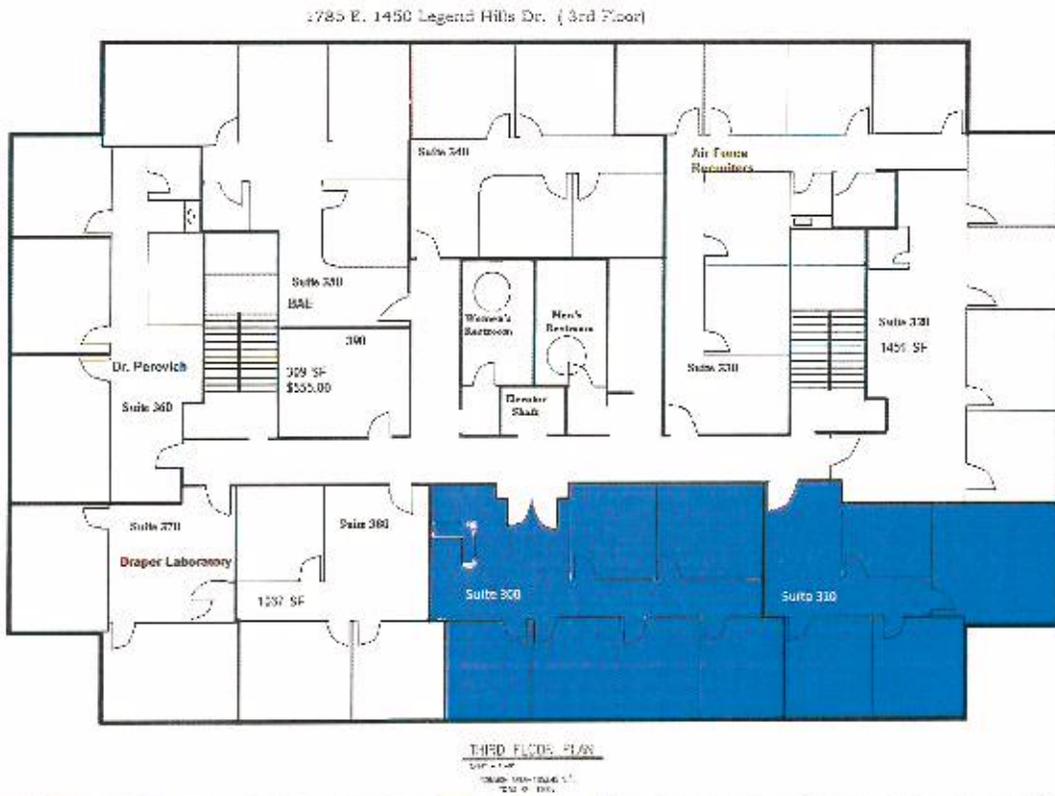
(d) The non-exclusive right to use those areas designated for vehicular parking, including the right to the use of Fifteen (15) parking stalls on an unreserved basis.

1.2 Work Improvement. The obligations of the Landlord and Tenant to perform the work and supply the necessary materials and labor to prepare the Leased Premises for occupancy are described in detail on Exhibit "B". Landlord and Tenant shall expend all funds and do all acts required of them as described on Exhibit "B" and shall perform or have the work performed promptly and diligently in a first class and workmanlike manner.

Valley Behavioral Health  
1785 E. 1450 S. Suite 300 & 310  
Clearfield, Utah 84015



EXHIBIT "A"  
FLOOR PLAN



Common area = 1853.45 s.f.  
Our suites = 2,026 s.f. (in blue)  
Building total = 12007 s.f.

Valley Behavioral Health  
1785 E. 1450 S. Suite 300 & 310  
Clearfield, Utah 84015



# **Planning Commission**

## **STAFF REPORT**

AGENDA ITEM

**#4, 7**

**TO:** Planning Commission

**FROM:** **Spencer W. Brimley**  
Development Services Manager  
[Spencer.Brimley@clearfieldcity.org](mailto:Spencer.Brimley@clearfieldcity.org) (801)525-2785

**MEETING DATE:** December 2, 2015

**SUBJECT:** Public Hearing, Discussion and Possible Action on **ZTA 1511-0005**: A request by Clearfield City Staff for Zoning Text Amendments and corrections specific to the proposed changes of the title of “Director of Community Development” to “Planning and Zoning Administrator” and the removal of the term “Community Development Department,” to be replaced with “City” or “Building Official,” within Title 11 Land Use, Chapters 1, 2, 4, 5, 6, 11, 13, and 14. Also In addition, to the minor changes proposed above, this zoning text amendment will consider the removal of the City Council as the Appeal Authority in specific instances, supplemental regulations for outdoor storage as well as regulations for parking lot landscape to be consistent with recent changes to Clearfield parking area and parking lot requirements. These changes would be effective across all applicable parcels of property and zones within Clearfield City.

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### **RECOMMENDATION**

Move to **recommend approval of ZTA 1511-0005 to the City Council**, Zoning Text Amendments and corrections within Title 11 Land Use, Chapters 1, 2, 4, 5, 6, 11, 13 and 14, based on the findings and discussion in the Staff Report.

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### **ANALYSIS**

It is necessary to make a number of minor corrections within Title 11 of the Clearfield City Code to accurately reflect recent changes within the organizational structure of the City. Title 11 has a few minor corrections that need to be made to the language. In addition to the above necessary proposed changes, staff has also prepared an amendment to the supplemental regulations for outdoor storage, as well as included a minor revision to the parking lot landscape requirements.

The proposed amendment to 11-13-12, for outdoor storage would result in the Planning Commission not having to consider a CUP for outdoor storage any more. Outdoor storage would be an item for consideration during site plan review, but that would be the only time that outdoor storage would be considered by the Commission, if the proposed changes are accepted and approved.

Below is a summary of the currently requested amendments:

## Proposed Changes

### 11- Land Use

Chapter 1 - General Provisions – The changes within this chapter of the Clearfield City Land Use Ordinance are for minor language changes specific to all references for “Director of Community Development” to be changed to “Planning and Zoning Administrator” or “Building Official” and all references to “Community Development Department” to be changed to “City.” Additionally, references to the office of “community development” will be stricken.

- 3 Interpretation:

*Interpretation and application of the provisions and requirements contained herein are declared to be the minimum requirements for the purposes set forth, unless otherwise specifically stated. If in the course of administration hereof, a question arises as to the meaning of any phrase, section, or chapter, the interpretation thereof shall be given by the ~~director of the community development department~~ **planning and zoning administrator** of Clearfield City and shall be construed to be the official interpretation thereof. Appeals of the ~~community development director's~~ **planning and zoning administrator's** interpretation shall be made in accordance with table 11.1 of this section and section 11-1-12 of this chapter. (Ord. 2009-17, 11-24-2009)*

- 8 Vested Right:

*A. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the city's zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:*

*1. The governing body, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or*

*2. In the manner provided by city ordinance and before the application is submitted, the city has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted. The process for formally initiating proceedings to amend the city's ordinances shall begin with the filing of the petition required by section 11-6-2 of this title ~~by the community development department~~.*

- 14 Annexation:

*D. The ~~community development department~~ **city** may establish forms and procedures for applications/petitions for annexation to the city in addition to those set forth by state law.*

- 15 Development Application and Procedures:

*A. All development and building permit applications are to be presented to the city on the applicable application form(s) provided by the ~~community development department~~ **city**.*

*D. An application for a required development approval, permit, or license shall be initiated by submitting the appropriate application(s) to the ~~community development department~~ **planning and zoning administrator**.*

*E. Upon receipt of an application, the planning and zoning administrator shall make a determination concerning its completeness. If the planning and zoning administrator*

*determines that the application is incomplete, he or she shall notify the applicant in writing, identifying the deficiencies of the application and advising the applicant that no action will be taken by the city until they have been corrected. If the applicant fails to correct the specified deficiencies within thirty (30) days from the date of notification by the planning and zoning administrator, the application shall be deemed withdrawn and the applicable application fees will be returned to the applicant.*

*F. An applicant may withdraw an application at any time prior to a final decision on the application. Application fees shall not be refundable if prior to withdrawal:*

*1. A review of the application by the ~~community development department~~ city has commenced; or*

*2. Notice of a meeting or public hearing to consider the application with the planning commission or city council has been mailed, posted or published.*

- 17 Determination for uses not listed as permitted or conditional uses  
*B. Determination as to the classification of uses not specifically listed in this title shall be made by the planning and zoning administrator and shall be subject to appeal to the planning commission as set forth in section 11-1-12 of this chapter. The procedure shall be as follows:*

*4. The determination and all information pertaining thereto shall be assigned a file number classifying it as an administrative determination and shall become a permanent public record ~~in the office of the community development department~~. Such use shall become a permitted or conditional use in the zone specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations of the zone classification. (Ord. 2009-17, 11-24-2009)*

## Chapter 2 Administration and Enforcement

- 3 Building permits:
  - A. Permit Required: No building or structure shall be constructed, reconstructed, altered, remodeled, moved or demolished without a permit issued by the ~~community development department~~ city.*
  - B. Application: Applications for building permits shall be made to the ~~community development department~~ building official. All applications shall be accompanied by plans showing information required by the ~~community development department~~ city.*
  - C. Permits To Comply With This Title: All building permits shall be reviewed by the building official and planning and zoning administrator for compliance with this title before being issued by the ~~community development department~~. No permit shall be issued unless and until the contemplated action is in compliance with the provisions of this title. (Ord. 2009-18, 11-24-2009)*

## Chapter 4 Conditional Use Permits

- 2 Procedures:

*B. Application: Application for a conditional use permit shall be made in writing on forms prepared by the ~~community development department~~ **planning and zoning administrator** by the property owner or ~~certified~~ **registered** agent. Upon receipt of a complete application, the **planning and zoning administrator** shall schedule the application for consideration by the **planning commission**. The **planning and zoning administrator** shall not place any application on the **planning commission** agenda until all items required by this title have been submitted or are omitted for good cause.*

- 5 Expiration of permit

*A land use authorized by a conditional use permit must commence within one year of the time the permit is issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The **planning commission** may grant an extension for good cause shown. Only one extension may be granted and the maximum extension shall be for six (6) months. Applications for extension must be submitted to the ~~community development department~~ **planning and zoning administrator** in writing prior to the expiration of the original permit. The application must describe the cause for requesting the extension and be accompanied by the fee required by the city's fee schedule. A public hearing shall be held by the **planning commission** for any application for extension. (Ord. 2009-20, 11-24-2009)*

Chapter 5 Site Plan Review

- 2 Procedures:

*B. Application: Application for site plan review shall be made in writing by the property owner or their certified agent on forms prepared by the ~~community development department~~ **city**. The **planning and zoning administrator** shall review the site plan application when it is submitted to see that all information and items required by this title are included in the application. The **planning and zoning administrator** shall not perform an administrative site plan review, or place any site plan on the **planning commission** agenda until all items required have been submitted or are omitted for good cause.*

*C. Contents Of Plan: Applications for site plan review shall be accompanied by three (3)(2) full size (24 inch x 36 inch) and five (5)(3) half size (11 inch x 17 inch) paper copies of site development plans and/or architectural drawings, and one electronic copy in a format approved by the ~~community development department~~ **city**. All plans shall be drawn to a standard scale (not smaller than 1 inch = 30 feet) and stamped by a licensed landscape architect or civil engineer, and shall contain the following:*

- 5 Expiration of approval; extension:

*Failure to obtain a building permit for an approved site plan within twelve (12) months of the date of approval by the land use authority shall result in the expiration of said approval. The land use authority may grant an extension for good cause shown for up to an additional six (6) months after the original date of approval. Applications for extension must be submitted to the ~~community development department~~ **planning and zoning administrator** in writing prior to the expiration of the original permit. The application must describe the reason for the extension, and shall be accompanied by the fee set forth in the city's fee schedule. (Ord. 2014-17, 6-24-2014, eff. 7-1-2014)*

Chapter 6 Amendments to General Plan

- 2 Petition for change to land use ordinance or zoning map:  
*B. Information And Items Required: The petition shall be submitted in writing on forms prepared by the ~~community development department~~ city and shall contain the following information:*
  1. *Designation of the specific section amendment or zone change desired.*
  2. *The reason and justification for such change.*
  3. *A draft of the proposed section amendment or a complete and accurate legal description of the area proposed to be rezoned.*
  4. *An accurate property map showing all areas to be included in the rezoning and all properties immediately adjacent to the proposed rezone area.*
  5. *A list of all property owners within three hundred feet (300') of the boundaries of the property to be rezoned, according to the assessment rolls of the Davis County assessor. Stamped, addressed envelopes for each property owner shall also be submitted by the applicant. The return address shall be for the ~~community development department~~ of the city.*
- 4 Petitions for change to general plan or general plan maps  
*B. Information And Items Required: The petition shall be submitted in writing on forms prepared by the ~~community development department~~ city and shall contain the following information:*

Chapter 11 Article D Manufacturing (M-1) Zone

- 2 Permitted and Conditional Uses:  
*The following buildings, structures, and uses of land shall be permitted in the M-1 manufacturing zone upon compliance with the requirements set forth in this code: (Ord. 2009-39, 11-24-2009)*

*Automobile repair.  
Business services.  
Laboratories.  
Manufacturing.  
Medical clinics.  
Mobile food vendors.  
Offices.  
Parks and open space.  
Personal services.  
Pet grooming facilities.  
Physical therapy facilities.  
Public uses.  
Restaurants.  
Retail stores.*

*Warehouses. (Ord. 2009-39, 11-24-2009; amd. Ord. 2010-06, 1-26-2010; Ord. 2010-10, 6-22-2010; Ord. 2011-08, 8-23-2011)*

*The following buildings, structures, and uses of land shall be allowed in the M-1 manufacturing zone upon compliance with the requirements set forth in this code and upon obtaining a conditional use permit as specified in [chapter 4](#) of this title:*

*Daycare facilities.*

*Greenhouses.*

*Landscape supply yards.*

~~*Outdoor storage.*~~

*Sexually oriented businesses.*

*Tattoo or body piercing establishment.*

*Vocational and technical training facilities. (Ord. 2013-02, 2-12-2013)*

*C. Uses which create traffic hazards, excessive noise, dust, fumes, odors, smoke, vapor, vibration or industrial waste disposal problems for adjacent residential uses shall not be permitted. (Ord. 2009-39, 11-24-2009)*

#### Chapter 13-Supplementary and Qualifying

- 12 Outdoor Storage:

*"Outdoor storage" is hereby defined as the commercial storage or keeping of building materials, equipment, fuels, vehicles, goods, commodities or raw materials outside of a building or structure. **Outdoor storage shall only be permitted as an accessory use in the M-1 or C-2 zones, subordinate to a permitted use on the same lot.** In addition to requirements found elsewhere in this Code and laws of the state of Utah, all outdoor storage shall **comply with** the following **regulations**:*

*A. No yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title, shall be used for outdoor storage without first obtaining site plan approval for such use from the planning commission in accordance with [chapter 5](#) of this title. The storage, keeping, or parking of a vehicle on an approved parking space at a private residence shall not be considered outdoor storage. The outdoor display of goods and other merchandise for retail sale shall not be considered outdoor storage. No other area or parcel of land shall be used for such purposes except as specifically permitted herein. Outdoor storage of junk, trash, debris, or other waste materials is prohibited on any lot or parcel in the city.*

*B. All outdoor storage, except for agricultural products, shall be enclosed by a fence or wall at least six feet (6') in height and impervious to sight from any public street, right of way, or adjacent property. No items may be stacked higher than the fence or wall of the enclosure ~~without prior approval from the planning commission through the site plan process~~, unless expressly exempted elsewhere in this title.*

*C. No materials or waste shall be deposited upon any property in such form or manner that they may be transferred off such property by natural causes or forces. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be*

*edible by, or otherwise be attractive to rodents or insects may not be stored outdoors unless put in closed containers.*

*D. Open storage of hay or other agricultural products shall be located not less than forty feet (40') from a public street, and fifty feet (50') from any dwelling on adjoining property; except, that any accessory building containing such products shall be located as required for all agricultural accessory buildings as provided for herein.*

*E. Outdoor storage in the C-2 zone shall not exceed six feet (6') in height. Outdoor Storage in the M-1 zone may exceed the height of six feet (6') up to a maximum height of up to fifteen feet (15') only if all adjacent properties share the same M-1 zone designation. If a railroad right of way is adjacent to the property, storage may only exceed six feet (6') upon planning commission approval. The following shall be the criteria by which the planning commission shall review the storage:*

- 1. There shall be adequate screening to prevent any residential zones across the railroad right of way from viewing the storage.*
- 2. The storage shall be screened to prevent a view of the storage from a commuter rail train. Screening can be accomplished by a change in grade, landscaping, or sight obscuring fences and walls. The planning commission may impose any other conditions designed to mitigate the impact of the storage. ~~In no case may storage exceed the height of fifteen feet (15').~~*

*F. All areas used for outdoor storage shall be properly surfaced with an impermeable, all weather material, and shall be kept free of weeds and debris. (Ord. 2009-40, 11-24-2009)*

### 23 Landscaping Standards and Requirements

- C(2) Bond required:  
*The bond or escrow account shall be posted or established prior to the issuance of a certificate of occupancy ~~building permits~~ for the site.*

### Chapter 14 Parking Area and Parking Lot Requirements

- 5(F). Parking Lot Islands: Landscaped parking lot islands shall be provided as follows:  
*On single rows of parking there shall be a twenty foot (20') long by five foot (5') wide landscaped island a minimum of every twelve (12) stalls. In situations where the parking stall allows a portion of the vehicle to extend over landscaping (“nose over landscaping”), the island planter may be allowed to be no less than 18’ in length. Islands on a single parking row shall have a minimum of one deciduous tree having a minimum trunk size of two inches (2”) in caliper measured eight inches (8”) above the soil line. Other landscaping installed in the island shall include shrubbery and an acceptable ground cover. No hard surface improvements such as concrete or asphalt are allowed within any landscaped islands.*

### **Public Comment**

No public comment has been received to date.

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**FINDINGS**

**Zoning Ordinance Text Amendment**

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

Review Consideration		Staff Analysis
1)	The proposed amendment is in accordance with the General Plan and Map; or	The proposed text amendments are consistent with the goals and policies of the Land Use Element of the City's General Plan. These references correct small issues and better define potential uses in Clearfield City.
2)	Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.	A review of current City Codes shows demonstrates that there are a number of minor small corrections that needed to be made to ensure accuracy and conformity within the City Code. In addition to the minor language corrections within title 11, Clearfield City Staff determined that the creation of a more clearly defined regulation for outdoor storage is was the responsibility of the City.

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**ATTACHMENTS**

1. Table 11-1-3 – Interpretation: Land Use Authority and Appeal Authority.
2. Proposed Title 11 Amendments

# Exhibits for Staff Report

Land Use Application	Land Use Authority		Appeal Authority			
	Advisory Body	Authority	First Appeal		Second Appeal	
			Days To Appeal <sup>3</sup>	Body	Days To Appeal <sup>3</sup>	Body
General plan or map amendment	Planning commission	City council	30	District court	n/a	None
Land use ordinance or map amendment	Planning commission	City council	30	District court	n/a	None
Subdivision ordinance or amendment	Planning commission	City council	30	District court	n/a	None
Development agreement	Planning commission	City council	30	District court	n/a	None
Project concept plan <sup>1</sup>	Staff	Planning commission	n/a	None	n/a	None
Site plan	Staff	Planning commission	10	<del>City council</del> <u>Land Use Hearing Officer</u>	30	District court
Administrative site plan	n/a	Staff	10	Planning commission	30	District court
Preliminary subdivision plat	Staff	Planning commission	10	City council	30	District court
Final subdivision plat	Planning commission	City council	30	District court	n/a	None
Conditional use	Staff	Planning commission	10	<del>City council</del> <u>Land Use Hearing Officer</u>	30	District court
Sign permit	n/a	Staff	10	Planning commission	30	District court
<del>Lot split</del>	<del>Staff</del>	<del>Planning commission</del>	<del>10</del>	<del>City council</del>	<del>30</del>	<del>District court</del>
<del>Lot line adjustment</del>	<del>Staff</del>	<del>Planning commission</del>	<del>10</del>	<del>City council</del>	<del>30</del>	<del>District court</del>
Amendment of approved subdivision plat:						

Preliminary	Staff	Planning commission	10	<del>City council</del> <u>Land Use Hearing Officer</u>	30	District court
Final	Planning commission	City council	30	District court	n/a	None
Variance	Staff	n/a	n/a	Planning commission	30	District court
Street or alley vacation	Staff	City council	30	District court	n/a	None
Annexations	Planning commission	City council	30	District court	n/a	None
Administrative approvals <sup>2</sup>	n/a	Staff	10	Planning commission	30	District court

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### 11-1-3: INTERPRETATION:

Interpretation and application of the provisions and requirements contained herein are declared to be the minimum requirements for the purposes set forth, unless otherwise specifically stated. If in the course of administration hereof, a question arises as to the meaning of any phrase, section, or chapter, the interpretation thereof shall be given by the ~~director of the community development department~~ **planning and zoning administrator** of Clearfield City and shall be construed to be the official interpretation thereof. Appeals of the ~~community development director's~~ **planning and zoning administrator's** interpretation shall be made in accordance with table 11.1 of this section and section 11-1-12 of this chapter. (Ord. 2009-17, 11-24-2009)

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### 11-1-8: VESTED RIGHTS:

A. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the city's zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:

1. The governing body, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or

2. In the manner provided by city ordinance and before the application is submitted, the city has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted. The process for formally initiating proceedings to amend the city's ordinances shall begin with the filing of the petition required by section 11-6-2 of this title ~~by the community development department~~.

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### 11-1-14: ANNEXATION:

D. The ~~community development department~~ **city** may establish forms and procedures for applications/petitions for annexation to the city in addition to those set forth by state law.

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### 11-1-15: DEVELOPMENT APPLICATIONS AND PROCEDURES:

A. All development and building permit applications are to be presented to the city on the applicable application form(s) provided by the ~~community development department~~ **city**.

D. An application for a required development approval, permit, or license shall be initiated by submitting the appropriate application(s) to the ~~community development department~~ **planning and zoning administrator**.

E. Upon receipt of an application, the planning and zoning administrator shall make a determination concerning its completeness. If the planning and zoning administrator determines

that the application is incomplete, he or she shall notify the applicant in writing, identifying the deficiencies of the application and advising the applicant that no action will be taken by the city until they have been corrected. If the applicant fails to correct the specified deficiencies within thirty (30) days from the date of notification by the planning and zoning administrator, the application shall be deemed withdrawn and the applicable application fees will be returned to the applicant.

F. An applicant may withdraw an application at any time prior to a final decision on the application. Application fees shall not be refundable if prior to withdrawal:

1. A review of the application by the ~~community development department~~ city has commenced; or
2. Notice of a meeting or public hearing to consider the application with the planning commission or city council has been mailed, posted or published.

#### 11-1-17: DETERMINATION FOR USES NOT LISTED AS PERMITTED OR CONDITIONAL USES:

B. Determination as to the classification of uses not specifically listed in this title shall be made by the planning and zoning administrator and shall be subject to appeal to the planning commission as set forth in section 11-1-12 of this chapter. The procedure shall be as follows:

4. The determination and all information pertaining thereto shall be assigned a file number classifying it as an administrative determination and shall become a permanent public record ~~in the office of the community development department~~. Such use shall become a permitted or conditional use in the zone specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations of the zone classification. (Ord. 2009-17, 11-24-2009)

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#### 11-2-3: BUILDING PERMITS:

A. Permit Required: No building or structure shall be constructed, reconstructed, altered, remodeled, moved or demolished without a permit issued by the ~~community development department~~ city.

B. Application: Applications for building permits shall be made to the ~~community development department~~ building official. All applications shall be accompanied by plans showing information required by the ~~community development department~~ city.

C. Permits To Comply With This Title: All building permits shall be reviewed by the building official and planning and zoning administrator for compliance with this title before being issued ~~by the community development department~~. No permit shall be issued unless and until the contemplated action is in compliance with the provisions of this title. (Ord. 2009-18, 11-24-2009)

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#### 11-4-2: PROCEDURES:

B. Application: Application for a conditional use permit shall be made in writing on forms prepared by the ~~community development department~~ **planning and zoning administrator** by the property owner or ~~certified~~ **registered** agent. Upon receipt of a complete application, the planning and zoning administrator shall schedule the application for consideration by the planning commission. The planning and zoning administrator shall not place any application on the planning commission agenda until all items required by this title have been submitted or are omitted for good cause.

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#### 11-4-5: EXPIRATION OF PERMIT:

A land use authorized by a conditional use permit must commence within one year of the time the permit is issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The planning commission may grant an extension for good cause shown. Only one extension may be granted and the maximum extension shall be for six (6) months. Applications for extension must be submitted to the ~~community development department~~ **planning and zoning administrator** in writing prior to the expiration of the original permit. The application must describe the cause for requesting the extension and be accompanied by the fee required by the city's fee schedule. A public hearing shall be held by the planning commission for any application for extension. (Ord. 2009-20, 11-24-2009)

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#### 11-5-2: PROCEDURES:

B. Application: Application for site plan review shall be made in writing by the property owner or their certified agent on forms prepared by the ~~community development department~~ **city**. The planning and zoning administrator shall review the site plan application when it is submitted to see that all information and items required by this title are included in the application. The planning and zoning administrator shall not perform an administrative site plan review, or place any site plan on the planning commission agenda until all items required have been submitted or are omitted for good cause.

C. Contents Of Plan: Applications for site plan review shall be accompanied by three (3) full size (24 inch x 36 inch) and five (5) half size (11 inch x 17 inch) paper copies of site development plans and/or architectural drawings, and one electronic copy in a format approved by the ~~community development department~~ **city**. All plans shall be drawn to a standard scale (not smaller than 1 inch = 30 feet) and stamped by a licensed landscape architect or civil engineer, and shall contain the following:

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#### 11-5-5: EXPIRATION OF APPROVAL; EXTENSION:

Failure to obtain a building permit for an approved site plan within twelve (12) months of the date of approval by the land use authority shall result in the expiration of said approval. The land use authority may grant an extension for good cause shown for up to an additional six (6) months after the original date of approval. Applications for extension must be submitted to

the ~~community development department~~ **planning and zoning administrator** in writing prior to the expiration of the original permit. The application must describe the reason for the extension, and shall be accompanied by the fee set forth in the city's fee schedule. (Ord. 2014-17, 6-24-2014, eff. 7-1-2014)

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#### 11-6-2: PETITION FOR CHANGE TO LAND USE ORDINANCE OR ZONING MAP:

B. Information And Items Required: The petition shall be submitted in writing on forms prepared by the ~~community development department~~ **city** and shall contain the following information:

1. Designation of the specific section amendment or zone change desired.
  2. The reason and justification for such change.
  3. A draft of the proposed section amendment or a complete and accurate legal description of the area proposed to be rezoned.
  4. An accurate property map showing all areas to be included in the rezoning and all properties immediately adjacent to the proposed rezone area.
  5. A list of all property owners within three hundred feet (300') of the boundaries of the property to be rezoned, according to the assessment rolls of the Davis County assessor. Stamped, addressed envelopes for each property owner shall also be submitted by the applicant. The return address shall be for the ~~community development department~~ of the city.
- 

#### 11-6-4: PETITION FOR CHANGE TO GENERAL PLAN OR GENERAL PLAN MAPS:

B. Information And Items Required: The petition shall be submitted in writing on forms prepared by the ~~community development department~~ **city** and shall contain the following information:

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#### 11-11D-2: PERMITTED AND CONDITIONAL USES:

A. The following buildings, structures, and uses of land shall be permitted in the M-1 manufacturing zone upon compliance with the requirements set forth in this code: (Ord. 2009-39, 11-24-2009)

Automobile repair.

Business services.

Laboratories.

Manufacturing.

Medical clinics.

Mobile food vendors.

Offices.

Parks and open space.

Personal services.

Pet grooming facilities.

Physical therapy facilities.

Public uses.

Restaurants.

Retail stores.

Warehouses. (Ord. 2009-39, 11-24-2009; amd. Ord. 2010-06, 1-26-2010; Ord. 2010-10, 6-22-2010; Ord. 2011-08, 8-23-2011)

B. The following buildings, structures, and uses of land shall be allowed in the M-1 manufacturing zone upon compliance with the requirements set forth in this code and upon obtaining a conditional use permit as specified in [chapter 4](#) of this title:

Daycare facilities.

Greenhouses.

Landscape supply yards.

~~Outdoor storage.~~

Sexually oriented businesses.

Tattoo or body piercing establishment.

Vocational and technical training facilities. (Ord. 2013-02, 2-12-2013)

C. Uses which create traffic hazards, excessive noise, dust, fumes, odors, smoke, vapor, vibration or industrial waste disposal problems for adjacent residential uses shall not be permitted. (Ord. 2009-39, 11-24-2009)

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## 11-13-12: OUTDOOR STORAGE:

"Outdoor storage" is hereby defined as the commercial storage or keeping of building materials, equipment, fuels, vehicles, goods, commodities or raw materials outside of a building or structure. **Outdoor storage shall only be permitted as an accessory use in the M-1 or C-2 zones, subordinate to a permitted use on the same lot.** In addition to requirements found elsewhere in this Code and laws of the state of Utah, all outdoor storage shall **comply with** the following **regulations**:

A. No yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title, shall be used for outdoor storage without first obtaining site plan approval for such use from the planning commission in accordance with [chapter 5](#) of this title. The storage, keeping, or parking of a vehicle on an approved parking space at a private residence shall not be considered outdoor storage. The outdoor display of goods and other merchandise for retail sale shall not be considered outdoor storage. No other area or parcel of land shall be used for such purposes except as specifically permitted herein. Outdoor storage of junk, trash, debris, or other waste materials is prohibited on any lot or parcel in the city.

B. All outdoor storage, except for agricultural products, shall be enclosed by a fence or wall at least six feet (6') in height and impervious to sight from any public street, right of way, or adjacent property. No items may be stacked higher than the fence or wall of the enclosure ~~without prior approval from the planning commission through the site plan process,~~ unless expressly exempted elsewhere in this title.

C. No materials or waste shall be deposited upon any property in such form or manner that they may be transferred off such property by natural causes or forces. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by, or otherwise be attractive to rodents or insects may not be stored outdoors unless put in closed containers.

D. Open storage of hay or other agricultural products shall be located not less than forty feet (40') from a public street, and fifty feet (50') from any dwelling on adjoining property; except, that any accessory building containing such products shall be located as required for all agricultural accessory buildings as provided for herein.

E. **Outdoor storage in the C-2 zone shall not exceed six feet (6') in height.** Outdoor Storage in the M-1 may exceed the height of six feet (6') **up to a maximum height of up to fifteen feet (15')** only if all adjacent properties share the same M-1 zone designation. If a railroad right of way is adjacent to the property, storage may only exceed six feet (6') upon planning commission approval. The following shall be the criteria by which the planning commission shall review the storage:

1. There shall be adequate screening to prevent any residential zones across the railroad right of way from viewing the storage.
2. The storage shall be screened to prevent a view of the storage from a commuter rail train. Screening can be accomplished by a change in grade, landscaping, or sight obscuring fences and

walls. The planning commission may impose any other conditions designed to mitigate the impact of the storage. ~~In no case may storage exceed the height of fifteen feet (15').~~

F. All areas used for outdoor storage shall be properly surfaced with an impermeable, all weather material, and shall be kept free of weeds and debris. (Ord. 2009-40, 11-24-2009)

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#### 11-14-5: PARKING AREA AND PARKING LOT REQUIREMENTS:

F. Parking Lot Islands: Landscaped parking lot islands shall be provided as follows:

1. On doubled rows of parking stalls, there shall be a forty foot (40') long by five foot (5') wide landscaped island on each end of the rows, plus a forty foot (40') long by five foot (5') wide landscaped island to be placed at a minimum of every twelve (12) parking stalls. Each island on doubled parking rows shall include a minimum of two (2) deciduous trees, having a minimum trunk size of two inches (2") in caliper measured eight inches (8") above the soil line. Other landscaping installed in the island shall include shrubbery and an acceptable ground cover. No hard surface improvements such as concrete or asphalt are allowed within any landscape islands.

2. On single rows of parking there shall be a twenty foot (20') long by five foot (5') wide landscaped island a minimum of every twelve (12) stalls. *In situations where the parking stall allows a portion of the vehicle to extend over landscaping ("nose over landscaping"), the island planter may be allowed to be no less than 18' in length.* Islands on a single parking row shall have a minimum of one deciduous tree having a minimum trunk size of two inches (2") in caliper measured eight inches (8") above the soil line. Other landscaping installed in the island shall include shrubbery and an acceptable ground cover. No hard surface improvements such as concrete or asphalt are allowed within any landscaped islands.

#### 11-13-23 LANDSCAPING STANDARDS AND REQUIREMENTS

C. Bond Required: In order to ensure that all required landscaping is installed in an acceptable manner, the developer shall post a separate cash bond with the city recorder or establish an escrow account with an appropriate financial institution. The cash bond or escrow account shall be subject to approval by the city engineer, and shall be in an amount equal to one hundred twenty five percent (125%) of the estimated costs of construction and installation of all required landscaping, parks, playgrounds, recreation facilities, fences, walls, and other amenities shown on the final landscape plan or site plan, as applicable.

1. The bond or escrow account shall be posted or established in accordance with all other city regulations.

2. The bond or escrow account shall be posted or established prior to the issuance of **a certificate of occupancy** ~~building permits~~ for the site.

3. The bond shall be accompanied by a schedule of anticipated completion dates for such improvements. In no case shall the time period for completion exceed the time periods set forth in subsection B of this section.

4. In the event that the improvements are not completed in reasonable conformance with said schedule, the city may undertake to complete the improvements and pay for such improvements from the bond or escrow account.

5. This section shall not pertain to the completion or installation of private landscaping on individual building lots for single-family dwellings



# Planning Commission

## STAFF REPORT

AGENDA ITEM  
**#5, 8**

**TO:** Planning Commission

**FROM:** Spencer W. Brimley  
Development Services Manager  
[Spencer.Brimley@clearfieldcity.org](mailto:Spencer.Brimley@clearfieldcity.org) (801) 525-2785

**MEETING DATE:** December 2, 2015

**SUBJECT:** Public Hearing, Discussion, and Possible Action on **FSP 1511-0004**: A request by Con Wilcox to amend the Wilcox Farms Subdivision Plat, Lot 26, located at 850 W. 1600 S. (TIN: 12-391-0014). The property is approximately 3.61 acres and is located in a C-2 (commercial) zoning district.

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### RECOMMENDATIONS

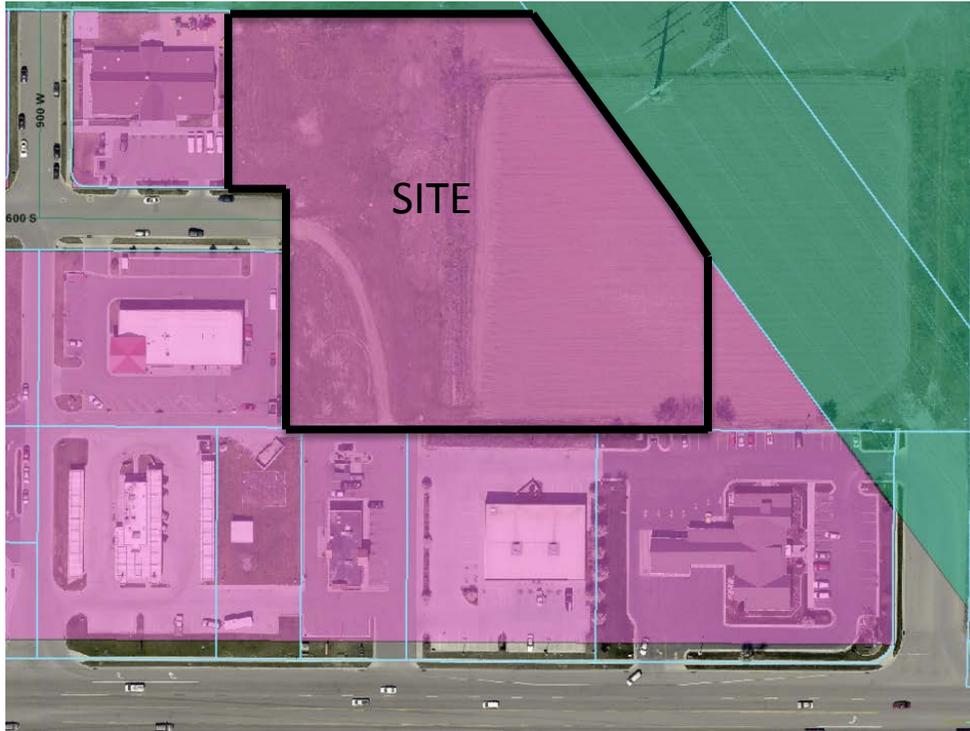
Move to recommend approval as conditioned **FSP 1511-0004** to the City Council, a request by Con Wilcox to amend the Wilcox Farms Subdivision Plat, Lot 26, located at 850 W. 1600 S., based on findings and discussion in the staff report

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### PROJECT SUMMARY

Project Information	
Project Name	Wilcox Farms Amended Phase 5
Site Location	850 W. 1600 S.
Tax ID Number	12-391-0014
Applicant and Property Owner	Con Wilcox
Property Owner	Con Wilcox
Proposed Actions	Wilcox Farms Plat Amendment
Current Zoning	C-2 Commercial
Master Plan Land Use	Commercial
Gross Site Area	3.61 acres

**Vicinity Map**



Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	Agricultural Land	A-1 (Agricultural)	Residential
East	Rocky Mountain Power Corridor	A-1 (Agricultural)	Manufacturing
South	America First CU/Auto Zone	C-2 (Commercial)	Commercial
West	Anderson Tire/Let them be Kids	C-2 (Commercial)	Commercial

**ANALYSIS**

## **Background**

Properties in this area have been sold and developed starting in the later 1990s. The proposed amendment to this plat is for the purposes of creating two lots to be sold for 1) the development of multifamily housing, and 2) the expansion of a day care operation just to the west of the property. Lot 25 will be approximately 1.215 acres in size and is intended to be sold to the owner of lot 13 for the expansion of their business. Lot 26 will be approximately 1.880 acres in size and will be sold to a multi-family developer for considerations of a housing development. Lot 26 is also under consideration for a rezone from C-2 to R-3.

## **Master Plan and Zoning**

The parcel in question is shown on the Future Land Use plan as Residential but the current zoning on the parcel is Commercial. The proposed amended plat is consistent with both the Master Plan and zoning. The southern portion of the property is under consideration for the R-3 zoning designation.

## **Subdivision Plat Approval**

Subsequent to the proposed subdivision the two new parcels as proposed meet the minimums required by the as set forth within the C-2 zoning district. An Engineering review was completed and determined that the request for subdivision meets the minimum City standards. The improvement plan drawings for the cul-de-sac and drive approaches will be submitted, reviewed, and approved prior to plat recordation. Staff has included the reviewer's comments below and the North Davis Fire District letter and the Engineering letter are attached for the Commission's information.

At the time of development, the proposed subdivided parcels are subject to Site Plan approval. Impacts on the City's infrastructure and services, setbacks, and other development standards will be reviewed and compliance ensured through the Site Plan approval process and subsequent building permit construction drawing submittals.

### Engineering Review

Engineering has reviewed the proposal and is requiring additional technical documents prior to the issuance of final approval. These documents will be required following City Council approval of the final amended plat.

### Fire District

- The Fire District is requesting fire hydrants to be located within 75 feet of the any buildings that will be fire sprinkled.
- A fire flow test will be required and must be witnessed by the Fire Prevention Division of the Fire District.
- An approved fire turn around must be provided by applicant that meets minimum fire standard for the cul-de-sac.

The plat submitted by Con Wilcox with the proposed amendments to the Wilcox Farms Subdivision, Plat Lot 26, is substantially complete. Staff has reviewed the proposed plat and the amendments and is working with the applicant's engineer to include all remaining necessary requirements.

## **Public Comment**

No public comment has been received to date.

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## CONDITIONS OF APPROVAL

- 1) The final engineering design (Improvement Plans) are set forth in a letter dated November 13, 2015, and shall be met to the satisfaction of the City Engineer.
- 2) North Davis fire District approval required as set forth in the letter dated November 17, 2015.
- 3) Pursuant to the Subdivision Ordinance 12-4-5(D), 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 obtaining any permits being issued for the properties ( as outlined in 12-8-4).
- 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.

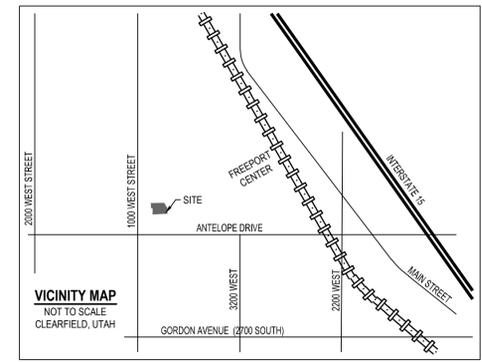
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## ATTACHMENTS

1. Wilcox Farms Amended – Phase 5 Subdivision Plat, Lot 26
2. NDFD letter
3. Engineering letter

**811** CALL BLUESTAKES @ 811 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. Know what's below. Call before you dig.

**BENCHMARK**  
WEST QUARTER CORNER SECTION 11 T4N, R2W SLB&M  
ELEVATION = 4349.73



**ENSIGN**  
THE STANDARD IN ENGINEERING

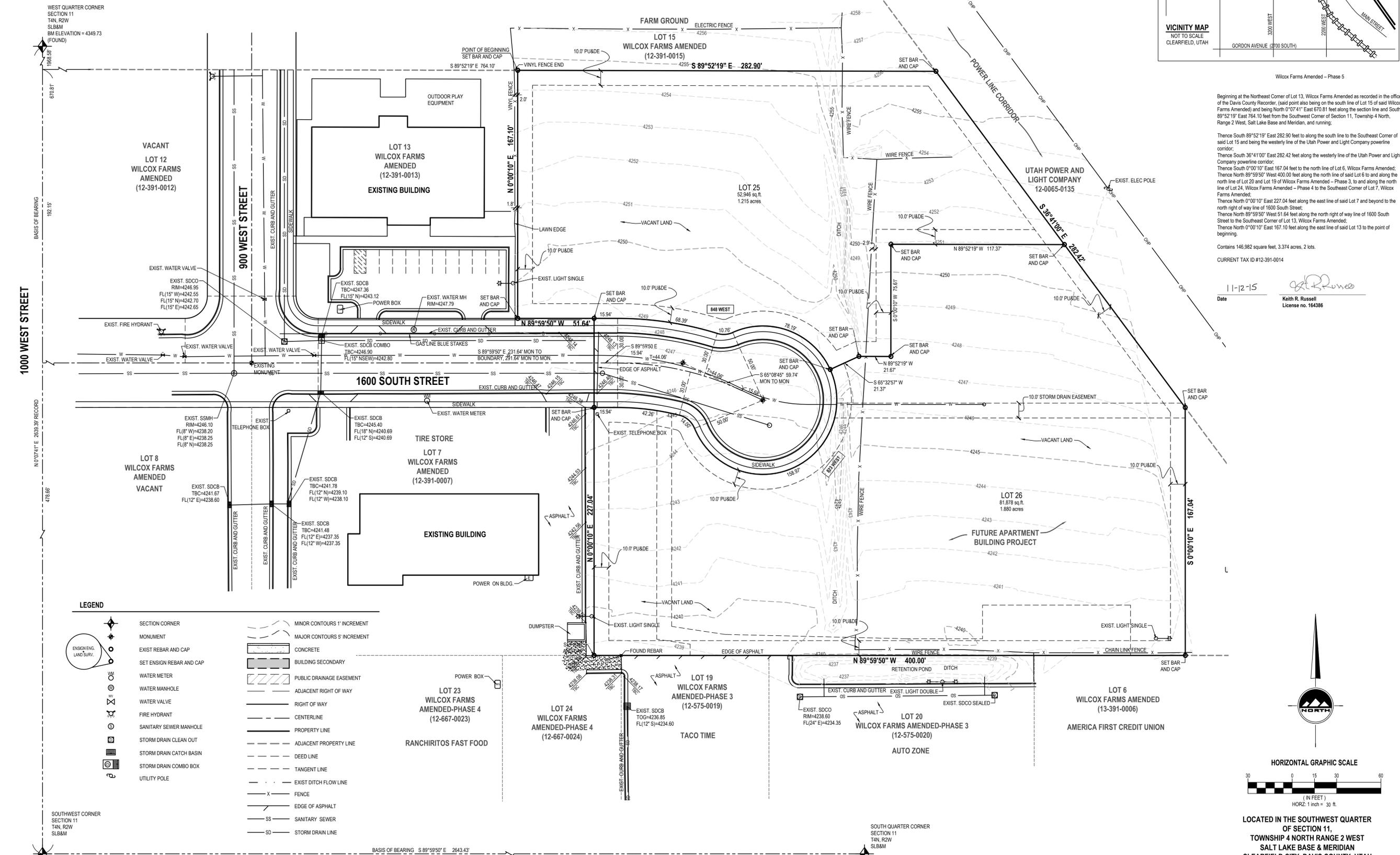
LAYTON  
1485 W. Hill Field Rd., Ste. 204  
Layton, UT 84041  
Phone: 801.547.1100

SALT LAKE CITY  
Phone: 801.255.0529

TOOELE  
Phone: 435.843.3590

CEDAR CITY  
Phone: 435.865.1453

RICHFIELD  
Phone: 435.896.2983



Beginning at the Northeast Corner of Lot 13, Wilcox Farms Amended as recorded in the office of the Davis County Recorder, (said point also being on the south line of Lot 15 of said Wilcox Farms Amended) and being North 0°07'41" East 670.81 feet along the section line and South 89°52'19" East 764.10 feet from the Southwest Corner of Section 11, Township 4 North, Range 2 West, Salt Lake Base and Meridian, and running:

Thence South 89°52'19" East 282.90 feet to the south line of the Utah Power and Light Company powerline corridor;

Thence South 36°41'00" East 282.42 feet along the westerly line of the Utah Power and Light Company powerline corridor;

Thence South 0°00'10" East 167.04 feet to the north line of Lot 6, Wilcox Farms Amended;

Thence North 89°59'50" West 400.00 feet along the north line of said Lot 6 to and along the north line of Lot 20 and Lot 19 of Wilcox Farms Amended - Phase 3, to and along the north line of Lot 24, Wilcox Farms Amended - Phase 4 to the Southeast Corner of Lot 7, Wilcox Farms Amended;

Thence North 0°00'10" East 227.04 feet along the east line of said Lot 7 and beyond to the north right of way line of 1600 South Street;

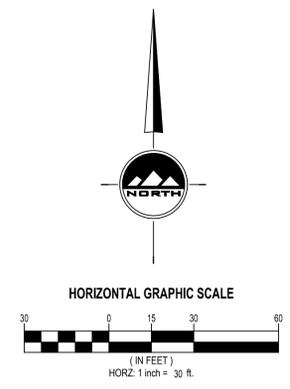
Thence North 89°59'50" West 51.64 feet along the north right of way line of 1600 South Street to the Southeast Corner of Lot 13, Wilcox Farms Amended;

Thence North 0°00'10" East 167.10 feet along the east line of said Lot 13 to the point of beginning.

Contains 146,982 square feet, 3.374 acres, 2 lots.  
CURRENT TAX ID #12-391-0014

Date: 11-12-15  
Kaith R. Russell  
License no. 164386

- LEGEND**
- SECTION CORNER
  - MINOR CONTOURS 1' INCREMENT
  - MONUMENT
  - MAJOR CONTOURS 5' INCREMENT
  - EXIST REBAR AND CAP
  - CONCRETE
  - SET ENSIGN REBAR AND CAP
  - BUILDING SECONDARY
  - WATER METER
  - PUBLIC DRAINAGE EASEMENT
  - WATER MANHOLE
  - ADJACENT RIGHT OF WAY
  - WATER VALVE
  - RIGHT OF WAY
  - FIRE HYDRANT
  - CENTERLINE
  - SANITARY SEWER MANHOLE
  - PROPERTY LINE
  - STORM DRAIN CLEAN OUT
  - ADJACENT PROPERTY LINE
  - STORM DRAIN CATCH BASIN
  - DEED LINE
  - STORM DRAIN COMBO BOX
  - TANGENT LINE
  - UTILITY POLE
  - EXIST DITCH FLOW LINE
  - FENCE
  - EDGE OF ASPHALT
  - SANITARY SEWER
  - STORM DRAIN LINE



FOR:  
CON WILCOX  
1455 South 1000 West  
CLEARFIELD, UTAH 84015

CONTACT:  
CON WILCOX  
PHONE: 801-776-1676

**WILCOX FARMS AMENDED-PHASE 5**  
**AMENDING LOT 14 WILCOX FARMS AMENDED**  
823 AND 848 SOUTH 1600 WEST STREET  
CLEARFIELD, UTAH



**BOUNDARY/ TOPOGRAPHY SURVEY PRELIMINARY PLAT**

PROJECT NUMBER: L1894G  
PRINT DATE: 11/12/15

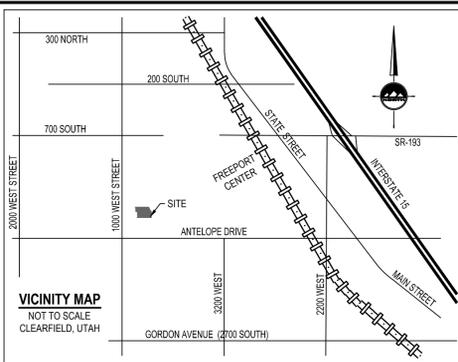
DRAWN BY: A.SHELBY  
CHECKED BY: K.RUSSELL

PROJECT MANAGER: K.RUSSELL

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH RANGE 2 WEST SALT LAKE BASE & MERIDIAN CLEARFIELD CITY, DAVIS COUNTY, UTAH

**WILCOX FARMS AMENDED - PHASE 5**

AMENDING A PORTION OF LOT 14, WILCOX FARMS AMENDED LOCATED IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH RANGE 2 WEST SALT LAKE BASE & MERIDIAN CLEARFIELD CITY, DAVIS COUNTY, UTAH



**SURVEYOR'S CERTIFICATE**  
 I, KEITH R. RUSSELL, do hereby certify that I am a Licensed Land Surveyor, and that I hold certificate No. 164386, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as WILCOX FARMS AMENDED - PHASE 5, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

**BOUNDARY DESCRIPTION**

Beginning at the Northeast Corner of Lot 13, Wilcox Farms Amended as recorded in the office of the Davis County Recorder, (said point also being on the south line of Lot 15 of said Wilcox Farms Amended) and being North 0°07'41" East 670.81 feet along the section line and South 89°52'19" East 764.10 feet from the Southwest Corner of Section 11, Township 4 North, Range 2 West, Salt Lake Base and Meridian, and running:  
 Thence South 89°52'19" East 282.90 feet to the Southeast Corner of said Lot 15 and being the westerly line of the Utah Power and Light Company powerline corridor;  
 Thence South 36°41'00" East 282.42 feet along the westerly line of the Utah Power and Light Company powerline corridor;  
 Thence South 0°00'10" East 167.04 feet to the north line of Lot 6, Wilcox Farms Amended;  
 Thence North 89°59'50" West 400.00 feet along the north line of said Lot 6 to and along the north line of Lot 20 and Lot 19 of Wilcox Farms Amended - Phase 3, to and along the north line of Lot 24, Wilcox Farms Amended - Phase 4 to the Southeast Corner of Lot 7, Wilcox Farms Amended;  
 Thence North 0°00'10" East 227.04 feet along the east line of said Lot 7 and beyond to then north right of way line of 1600 South Street;  
 Thence North 89°59'50" West 51.64 feet along the north right of way line of 1600 South Street to the Southeast Corner of Lot 13, Wilcox Farms Amended;  
 Thence North 0°00'10" East 167.10 feet along the east line of said Lot 13 to the point of beginning.

Contains 146,982 square feet, 3.374 acres, 2 lots.  
 Date 11-12-15  
 Keith R. Russell  
 License no. 164386



**OWNER'S DEDICATION**

Known all men by these presents that we, the under-signed owners of the above described tract of land, having caused same to be subdivided, hereafter known as the

**WILCOX FARMS AMENDED - PHASE 5**

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use. In witness whereof we have hereunto set our hands this 11-12-15 day of November, A.D., 2015.

By: WILCOX FARMS L.C. Member  
CON L. WILCOX

**LIABILITY COMPANY ACKNOWLEDGMENT**

STATE OF UTAH, J.S.S., County of Davis  
 On the 11-12-15 day of November, A.D., 2015, CON L. WILCOX, personally appeared before me, the undersigned Notary Public, in and for said County of DAVIS, in the State of Utah, who after being duly sworn, acknowledged to me that he is a MEMBER of WILCOX FARMS L.C., a Liability Company and that he signed the Owner's Dedication freely and voluntarily for and in behalf of said Liability Company for the purposes therein mentioned and acknowledged to me that said Liability Company executed the same.

MY COMMISSION EXPIRES: \_\_\_\_\_ (IN FEET)  
 NOTARY PUBLIC RESIDING IN \_\_\_\_\_ COUNTY.

**DEVELOPER**  
**CON WILCOX**  
 1455 South 1000 West  
 Clearfield, UT. 84015  
 801-776-1876

**SURVEY RECORDING DATA**

DATE: \_\_\_\_\_  
 DRAWING No. \_\_\_\_\_

**WILCOX FARMS AMENDED - PHASE 5**

AMENDING A PORTION OF LOT 14, WILCOX FARMS AMENDED LOCATED IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH RANGE 2 WEST SALT LAKE BASE & MERIDIAN CLEARFIELD CITY, DAVIS COUNTY, UTAH

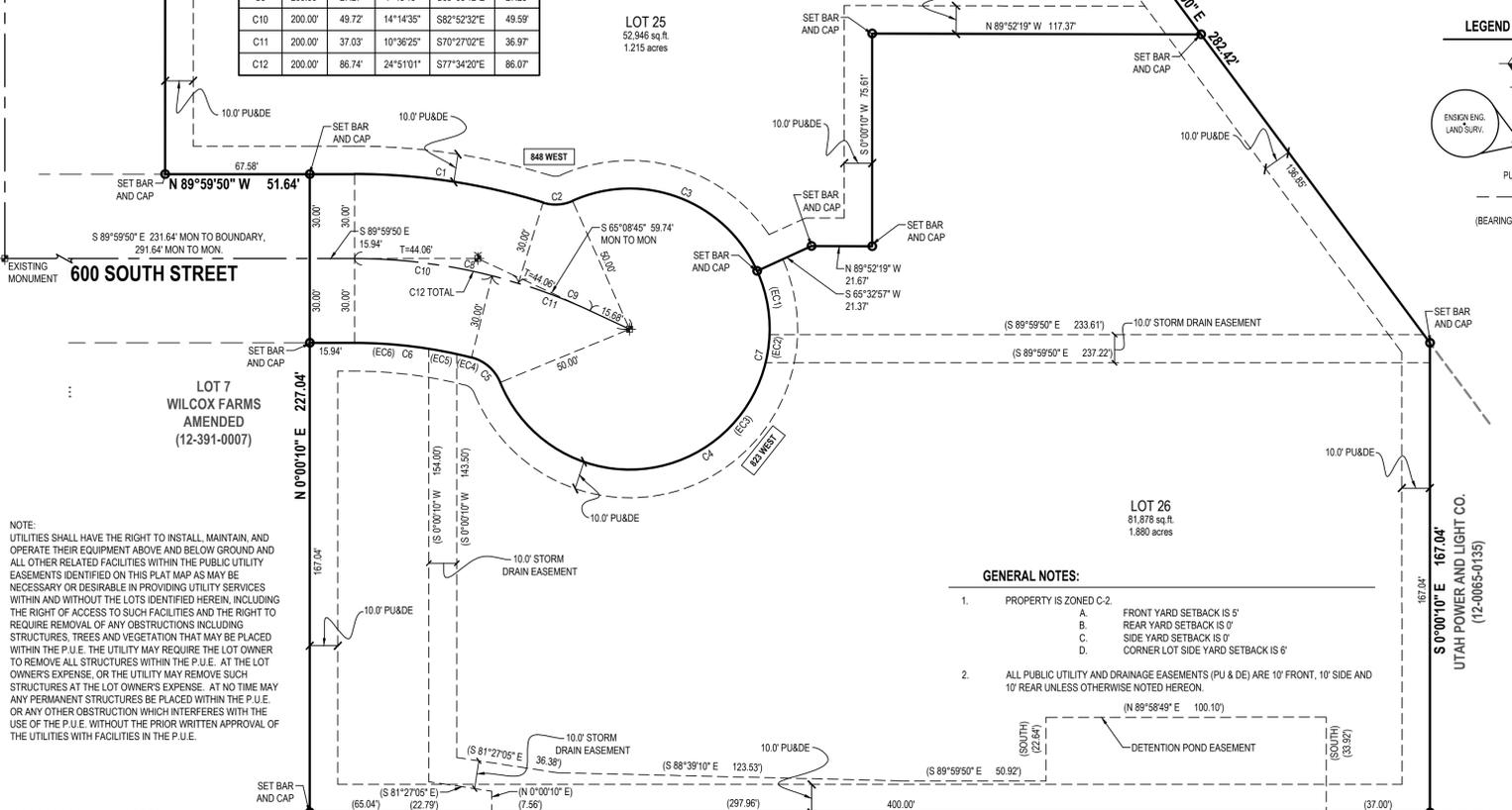
**DAVIS COUNTY RECORDER**  
 ENTRY NO. \_\_\_\_\_ FEE \_\_\_\_\_  
 PAID \_\_\_\_\_ FILED FOR RECORD AND  
 RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 AT \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF OFFICIAL RECORDS  
 PAGE \_\_\_\_\_  
 PROJECT NUMBER: L1894G  
 MANAGER: K.RUSSELL  
 DRAWN BY: J.MOSS  
 CHECKED BY: K.RUSSELL  
 DATE: 11/12/15  
 BY \_\_\_\_\_ DEPUTY RECORDER

**CURVE TABLE**

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	230.00'	68.39'	17°02'14"	S81°28'43"E	68.14'
C2	15.00'	10.76'	41°05'29"	N86°29'40"E	10.53'
C3	50.00'	78.19'	89°36'01"	S69°15'04"E	70.46'
C4	50.00'	158.97'	182°09'39"	S66°37'46"W	99.98'
C5	15.00'	14.00'	53°27'50"	N49°01'19"W	13.49'
C6	170.00'	42.26'	14°14'35"	N82°52'32"W	42.15'
C7	50.00'	158.97'	182°09'39"	N66°37'46"E	99.98'
C8	200.00'	59.47'	17°02'14"	S81°28'43"E	59.25'
C9	200.00'	27.27'	7°48'46"	S69°03'12"E	27.25'
C10	200.00'	49.72'	14°14'35"	S82°52'32"E	49.59'
C11	200.00'	37.03'	10°36'25"	S70°27'02"E	36.97'
C12	200.00'	86.74'	24°51'01"	S77°34'20"E	86.07'

**CURVE TABLE**

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
(EC1)	50.00'	23.28'	26°40'27"	S11°06'50"E	23.07'
(EC2)	50.00'	10.12'	11°35'31"	S8°01'09"W	10.10'
(EC3)	50.00'	125.67'	143°53'41"	S85°45'45"W	95.08'
(EC4)	170.00'	5.41'	1°49'21"	N76°39'55"W	5.41'
(EC5)	170.00'	10.18'	3°25'50"	N79°17'31"W	10.18'
(EC6)	170.00'	26.67'	8°59'24"	N85°30'08"W	26.65'



**NOTE:**  
 UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE P.U.E. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE P.U.E. AT THE LOT OWNER'S EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNER'S EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE P.U.E. OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE P.U.E. WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE P.U.E.

**GENERAL NOTES:**

- PROPERTY IS ZONED C-2.
  - FRONT YARD SETBACK IS 5'
  - REAR YARD SETBACK IS 0'
  - SIDE YARD SETBACK IS 0'
  - CORNER LOT SIDE YARD SETBACK IS 6'
- ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS (PU & DE) ARE 10' FRONT, 10' SIDE AND 10' REAR UNLESS OTHERWISE NOTED HEREON.

**ENSIGN**  
 LAYTON  
 1485 W. Hillfield Rd. Ste 204  
 Layton UT 84041  
 Phone: 801.947.1100  
 Fax: 801.993.0315  
 WWW.ENSIGNENG.COM

**CITY ATTORNEY'S APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE CLEARFIELD CITY ATTORNEY.  
 CLEARFIELD CITY ATTORNEY

**PLANNING COMMISSION APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE CITY PLANNING COMMISSION APPROVAL.  
 CHAIRMAN, CLEARFIELD CITY PLANNING COMMISSION

**CITY ENGINEER'S APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE CITY ENGINEER.  
 CLEARFIELD CITY ENGINEER

**CITY COUNCIL APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE CLEARFIELD CITY COUNCIL.  
 CITY RECORDER CITY MAYOR

**SHEET 1 OF 1**  
 PROJECT NUMBER: L1894G  
 MANAGER: K.RUSSELL  
 DRAWN BY: J.MOSS  
 CHECKED BY: K.RUSSELL  
 DATE: 11/12/15

**DAVIS COUNTY RECORDER**  
 ENTRY NO. \_\_\_\_\_ FEE \_\_\_\_\_  
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 AT \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF OFFICIAL RECORDS  
 PAGE \_\_\_\_\_  
 DAVIS COUNTY RECORDER  
 BY \_\_\_\_\_ DEPUTY RECORDER

13<sup>th</sup> November 2015

Clearfield City  
55 South State Street  
Clearfield City, Utah 84015

Attn: Spencer W. Brimley, Development Services Manager  
Proj: **Wilcox Farms Amended – Phase 5**  
Subj: Plat & Improvement Drawing Review

Dear Spencer,

I have completed my review of the above referenced project and submit the following comments for consideration. The items noted will need to be considered and addressed prior to receiving recommended approval from our office.

**General Note:**

1. An **electronic copy** of the Plat & Improvement 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 Plat & Improvement drawings from our office.

**Plat:**

1. The Developer's contact information is needed on the Plat. The Plat shows a generic note in regards to the Developer's information, and it needs to be completed on the Plat.
2. The Owner's signing the Plat need there name(s) printed below the signature line in the "Owners Dedication" contained on the Plat.

**Improvement Drawings – have not been submitted for review.**

1. The Improvement Drawings need to be submitted for review and should include all the standard City improvements. Listed below are the typical improvement and reports which are needed:
2. Notes need to be placed on the improvement drawings indicating all deteriorated, damaged or missing surface improvements surrounding the perimeter of the development and on-site be replaced or installed; i.e., curb and gutter, sidewalk, landscaping park strip improvements, asphalt patching, landscaping replacement, site lighting, dumpster screening, concrete improvement, etc.

3. The Storm Water Calculations and storm water facilities should be designed for a 24-hour, 100-year storm water event. The design and calculation will need to be submitted for review.

The storm water detention basin and collection system will need to have the standard operating and control facilities, i.e., inlet/outlet control structure, interior over-flow control, outlet control orifice, over flow spillway, and all basin maintenance/landscaping improvements. The design of the storm water on-site collection piping system, finish contours lines, site grades, 12" freeboard berm, and all general on-site facilities will need to be submitted for review along with the drainage drawings and detail plans for their construction.

The discharge water from the detention basin will need to be piped to the nearest underground storm water piping system.

4. The sanitary sewer service laterals should be shown on the improvement drawings.
5. The culinary water service laterals and meters should be shown on the improvement drawings.
6. A Street Light should be shown at the end of the cul-de-sac, unless the Public Works Department is not requiring a street light.
7. The top back of curb elevations with curb slopes and driveway approaches need to be shown.
8. A street cross-section is required with all grades, pavement material depths per the original geotechnical report, for the "Wilcox Farms" development.
9. The survey monument detail needs to be shown.
10. The Plan & Profile drawing details of 1600 South Street needs to be included for review.
11. A fire hydrant should be shown to be installed in the cul-de-sac.
12. All other items required by other departments needs to be included with the final approved Plat & Improvement Drawings.

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

Sincerely,

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



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



*From the Desk of  
Deputy Chief / Fire Marshal John Taylor*

**NORTH DAVIS FIRE DISTRICT**

**381 NORTH 3150 WEST**

**OFFICE: (801) 525-2850**

**FAX: (801) 525-6935**

**CELL: 801-510-1895**

**EMAIL: JTAYLOR@NOFIRES.ORG**

TO: Spencer Brimley / Community Development

FROM: John Taylor / Fire Marshal

RE: **Wilcox Farms Phase 5**

DATE: November 17, 2015

I have reviewed the site plan submitted for the above referenced project. The Fire Prevention Division for Fire District has the following comments/concerns.

1. As drawn there are no new fire hydrants for the proposed project. There is an existing hydrant on the west side of 900 West that cannot be counted due to potential access issues for firefighting apparatus. With the proposed development of lot #26 to include 3 story apartment buildings, adequate water will be necessary on site for fire sprinkler systems as well as fire flow requirements of Appendix B of the 2012 International Fire Code. Take note that buildings with fire sprinkler systems require a fire hydrant within 75 feet of the FIC (Fire Department Connection).
2. Fire hydrants and access roads shall be installed prior to construction of any buildings. All hydrants shall be placed with the 4 ½" connection facing the point of access for Fire Department Apparatus. Provide written assurance that this will be met.
3. Prior to beginning construction of any buildings, a fire flow test of the new hydrants shall be conducted to verify the actual fire flow for this project. The Fire Prevention Division of this Fire District shall witness this test and shall be notified a minimum of 48 hours prior to the test.
4. All fire apparatus access roads shall be a minimum all-weather, drivable and maintainable surface. There shall be a minimum clear and unobstructed width of not less than 26 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Dead-end roads created in excess of 150 feet in length shall be provided with an approved turn-around.
5. With regards to the Cul-De-Sac fire department apparatus access road turnaround, as per the 2012 International Fire Code Appendix D, Section D103, the diameter of the cul-de-sac must be 96 feet curb face to curb face. The submitted design shows a 100 foot property line to property line which is significantly smaller than code specifications.

These plans have been reviewed for Fire District requirements only. Other departments must review these plans and will have their requirements. This review by the Fire District must not be construed as final approval from Clearfield City.

Any questions or concerns may be addressed to me at your convenience.