

# CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON WEDNESDAY, JUNE 12, 2013, AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

*Meetings of the City Council of Centerville City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.*

*Centerville City, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 801-295-3477, giving at least 24 hours notice prior to the meeting.*

A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting. This agenda is also posted on the City's website: [www.centervilleut.net](http://www.centervilleut.net).

**Tentative** - The times shown below are tentative and are subject to change during the meeting.  
**Time:**

- |      |                                                                                                                                                                                                                                                                                                                                                                   |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7:00 | A. Welcome and Roll Call<br>B. Opening Comment / Legislative Prayer<br>C. Minutes Review and Acceptance for May 22, 2013<br>D. Commission Business                                                                                                                                                                                                                |
| 7:05 | 1. <b>PUBLIC HEARING   KING COMMERCIAL DEVELOPMENT   330 WEST PARRISH LANE</b><br>Consideration of a conceptual site plan and subdivision for the King Commercial Development, located on Lots 2 & 3 of the Parrish Park Subdivision, 330 West Parrish Lane, in the C-VH Zone. Eldon Haacke, Terraform Co., Applicant                                             |
| 7:25 | 2. <b>PUBLIC HEARING   WOODS PARK SUBDIVISION   690 WEST 2400 NORTH (LUND LN)</b><br><b>(Postponed from May 22, 2013 Meeting)</b><br>Consideration of a preliminary subdivision plan for the Woods Park Subdivision, 29 building lots, located at approximately 690 West 2400 North, in the R-L(PD) Zone. Alan Prince, Prince Development, Applicant              |
| 7:45 | 3. <b>PUBLIC HEARING   CHASE LANE CULINARY WATER PUMP HOUSE   70 E CHASE LN</b><br>Consideration of a conceptual site plan and small subdivision waiver/lot split for the Chase Lane Culinary Water Pump House, located at 70 East Chase Lane, for the construction of a new well site in the R-L Zone. Centerville City, Applicant                               |
| 8:05 | 4. <b>PUBLIC HEARING   CODE TEXT AMENDMENT   CHAPTER 12-23, ENFORCEMENT</b><br>Consideration of a zoning code text amendment for Chapter 12-23, Enforcement, to bring the code enforcement procedures for zoning violations in line with the procedures the City uses for other civil code enforcement. Centerville City, Applicant                               |
| 8:25 | 5. <b>PUBLIC HEARING   GAS STATION EXPANSION   CORNER OF PAGES &amp; MAIN</b><br>Consideration of a conditional use permit for operating a fast-food restaurant in a C-H (Commercial-High) Zone, and final site plan for the expansion of the existing gas station, located at 1011 South Main Street. Dell S. Nichols, Commerce Real Estate Solutions, Applicant |

- 8:45        6.        **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**  
              a.        Upcoming Meetings  
                  •        PC Meeting June 26, 2013: *Chitose Johnson Preliminary & Final Subdivision, Training on Legislative Update, Discussion on ADU's (Accessory Dwelling Units)*

8:50        E.        **Adjournment**

*Posted June 7, 2013 by Community Development*



PLANNING COMMISSION MINUTES OF MEETING

Wednesday, May 22, 2013

7:00 p.m.

A quorum being present at Centerville City Hall, 250 North Main Street, Centerville, Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

**MEMBERS PRESENT**

Tamilyn Fillmore, arrived 7:31 p.m.

David Hirschi

Brian Holman, arrived 7:54 p.m.

Scott Kjar

Steven Markham

Kevin Merrill, Chair

Debra Randall

**STAFF PRESENT**

Corvin Snyder, Community Development Director

Brandon Toponce, Assistant Planner

Lisa Romney, City Attorney

Kathy Streadbeck, Recording Secretary

**VISITORS**

Interested Citizens (see attached sign-in sheet)

**PLEDGE OF ALLEGIANCE**

**OPENING COMMENT/LEGISLATIVE PRAYER**

Commissioner Kjar

**MINUTES REVIEW AND APPROVAL**

Minutes of the Planning Commission meeting held May 8, 2013 were reviewed and amended. Chair Merrill made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Hirschi and passed by unanimous vote (5-0).

**PUBLIC HEARING | CHICK-FIL-A RESTAURANT | 540 N. FRONTAGE ROAD**

**Consideration of a conditional use permit for operating a "fast-food restaurant" in the C-VH (commercial-very high) Zone and final site plan, for Chick-Fil-A Restaurant, Lot 202, Centerville Corporate Park Amended, 540 North Frontage Road. Robert Lombardi, 4G Development & Consulting, Inc., Applicant.**

Brandon Toponce, Assistant Planner, reported the applicant has received conceptual site plan approval from both the Planning Commission and the City Council and is now ready for

1 final site plan approval. In addition, the applicant is also seeking a conditional use permit for a  
2 proposed Chick-Fil-A fast-food restaurant. The building design has been changed since the  
3 conceptual approval. Mr. Toponce reviewed the building elevations including materials, colors,  
4 features, and landscaping. Staff believes the new design complies with the Parrish Lane Gateway  
5 Design Standards. The dumpster has been moved to an acceptable location. Staff requests the  
6 dumpster enclosure be completed with a material that will match the main building and hold up  
7 to its surroundings, i.e., rock or stone. The applicant still needs to submit details regarding the  
8 type and style of lighting to be installed. This will have to be approved by the Public Works  
9 Director. The applicant has reconfigured the site so that all drive-thru traffic is now  
10 accommodated on site. Mr. Toponce reviewed the standards for a conditional use permit  
11 approval. The proposed use will be located near other fast-food uses and it does not appear this  
12 use will be harmful to its surroundings. The applicant will be required to create a traffic plan and  
13 coordinate with police for peak times. Compliance with all other outstanding conditions will be  
14 required at the time of building permit application.

15  
16 Commissioner Randall expressed concern with traffic circulation. With only one access  
17 point she is concerned traffic will congest Marketplace Drive. Staff reviewed the circulation  
18 pattern for the site. The proposed plan also meets City requirements for car stacking. In addition,  
19 there is a cross access agreement between the applicant and the MTC. Patrons will be allowed to  
20 use the MTC parking lot, access point, and drive isles.

21  
22 Robert Lombardi, applicant, said there is no Chick-Fil-A restaurant within a ten-mile  
23 radius of this proposed location. This is a good location for the next Chick-Fil-A and they  
24 anticipate great success. He said they believe they have resolved all major issues and are  
25 accepting of all conditions of approval. They have worked closely with the MTC and have come  
26 to mutual agreements on all issues. He said they agree to apply stone/rock to the dumpster  
27 enclosure, will submit the needed lighting details, and are prepared to work with the police  
28 during peak hours of operation. He explained the first couple months will be the busiest but that  
29 will taper off. Chick-Fil-A also provides free food when a restaurant opens and it is likely people  
30 will start lining up prior to opening. There is a plan in place for this and for ordering procedures  
31 during peak times. All details will be coordinated with the Police Department.

32  
33 Chair Merrill opened the public hearing. There was no comment; he closed the public  
34 hearing.

35  
36  
37 **Final Site Plan**  
38

Commissioner Markham made a **motion** for the Planning Commission to approve the final site plan for the Chick-Fil-A Restaurant located at 540 North 800 West, with the following conditions:

***Conditions:***

1. A bond shall be posted for all on-site and off-site improvements prior to receiving a building permit.
2. A building permit shall be submitted prior to any construction taking place.
3. Indicate a differing material for the dumpster enclosure at the time of building permit submittal.
4. Applicant shall seek a text change to the Zoning Ordinance for the purpose of a freeway-oriented sign, prior to the construction of a pole sign. If the request is not approved, the applicant shall resubmit a final amended site plan to City staff with the notation of the pole sign being removed.
5. A lighting plan shall be submitted with the building permit, indicating the style of lighting on the building and within the parking lot and landscaped area.
6. The applicant shall review the exact location and style for all Parrish Lane pedestrian lighting with the Public Works Director.
7. Any and all development on Lot 202 shall comply with and be subject to all Governing Documents for the Centerville Corporate Park Subdivision, as amended, and all conditions of lot split approval for the subdivision, including, but not limited to, the Parrish Lane Gateway Neighborhood Development Plan, the Grant of Easements and Restrictions for the Centerville Corporate Park Subdivision, the Development Agreement, the Agreement and Option Agreement for Private Development, the Conditional Use Permit for Planned Center, as such documents have been or may be amended from time to time ("Governing Documents").
8. Any and all development on Lot 202 shall comply with applicable City ordinances, including, but not limited to the Parrish Lane Gateway Design Standards.
9. The Assignment and Assumption Agreement for the Centerville Corporate Park Subdivision Governing Documents dated February 13, 2013, by and between Centerville City, the Redevelopment Agency of Centerville City, Dayton West, LLC, and Chick-Fil-A, Inc. shall be recorded against the property prior to the issuance of any building permits for Lot 202. Applicant shall provide evidence of such recording to the City Recorder.
10. Applicant shall obtain acceptance of the final development plan for development of the Chick-Fil-A on Lot 202 by the RDA and City Council under the Governing Documents prior to the issuance of any building permits for Lot 202.

***Reasons for Action:***

1. The applicant has submitted a complete final site plan application [Section 12-21-110(e)].
2. The final site plan conforms to the accepted conceptual plan.
3. All the standards of approval have been reviewed and were found to be acceptable [Section 12-21-110(f)].
4. Freeway-oriented signs are not allowed within this area and would require a petition for a zone text amendment prior to any freeway-oriented sign type to be constructed [Section 12-54-120(b)(4)].

The motion was seconded by Chair Merrill and passed by unanimous roll-call vote (5-0).

### **Conditional Use Permit**

Commissioner Kjar made a **motion** for the Planning Commission to approve the conditional use permit for the Chick-Fil-A Restaurant located at 540 North 800 West, with the following conditions:

#### ***Conditions:***

1. The site located at 540 North 800 West shall be approved for Chick-Fil-A, a fast-food restaurant with a drive-through.
2. A traffic plan shall be created and reviewed by the Centerville Police Department and the MTC to coordinate the grand opening and high volume peak times. This shall be accomplished prior to receiving final occupancy.
3. The applicant shall follow the approved final site plan dated April 3, 2013.
4. All necessary bonding must be posted prior to construction.
5. The applicant shall receive a building permit prior to construction.
6. All sign approvals and permits shall be issued prior to the construction of any on-site construction.
7. Any and all development on the Chick-Fil-A site shall comply with and be subject to all Governing Documents for the Centerville Corporate Park Subdivision, as amended, and all conditions of lot split approval for the subdivision.

#### ***Reasons for Action:***

1. A complete conditional use permit has been submitted [Section 12-21-100(d)(1)].
2. The use of a fast-food restaurant with a conditional use permit is allowed with the approval of a conditional use permit within in the Commercial-Very High (C-VH) Zone [Chapter 12-36].

3. Traffic during the grand opening and during peak operating times has been determined to create an impact on the surrounding businesses and must be mitigated [Section 12-21-100(e)(5)(G)].

The motion was seconded by Commissioner Hirschi and passed by unanimous roll-call vote (5-0).

**PUBLIC HEARING | CODE TEXT AMENDMENT | SIGNS IN PARRISH GATEWAY AREA - Consideration of amending the Zoning Ordinance, Section 12-54-120(b)(4), Signs in Parrish Lane Gateway Commercial District; to alter or change boundary allowances and restrictions for the use of freeway-oriented signs. Robert Lombardi, 4G Development & Consulting, Inc., Applicant.**

Cory Snyder, Community Development Director, reported the applicant is requesting an amendment to the Sign Ordinance, specifically freeway-oriented signs. He reviewed the history of the Sign Ordinance which was created prior to the current zoning code. The Sign Ordinance encourages monument-based signs. Pole signs are allowed on a limited basis along the I-15 frontage corridor with a decrease in height and size until Main Street where pole signs are prohibited. Properties with direct I-15 frontage can have up to a 60-foot high freeway oriented pole sign if within 600 feet of Parrish Lane. The proposed Chick-Fil-A is within 600 feet of Parrish Lane, but does not have frontage on I-15. Therefore the applicant is proposing to amend the Sign Ordinance to allow a second tier area which would allow pole signs up to 50 feet in height. This second tier would be a limited area, including properties with frontage on the Frontage Road and still within 600 feet of Parrish Lane. Staff recommends any amendment prohibit electronic signs because the Chick-Fil-A site borders residential. Staff also suggests no pole signs be allowed on Parrish Lane but rather only along the Frontage Road. Staff has had many discussions about this issue and this is a preferential argument. This discussion can go either way. Mr. Snyder said, personally, he does not like pole signs because he believes they steal from the entrance to the city and would prefer, as a planner, they be prohibited all together. However, elected officials have allowed poles signs in Centerville and it could be argued that a second tier level of signage may be appropriate.

Commissioner Hirschi said pole signs blow down with every east wind that comes through the city. He asked if this has been taken into consideration. This is also a concern because if a pole sign in the second tier area were to blow down it is possible the debris would hit other businesses or patrons below. This is not as big an issue along the I-15 corridor because there is a buffer between the sign and the freeway. Mr. Snyder said there are building codes in place that require specific wind loads when it comes to signage. He said, generally, most signage is designed to have the face of the sign blow out in order to reduce the wind load on the pole.

Commissioner Kjar said monument signs are often more view obscuring than pole signs. He questioned how other cities deal with this issue. Mr. Snyder agreed monument signs can be obscuring. This is why there are site triangle regulations. He also said each city deals with signage differently and signage ordinances are mixed. There are cities that allow only monument signs and cities that allow very high, very large pole signs. Most cities allow pole signs along the freeway, but not within the interior of their city. Signage follows a reasonably debatable standard.

Robert Lombardi, applicant, said the discussions with staff have been helpful. He said he has read both the Sign Ordinance and the General Plan and he understands both. The General Plan includes the following four (4) points:

1. To assist in the provision of revenues for high quality local services and to provide needed personal and business service, Centerville City should provide for the establishment and viability of commercial and industrial services in designated areas of the community.
2. Where allowed, freestanding signs should be limited to size, well designed and become gradually smaller in height and size the further away the sign is located from I-15.
3. Specifically, elements of strip commercial development should be avoided along Parrish Lane, such as curb cuts, lack of landscaping, large unattractive signs, expansive parking areas and pavement, and generally unappealing streetscapes.
4. All signs should be tightly controlled and arranged to avoid clutter.

Mr. Lombardi said he believes the proposed text amendments are consistent with these points of the General Plan. Chick-Fil-A is not a destination but rather a convenience and an impulse. Signage is critical for the viability and long-term survival of a fast food restaurant. The proposed amendments provide a gradual decline in sign height and size. Currently, 60-foot signs are allowed along I-15; however, directly adjacent properties are only allowed a 25-foot sign. This is over a 50% drop which is a severe progression, not gradual. The proposed 50-foot second tier allowance is more gradual and fair to surrounding business and property owners. He said the Chick-Fil-A site may not be freeway adjacent, but it is still freeway visible. He said he agrees with staff's suggestion that no signage should be allowed on Parrish Lane. This is in keeping with the General Plan and he does not propose a sign on Parrish Lane. Chick-Fil-A would place their signage on the Frontage Road some distance from Parrish Lane. He also said the proposed Chick-Fil-A sign will not create clutter as it would be placed a fair distance from other existing pole signs. Mr. Lombardi said he believes the proposed amendments are consistent with the General Plan and they have tried to be fair, reasonable, and rational. Signage that can be seen

1 from the freeway would allow Chick-Fil-A viability, profitability, and fairness in Centerville's  
2 business market.

3  
4 Commissioner Hirschi said a more even progression between 60 feet and 25 feet would  
5 maybe be forty (40) or forty-two (42) feet. He questioned why the applicant is requesting 50 feet.  
6 He also discussed clutter. He said one Chick-Fil-A sign may not create clutter, but this text  
7 amendment will open the door for other businesses to install pole signs, which could potentially  
8 create clutter.

9  
10 Mr. Lombardi said 50 feet provides the needed freeway visibility. It could be argued that  
11 45 feet is acceptable, but they felt a 50-foot allowance would be gradual and incremental to the  
12 current 60-foot allowance. He also agreed that clutter is an issue that will always be addressed  
13 when dealing with signage and the General Plan. This is just part of the process.

14  
15 Chair Merrill opened the public hearing. There was no comment; he closed the public  
16 hearing.

17  
18 Mr. Snyder explained the proposed second tier area would include Chase Bank, Wendy's,  
19 Chevron, Iggy's and the recently proposed Wasatch Running Center only. These businesses are  
20 between the Frontage Road and Marketplace Drive. It could be argued that this area is a unique  
21 island type group of businesses different from the rest of the Parrish Lane corridor and suitable  
22 for a special second tier sign allowance. It is an argument of freeway visibility vs. freeway  
23 adjacent. All businesses along the Parrish Lane corridor want to be viable and successful, but  
24 there has to be a distinction in order to allow something in one place and not another. Freeway  
25 frontage is that distinction. However, it could also be argued that this small second tier island is  
26 also unique.

27  
28 Chair Merrill said he is not too concerned with allowing the proposed text amendments.  
29 He does not believe the proposed signage will pose a negative impact on an already high  
30 commercial area. He is also not concerned with clutter; it seems there is plenty of room to  
31 accommodate the Chick-Fil-A sign.

32  
33 Commissioner Fillmore said she is not in favor of the proposed text amendments. She  
34 said in the argument of fairness, it seems 40 or 42 feet would be more reasonable. However, if at  
35 that height there is no freeway visibility, then the applicant is just asking for a bigger and better  
36 sign than its competitors. In regard to clutter, she said the applicants view point is from the  
37 freeway. It may be true that from the freeway it doesn't look cluttered but from within the city it  
38 may be cluttered. She said the 60-foot signs I-15 often seem removed from the city, but within  
39 the proposed second tier area a pole sign would be intrusive. She is also concerned with the

1 residential area which borders the Chick-Fil-A site. It would seem this area should be treated  
2 with even more caution when it comes to signage.

3  
4 Commissioner Kjar said Parrish Lane is a Commercial-Very High Zone and people have  
5 an expectation that commercial signs will be present in such an area. He does not believe signs in  
6 the proposed second tier area will be overly invasive or negative because such signs are expected  
7 and already exist in the area. He said commercial businesses help Centerville's economy and  
8 signage helps businesses. He is in favor of promoting business sales in Centerville. He said there  
9 is a different expectation on Main Street and he agrees that signage there should be treated  
10 differently also. He does not see a difference between the west side and the east side of the  
11 Frontage Road. It is reasonable to allow signage within the second tier area if placed along the  
12 Frontage Road. If Centerville is going to invite businesses to locate in their commercial districts,  
13 then they should be allowed a fair competitive field. He said he does not believe the proposed  
14 second tier will introduce clutter. He agrees with prohibiting electronic signs, but is in favor of  
15 the proposed 50-foot height allowance. He also pointed out there is a freeway sound wall that  
16 obscures Chick-Fil-A from freeway visibility.

17  
18 Commissioner Fillmore agreed that commercial businesses are a benefit to the city, but it  
19 is also the Planning Commissions responsibility to keep the public's general welfare in mind.  
20 This includes the residents to the north. It is also the Planning Commissions responsibility to  
21 keep the city beautiful; a place where businesses want to locate.

22  
23 Commissioner Hirschi said freeway frontage is distinct. If you move from that line then  
24 you are moving from objective to subjective. This opens a door for others to come in and apply  
25 for their "gradual" allowance. Next, it could be argued that a third tier or fourth tier is acceptable  
26 at 40 feet and 30 feet, respectively. At that point signs start to encroach into the interior of the  
27 city. He agreed that new business is a positive thing, but allowing greater signage is not  
28 necessary.

29 The Commission discussed the lack of attendance at tonight's meeting. It was suggested  
30 that surrounding property owners may not be opposed to this change. It was suggested that no  
31 business owners would be opposed because all businesses want a bigger sign. It was also  
32 suggested that most property owners may not be aware of the proposed change even though it  
33 was posted on site.

34  
35 Commissioner Holman said he is not worried about clutter. He also said there are several  
36 businesses within the Parrish Lane corridor that have only been allowed a 25-foot sign and they  
37 are successful. He questioned if it is really necessary to have a 50-foot sign.

38  
39 Commissioner Randall said the businesses on Parrish Lane with their 25-foot signs are  
40 more visible from the freeway overpass than the Chick-Fil-A property. She said it seems a pole

1 sign on the east side of the Frontage Road is reasonable, but she does not agree with pole signs  
2 on Marketplace Drive. She also agreed it is important to protect the aesthetics of the community.

3  
4 Mr. Lombardi agreed that most owners did not get the message that this was on the  
5 agenda this evening. He said most postings don't generally get the attention of property owners.  
6 He said Chick-Fil-A would be willing to contact surrounding property/business owners and ask  
7 their opinion. He would guess most would be in favor of more signage. He said Chick-Fil-A just  
8 wants to be treated the same as other nearby fast food restaurants. He believes the proposed  
9 amendments are consistent with the General Plan. He said if the Commission feels 45 feet is  
10 more acceptable they are willing to comply, they would just like a fair competitive fighting  
11 chance. The only difference between Chick-Fil-A and neighboring fast food is that the neighbors  
12 have freeway frontage. Chick-Fil-A is still in the same trade area and it is rational to allow equal  
13 type signage.

14  
15 Commissioner Fillmore made a **motion** for the Planning Commission to **deny** the  
16 proposed amendment to the Sign Ordinance. The motion **died** for lack of a second.

17  
18 Commissioner Kjar made a **motion** for the Planning Commission to recommend approval  
19 of the proposed text amendment to Chapter 12-54-120, Signs as follows:

20  
21 (4) Free-Standing Freeway-Oriented Sign. One (1) free-standing freeway-oriented sign  
22 shall be allowed on commercially developed properties immediately abutting the I-  
23 15 right of way, or the Frontage Road, that are within six hundred (600) feet north  
24 and south of the Centerline of Parrish Lane, subject to the following requirements:

25  
26 (A) Such signs abutting the I-15 right of way shall not exceed sixty (60) feet in  
27 height.

28 (B) The maximum aggregate area for such signs (counting one [1] side of a  
29 double-faced sign) shall be two hundred (200) square feet.

30 (C) Such signs abutting Frontage Road shall not exceed fifty (50) feet in height.

31 (D) The maximum aggregate area for such signs (counting on [1] side of a double-  
32 faced sign) shall be one hundred and sixty-five (165) square feet, and shall not  
33 include any digital elements.

34  
35 The motion was seconded by Commissioner Randall.

36  
37 Commissioner Hirschi made a **motion to amend** to reduce the maximum sign height to  
38 forty-five (45) feet and to add the following:

1 (E) Free-standing freeway oriented signs shall not be located on the side of the  
2 property abutting Parrish Lane or Marketplace Drive.

3  
4 The motion to amend **died** for lack of a second.

5  
6 Commissioner Fillmore said this area is directly abutting residential with little to no  
7 buffer. She said surrounding businesses may be in favor of such a change, but she would guess  
8 the residents living to the north would be opposed. Allowing a 50-foot sign next to this  
9 residential area is extreme. It seems more rational to allow only a 40-foot sign which is between  
10 60 feet at the freeway and 25 feet at Main Street. If 40 feet is not tall enough to produce freeway  
11 visibility then is a 40 foot high sign even necessary. This second tier area is inside the city, not  
12 on the freeway frontage and should not be allowed greater signage.

13  
14 Commissioner Kjar made a **motion to amend** to add (E) as stated above, but leaving the  
15 maximum sign height at fifty (50) feet. The motion to amend was seconded by Commissioner  
16 Holman. The motion to amend **passed** with a roll-call vote (5-2). Commissioner's Fillmore and  
17 Hirschi opposed.

18  
19 Commissioner Hirschi said the applicant has indicated that 45 feet may be acceptable and  
20 he appreciates that concession on the part of the applicant. He said 45 feet seems reasonable  
21 because it preserves freeway visibility while still creating a gradual decrease in signage.

22  
23 Lisa Romney, City Attorney, suggested adding some language to B and D as follows:

24  
25 (B) The maximum aggregate area for such signs *abutting the I-15 right-of-way*  
26 (counting one [1] side of a double-faced sign) shall be two hundred (200) square  
27 feet.

28  
29 (D) The maximum aggregate area for such signs *abutting the Frontage Road* (counting  
30 on [1] side of a double-faced sign) shall be one hundred and sixty-five (165) square  
31 feet, and shall not include any digital elements.

32  
33 Commissioner Fillmore made a **motion to amend** to include Ms. Romney's suggested  
34 changes above and to reduce the maximum sign height to forty-five (45) feet. The motion to  
35 amend was seconded by Commissioner Hirschi. The motion **failed** with a roll-call vote (3-4).  
36 Commissioner's Markham, Holman, Merrill, and Kjar opposed.

37  
38 Commissioner Markham said gradually does not mean halfway between 60 feet and 25  
39 feet. Gradual means less than 60 feet while still maintaining some freeway orientation. In his

1 mind halfway would be much closer to Main Street, not just the other side of the Frontage Road.  
2 He believes 50 feet is a reasonable gradual change.  
3

4 Commissioner Holman made a **motion to amend** to include Ms. Romney's suggested  
5 changes as listed above while keeping the maximum sign height at fifty (50) feet. The motion  
6 was seconded by Commissioner Markham. The motion **passed** with a roll-call vote (4-3).  
7 Commissioner's Fillmore, Randall, and Hirschi opposed.  
8

9 Chair Merrill called for a **vote** on the **original motion as amended**. The motion **passed**  
10 with a roll-call vote (4-3). Commissioner's Fillmore, Randall, and Hirschi opposed.  
11

12 **PUBLIC HEARING | ICE BREAKERS SHAVED ICE | 200 W. PARRISH LANE**  
13 **Consideration of a conditional use permit for a temporary use; consisting of a seasonal**  
14 **shaved ice stand, to be located in front of the Smoot Building, 200 West Parrish Lane, in**  
15 **the C-H Zone. Matt Weaver, Applicant.**  
16

17 Brandon Toponce, Assistant Planner, reported this is the third year in a row the applicant  
18 has applied for this temporary conditional use permit. The applicant plans to run his snow shack  
19 in the same manner as past years with the exception of the location. The applicant proposes to  
20 move to Parrish Lane. The applicant hopes the change in location will bring more traffic to his  
21 business. The proposed site has adequate access and parking for the proposed use. Staff does not  
22 anticipate the use will cause any major impacts to the site or surrounding uses. The proposed  
23 hours of operation are 12:00 p.m. to 10:00 p.m. The applicant will have five (5) employees with  
24 two (2) on-site at all times. The snow shack will be open until Labor Day (September) at which  
25 time all equipment must be removed within seven (7) days leaving the site in its original  
26 condition. The applicant has received permission from Dick's Market for his employee's to use  
27 their restroom facilities. The applicant has also submitted the necessary insurance information.  
28

29 Chair Merrill opened the public hearing. There was no comment; he closed the public  
30 hearing.  
31

32 Commissioner Hirschi made a **motion** for the Planning Commission to approve a  
33 conditional use permit for the shaved ice stand, located at 200 West Parrish Lane, with the  
34 following conditions.  
35

36 ***Conditions:***

- 37 1. The conditional use permit shall be in effect from the approval date and shall expire  
38 on September 2, 2013.
- 39 2. A conditional use permit shall be issued for the Ice Breakers Shaved Ice for  
40 temporary retail sales to be located at 200 West Parrish Lane.

3. The placement of the shaved ice stand shall follow the site plan that was submitted to City staff on May 1, 2013.
4. The structure and site shall be free from unnecessary decorative items such as flags, pennants, artificial plants and grass or any other items that may blow away from the structure or site.
5. Any temporary signage shall follow the sign criteria of Chapter 12-54 of the Zoning Ordinance.
6. A garbage can shall be available adjacent to the Ice Breakers Shaved Ice Stand, for customer use, and shall be emptied regularly by the Ice Breaker employees.
7. The Ice Breakers employees shall be responsible in keeping the grounds around the shaved ice stand clean from garbage. City staff shall randomly inspect the property for compliance.
8. Following the expiration date of Monday, September 2, 2012, the applicant shall have seven (7) days to remove all items from the property and restore the site to its prior condition.
9. Hours of operation shall be daily from 12:00 p.m. to 10:00 p.m.

*Reasons for Action:*

1. A full application was submitted for a conditional use permit [Section 12-21-100(d)(1)].
2. A temporary use not meeting the development standards of Section 12-56-050 is required to receive a conditional use permit [Section 12-56-060].
3. With the above conditions, all applicable standards for the conditional use permit have been satisfied [Section 12-21-100(e)(3)(A-D), Section 12-21-100(e)(5)(A-K)].
4. Restoration of the property after the temporary use has expired is required by Section 12-56-050(h) of the Zoning Ordinance.
5. The City did not receive any complaints from citizens in regard to the use or appearance of the structure or site at the Main Street location or concerning the shaved ice stand (unaffiliated with the current applicant), located in the Smoot parking lot in 2012.

The motion was seconded by Chair Merrill and passed by unanimous roll-call vote (7-0).

**PUBLIC HEARING | DESERET INDUSTRIES PARKING | 94 E. PAGES LANE**

**Consideration of a conditional use permit and final site plan for Deseret Industries parking expansion; which consists of demolition of the old bank building at 92 East Pages Lane, and converting the space to a stand-alone parking lot. Craig L. Ames, P.G.A.W. Inc., Applicant.**

Commissioner Markham recused himself as he is an employee of the LDS Church.

Brandon Toponce, Assistant Planner, reported the applicant received conceptual site plan approval from the Planning Commission on April 24, 2013. The applicant is now seeking final site plan approval and a conditional use permit for a stand-alone parking lot. The applicant has met the required setbacks and parking stall dimensions. The proposed plan also meets applicable landscape requirements as the applicant will be keeping as many of the existing mature trees as possible on the site. The proposed plan also ties into the existing Deseret Industries parking lot with respect to access and circulation. The applicant will be required to install one drain in order to mitigate water sheeting onto surrounding properties. This drain will be reviewed and approved by the City Engineer.

Craig Ames, applicant, said they are prepared to install the required drainage box with oil separator. The pavement will be installed as necessary to direct water to that drainage box. He said the required parking stall setback enabled them to keep the mature trees. He also explained the circulation of the parking lot will be similar to the existing Deseret Industries parking lot.

Chair Merrill opened the public hearing. There was no comment; he closed the public hearing.

#### **Final Site Plan**

Commissioner Kjar made a **motion** for the Planning Commission to approve the final site plan for the stand-alone parking lot for the Deseret Industries, 92 East Pages Lane, with the following conditions:

#### ***Conditions:***

1. A bond shall be posted for the new curb, gutter, landscaping, and the inlet box and oil separator.
2. A building permit shall be obtained for the demolition of the existing old bank/computer building and for the construction of the new parking lot.

#### ***Reasons for Action:***

1. The applicant has submitted a complete final site plan application [Section 12-21-110(e)].
2. The final site plan conforms to the accepted conceptual plan.
3. All the standards of approval have been reviewed and were found to be acceptable [Section 12-21-100(f)].

The motion was seconded by Commissioner Hirschi and passed by unanimous roll-call vote (7-0).

**Conditional Use Permit**

Chair Merrill made a **motion** for the Planning Commission to approve the conditional use permit for a stand-alone parking lot for the Deseret Industries, located at 92 East Pages Lane, with the following conditions:

**Conditions:**

1. This conditional use permit shall be for the use of a stand-alone parking lot at 92 East Pages Lane only and shall follow the site plans dated March 26, 2013.
2. The applicant shall add an inlet box with an oil separator at the lowest point of the west parking lot.

**Reasons for Action:**

1. A complete conditional use permit has been submitted [Section 12-21-100(d)(1)].
2. The use of a stand-alone parking lot within the Commercial-High (C-H) Zone, as allowed with a conditional use permit [Chapter 12-36].
3. Proper drainage is required in order to mitigate current and future drainage impacts on properties found to the west [Section 12-21-100(e)(3)(H)].

The motion was seconded by Commissioner Randall and passed by unanimous roll-call vote (7-0).

**PUBLIC HEARING | WOODS PARK SUBDIVISION | 690 West 2400 North**  
**Consideration of a preliminary subdivision plan for the Woods Park Subdivision, 29**  
**building lots, located at approximately 690 West 2400 North, in the R-L(PD) Zone. Alan**  
**Prince, Prince Development, Applicant.**

This item was postponed.

**COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

1. The next Planning Commission meeting will be held on June 12, 2013.
2. Upcoming Agenda Items
  - Woods Park, Preliminary Subdivision & PDO
  - Chase Lane Culinary Pump House, Concept Plan & Small Subdivision
  - King Development, Concept Plan & Subdivision
  - Code Text Amendment, Civil Enforcement
  - Training on Legislative Update

- Discussion on Accessory Dwelling Units

The meeting was adjourned at 9:41 p.m.

\_\_\_\_\_  
Kevin Merrill, Chair

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Kathleen Streadbeck, Recording Secretary

**CENTERVILLE CITY  
COMMUNITY DEVELOPMENT DEPARTMENT  
655 North 1250 West, Centerville, Utah 84014  
(801) 292-8232**

**STAFF REPORT  
AGENDA: ITEM 1**

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**OWNER:** GOOD SPRAY LLC  
2056 MAPLE RIDGE DRIVE  
BOUNTIFUL, UT 84010

**APPLICANT:** ELDON HAACKE  
TERRAFORM CO.  
2231 EAST MURRAY-HOLLADAY ROAD  
HOLLADAY, UT 84117

**EMAIL ADDRESS:** ehaacke@terraformco.com

**PROPERTY:** 330 WEST PARRISH LANE

**ACREAGE:** 1.16

**ZONING:** COMMERCIAL – VERY HIGH (C-VH)

**APPLICATION:** CONCEPTUAL SITE PLAN ACCEPTANCE/CONCEPTUAL  
SUBDIVISION APPROVAL

---

**BACKGROUND**

Recently the owner of the Good Spray Car Wash and Subway came to the City with a proposal to create the King Commercial Development, consisting of 3 lots. The east lot would be the existing Subway, the center lot would be a retail pad; consisting of the Beans and Brew, and the final west lot would be a Jiffy Lube. To help with site circulation and aesthetic appeal, all the buildings will be built as to front the street, with parking to the north. This report will review not only the conceptual acceptance review, but the conceptual subdivision as well.

**CONCEPTUAL SITE PLAN REVIEW & PLANNING STAFF ANALYSIS**

C-VH Zone Uses Allowed.

According to the Table of Uses in Section 12-36-1 of the City's Zoning Ordinance, all three uses are approved within the Commercial-Very High (C-VH) Zone. Subway, which is already existing, is considered a fast-food restaurant. The Jiffy Lube falls under the category of "vehicle repair limited" and Beans and Brew is considered "specialty retail."

**General Plan**

The Centerville City General Plan indicates this area is within Neighborhood 4, Northwest Centerville [Section 12-480-5]. In relation to commercial development, an appropriate boundary is established along Parrish Lane. It indicates that high to very-high intensity commercial uses must be located within 500 feet of Parrish Lane. Furthermore, the General Plan establishes Parrish Lane as the “dominant commercial center of Centerville” [Section 12-430-2(3)]. Therefore, the General Plan is in support of the proposed type of use within the King Commercial Development.

**C-VH Zone Development Standards 12-34-1**

| <b>Subway</b>                                                  |                                                   |               |                   |
|----------------------------------------------------------------|---------------------------------------------------|---------------|-------------------|
| <b>Development Standards for a Commercial - Very High Zone</b> |                                                   |               |                   |
| <b>Development Standards</b>                                   | <b>Required</b>                                   | <b>Actual</b> | <b>Compliance</b> |
| <b>Building Standards</b>                                      |                                                   |               |                   |
| Distance Between Buildings                                     | 6 Feet                                            | 40 Feet       | Yes               |
| Maximum Height                                                 | 45 Feet                                           | Not Available | -                 |
| <b>Setbacks</b>                                                |                                                   |               |                   |
| Front                                                          | 20 Feet                                           | 35 Feet       | Yes               |
| Rear                                                           | None                                              | 60 Feet       | Yes               |
| Side Yard                                                      | 8/10 feet                                         | East 40 Feet  | Yes               |
| Side Yard                                                      | (Minimum total width of both side yards: 18 feet) | West 27 Feet  |                   |

| <b>Beans and Brew</b>                                          |                                                   |               |                   |
|----------------------------------------------------------------|---------------------------------------------------|---------------|-------------------|
| <b>Development Standards for a Commercial - Very High Zone</b> |                                                   |               |                   |
| <b>Development Standards</b>                                   | <b>Required</b>                                   | <b>Actual</b> | <b>Compliance</b> |
| <b>Building Standards</b>                                      |                                                   |               |                   |
| Distance Between Buildings                                     | 6 Feet                                            | East 40 Feet  | Yes               |
|                                                                |                                                   | West 50 Feet  |                   |
| Maximum Height                                                 | 45 Feet                                           | Not Available | -                 |
| <b>Setbacks</b>                                                |                                                   |               |                   |
| Front                                                          | 20 Feet                                           | 32 Feet       | Yes               |
| Rear                                                           | None                                              | 65 Feet       | Yes               |
| Side Yard                                                      | 8/10 feet                                         | East 40 Feet  | Yes               |
| Side Yard                                                      | (Minimum total width of both side yards: 18 feet) | West 24 Feet  |                   |

| <b>Jiffy Lube<br/>Development Standards for a Commercial - Very High Zone</b> |                                                   |               |                   |
|-------------------------------------------------------------------------------|---------------------------------------------------|---------------|-------------------|
| <b>Development Standards</b>                                                  | <b>Required</b>                                   | <b>Actual</b> | <b>Compliance</b> |
| <b>Building Standards</b>                                                     |                                                   |               |                   |
| Distance Between Buildings                                                    | 6 Feet                                            | East 50 Feet  | Yes               |
|                                                                               |                                                   | West 45 Feet  |                   |
| Maximum Height                                                                | 45 Feet                                           | Not Available | -                 |
| <b>Setbacks</b>                                                               |                                                   |               |                   |
| Front                                                                         | 20 Feet                                           | 20 Feet       | Yes               |
| Rear                                                                          | None                                              | 57 Feet       | Yes               |
| Side Yard                                                                     | 8/10 feet                                         | East 20 Feet  | Yes               |
| Side Yard                                                                     | (Minimum total width of both side yards: 18 feet) | West 29 Feet  |                   |

### Commercial Development Standards

#### Parking 12-52

| <b>Parking Calculations</b> |                        |                                               |               |
|-----------------------------|------------------------|-----------------------------------------------|---------------|
| <b>Business</b>             | <b>Use</b>             | <b>Required</b>                               | <b>Actual</b> |
| Subway                      | Fast-Food Restaurant   | 1 space per 100 square feet of floor area: 12 | 12            |
|                             |                        | Stacked Parking – 5 per lane                  | 3             |
| Beans and Brue              | Specialty Retail       | 1 space per 250 square feet of floor area: 14 | 19            |
| Jiffy Lube                  | Vehicle Repair Limited | 1 space per 250 square feet of floor area: 11 | 11            |

It appears each business will meet the required number of parking stalls, however, Subway does not appear to have enough stacked parking. They will need to readdress the stacked parking to ensure they meet the code of 5 stacked parking spaces. Although Beans and Brew is considered "specialty retail," they also have a drive-through window with room for 6 stacked parking spaces. Jiffy Lube does not have designated stacked parking, yet there is room in front of the entrance and exits of each bay, if they get extremely busy.

All parking stalls have measured to meet the City standard of 9' x 18' and all drive-isles are measured to at least 25 feet. The applicant has also provided the necessary number of handicap accessible stalls for each use. All patrons will use the two existing driveways located to the east and west of the project. The applicant will not be making any additional curb cuts on site.

**Landscaping 12-51**

The applicant has submitted a site plan showing the general location of landscaping, yet has not provided any detail. A more formal landscaping plan is required for the final site plan depicting the following detail:

- Actual location of all vegetation
- Types and number of trees, shrubs and other plantings
- Irrigation plan
- Percentage of overall landscaping and parking lot landscaping

The following is a brief summary of required landscaping detail to be depicted on the final landscaping plans:

| <b>Required Landscaping Summary Chapter 12-51</b> |                                           |
|---------------------------------------------------|-------------------------------------------|
| <b>Guidelines</b>                                 | <b>Required</b>                           |
| Total Area Landscaping                            | 15%                                       |
| Total Required Trees                              | 1 Tree per 500 square feet of landscaping |
| Trees for Street Frontage                         | 1 Tree per 25 linear feet                 |
| Building Frontage/Foundation                      | 50%                                       |
| Total Interior Parking Lot Landscaping            | 7%                                        |
| Total Interior Parking Lot Trees and Shrubs       | For every six required stalls: 1 tree     |
|                                                   | For every six required stalls: 2 shrubs   |

**Screening 12-51-110**

According to Section 12-51-110 of the Zoning Ordinance, the dumpster area must be screened from view by a wall or fence that is at least 6 feet in height, provides complete visual screening and be compatible in material and color with the main building. The site plan indicates the location of both dumpster areas, but does not depict how it will be built and screened. The applicant must show this on the final site plan.

**Signage**

All signage require a separate permit and must be reviewed by staff for approval at the time a sign permit application has been submitted following Chapter 12-54 of the Zoning Ordinance. The applicant will need to depict the location of all signage on the final site plan.

**PARRISH LANE GATEWAY DESIGN 12-63**

The General Plan has established Parrish Lane as the “dominant commercial center of Centerville” [Section 12-430-2(3)]. In order to enhance the economic and aesthetic value of the community, the Parrish Lane Gateway Standards have been established. The Zoning Ordinance defines the Parrish Lane Gateway as being “property that has frontage on Parrish Lane, is part of

a larger project that has frontage on Parrish Lane, or has a significant visual presence on Parrish Lane, between Main Street and the Legacy Highway right-of-way" [Section 12-63-020(b)].

### **Architecture 12-63-040**

#### **Articulation 12-63-040(a)**

"A building *should* reflect a human scale and be inviting to the public." This *must* include breaking up the mass of the building with the stepping of the building horizontally and vertically. In addition, the entrance *must* be accessible from the public sidewalk.

- Staff Response: The building designs have a stepping horizontally and vertically and utilize material and details that are pleasing to the pedestrian. The final site plan will need to depict the accurate elevations for the Beans and Brew building with special attention being made to all walls facing Parrish Lane. The applicant has depicted pathways from the Jiffy Lube and the Beans and Brew to the sidewalk along Parrish Lane. However, they do not indicate any connection to the Subway building. They will need to work out some type of pedestrian circulation for the Subway as to have connection with the sidewalk.

#### **Public Amenities 12-63-040(b)**

The creation of public amenities to enhance the pedestrians comfort and experience *should* be encouraged.

- Staff response: The site plan does not indicate any public amenities. Staff would suggest the applicant look at a few options, such as benches or outside tables and chairs. These could be found near the Beans and Brew or close to the Jiffy Lube. Staff also suggests that on the outside of the building, decorative lighting be added that draws attention to the design of the building.

#### **Colors and Materials 12-63-040(c)**

The color and material used *should* harmonize with the existing and surrounding development by providing *required* architectural upgrades for visual relief.

- Staff Response: Elevations were submitted, yet according to Section 12-63-040(c)(1), a storyboard is required as part of review for the final site plan approval. As mentioned previously, the buildings utilize design and material that is pleasing to the pedestrian. They have utilized rock, brick, metal awnings, large windows and differing colors of stucco. More detail of the actual colors, types of material and lighting design must be submitted on the color board with the final site plan. It appears the applicant has met the upgrade requirements for a primary facade of 25%, the secondary wall at 15%, and all other walls at 5%. Yet, in order to emphasize the architecture, again it is requested that outdoor lighting be placed on the building. Finally, it appears the new buildings

will blend in well with the surrounding structures and adjacent development.

**Screening 12-63-040 (d)**

Screening *must* be used in order to mitigate the visual impact of utility equipment, service areas and dumpster locations.

- Staff Response: Any roof or wall- mounted equipment must be properly screened from view. The applicant will need to show how this will be accomplished at the time of final site plan submittal. This screening should be integrated with the design of the building and should be a part of the building design. In addition, landscaping may be used to satisfy the screening element on the outside of the building. Although the plans indicated the location of the dumpsters and how it will be fully screened, more detail is required; such as material, color and height.

**Landscaping and Features Section 12-63-050**

**Overall Design Concepts, Section 12-63-050(a), Ground Cover, Section 12-63-050(d), Plant Material, 12-63-050(e)**

Landscaping found on site *should* contribute to the overall character of the community. The landscaping *must* include pedestrian circulation and an overall design that adds variety and interest.

- Staff Response: As mentioned previously, no landscaping detail has been provided. All requirements in regard to the landscaping will need to be submitted following the criteria found in Chapter 12-51 of the Zoning Ordinance. A summary of these requirements can be found on page 4 of the staff report. The landscaping must blend in with the surrounding area and have at least 25% of the landscaping, such as grass or other high water plants. The overall design of the landscaping should have a theme that carries throughout the development; including the parking lot. This could include rock features throughout all the planting beds, or the same type of plantings, decorative gravel, or perhaps specific shaped plantings beds.

Great emphasis by the City has been placed along Parrish Lane for pedestrian circulation. Staff strongly encourages the applicant to emphasize any area that may attract pedestrians to their project by using stamped concrete where possible, and enhanced landscaping around pedestrian pathways. As stated in Section 12-63-050(e) of the Zoning Ordinance, vegetation should be selected as to give pedestrians a sense of comfort and safety while enhancing the community image. The applicant has already shown a pathway from the sidewalk to the front of the Jiffy Lube and Beans and Brew buildings; yet will need to indicate specific plantings and locations of all vegetation.

**Site Grading, Drainage Section 12-63-050 (b)(c)**

Existing land features *should* be kept as part of the design with drainage being integrated in to other landscaping elements.

- Staff Response: No existing land features will be kept, since the location of construction has already been developed. All drainage flows to the west along a designated drainage easement. The main storm drain is found just north of Dairy Queen. The applicant will need to submit all applicable drainage calculations to the City Engineer for review and approval.

**Water Features and Art and Furnishings Section 12-63-050(f)(g)**

A way to enhance the unique character of a development is to add water features, public art or street furniture, which *should* be encouraged on each development.

- Staff Response: The applicant has not proposed any art features or street furniture. Staff would suggest adding benches, or tables and chairs near the Jiffy Lube and the Beans and Brew. This concept must be addressed by the applicant on the final site plan. Staff also believes that through wall lighting elements, and unique landscaping features such as decorative rock and gravel, the artistic design of the property may be satisfied.

**Maintenance 12-63-050(h)**

Projects *should* demonstrate that maintenance factors have been considered in the landscaping design.

- Staff Response: All of the onsite landscaping must be maintained by the owner. The final landscaping plans must show an irrigation plan has been established.

**Off Street Parking – Layout Section 12-63-060**

**Surface Parking Lot Design and Overall Design Concepts, Section 12-63-060(a)(b)**

Parking *should* be designed to provide sufficient and safe vehicular and pedestrian traffic with minimized curb cuts and enhanced internal landscaping.

Staff Response: The applicant has indicated the location of parking stalls, drive-isles and parking lot islands, that meet and exceed the minimum requirements found in Chapter 12-52 of the Ordinance. The final site plans will need to show the percentage of parking lot landscaping, which must be 7% of the total parking lot area [Section 12-51-070(e)(1)(B)], and the types of vegetation to be planted. As a reminder, they will need to have 1 tree and 2 shrubs planted for every 6 required parking stalls. All ingress and egress has already been constructed to the east in front of Subway and to the west as a shared driveway with Dairy Queen.

### **Off Street Parking – Lighting Section 12-63-070**

#### **Standards and Lighting Plans**

Parking lot lighting *should* be designed to illuminate the parking and loading areas, but decrease the impact on surrounding development.

- Staff Response: When the applicant submits the final application, he will need to submit an overall lighting plan. As stated previously, staff is recommending more wall lighting be placed on the building. In addition, the entire parking lot area will need to have lighting. The lights must be designed as to not shine on adjacent properties, yet giving adequate light for pedestrians and vehicles to see potential danger. Finally, the development must have the City's standard light pole for the Parrish Lane Area along the street frontage. The applicant will need to meet with the Public Works Director on the exact style and location of installment. This location will then need to be depicted on the final site plan.

#### **Streetscape Standards Section 12-63-070(a)-(i)**

Although the development is located along Market Place Drive and the Frontage Road, it is still considered within the Parrish Lane Gateway and will still be *required* to meet all applicable streetscape improvements.

- Staff Response: The applicant has not indicated any detail on the streetscape standards and will need to show this information on the final plans. An undulating berm along Parrish Lane is required. Since there is no park-strip, this berm must be located on the inside of the sidewalk and must be at least 15 feet wide and no more than 2 feet high. Any pedestrian crossing through the parking lot area must be designated with stamped-colored concrete.

#### **Other Development Issues:**

The following additional development concerns must be addressed as part of the final site plan application:

- All easements and utilities must be shown on the final site plan.
- A bond must be established for all onsite improvements by the City Engineer and posted by the applicant prior to receiving a building permit.
- A subdivision approval must take place prior to the issuance of any building permits.

## **PLANNING STAFF RECOMMENDATIONS**

### **Conceptual Site Plan - Suggested Motion for the Conceptual Site Plan Acceptance:**

**PROPOSED ACTION:** I hereby make a motion for the Planning Commission to accept the conceptual site plan for the King Commercial Development located at 330 West Parrish Lane, with the following conditions:

1. Stacked parking in relation to Subway shall be reevaluated to ensure the required 5 stacked parking stalls.
2. A landscaping plan shall be submitted with the final site plan, following all applicable standards found in Chapter 12-51 and 12-63 of the Zoning Ordinance and shall depict the following detail:
  - a. Location and type of all vegetation
  - b. The total number of trees and shrubs
  - c. Overall landscaping and parking lot percentages
  - d. An irrigation plan
  - e. A undulated berm shall be designed along all street frontages that is 15 feet wide and 2 feet tall
  - f. Depiction of a landscaping theme throughout the site that may include, rock features, types of gravel, or specific shape of planting beds.
  - g. Vegetation around all walkways should be emphasized.
  - h. At least 25% of groundcover shall be in grass or other high water plants.
3. All pedestrian pathways that cross through vehicular areas shall be stamped-colored concrete.
4. A pathway from Subway to the sidewalk shall be included on the final site plan drawings.
5. Screening detail shall be depicted as part of the final site plan submittal, indicating that all ground and roof-mounted equipment have been properly screened from view.
6. Detail concerning the dumpster enclosures shall be indicated on the final site plan and meet the requirements found in Section 12-51-110 of the Zoning Ordinance.
7. Public amenities, such as benches or tables and chairs should be considered to enhance the pedestrian experience.
8. A lighting plan shall be submitted indicating all building, parking lot and pedestrian lighting. Wall lighting should be decorative in nature to enhance the architectural building design.
9. Streetscape Standards such as street trees and pedestrian lighting shall be depicted on the final site plan and shall meet the required City Standards.
10. All easements and utilities shall be shown on the final site plan.
11. Proper drainage and grading, meeting all applicable City Standards, shall be depicted on the final site plan for review and approval by the City Engineer.
12. A bond shall be established for all onsite improvements by the City Engineer and posted by the applicant prior to receiving any building permits.
13. All proposed signage shall be depicted on the final elevation drawings.
14. A storyboard shall be submitted with the final site plan application depicting all colors and materials to be used on the proposed building.

15. The applicant shall submit a final site plan application in accordance with Section 12-21-100 of the City's Zoning Ordinance, which shall be subsequently reviewed and approved by the Planning Commission.
16. The applicant shall receive subdivision approval prior to receiving any building permits.
17. All related professional services fees shall be paid to Centerville City.

**SUGGESTED REASONS FOR THE ACTION:**

1. A complete conceptual site plan application has been submitted [Section 12-21-110(d)(1)].
2. The proposed uses of specialty retail, vehicle repair limited and a fast-food restaurant is allowed within the C-VH Zone [Chapter 12-36].
3. With the above conditions being address, the proposed development will meet the Parrish Lane Guidelines [Chapter 12-63].
4. A final site plan shall be required prior to any onsite construction taking place [Section 12-21-110(e)(1)].

---

**CONCEPTUAL SUBDIVISION****BACKGROUND**

Sydney King is the current property owner of the Good Spray Car Wash and the Subway Restaurant, which are two separate lots. The desire for the applicant is to create three separate lots with adequate space for each lot to stand on its own.

**CONCEPTUAL SUBDIVISION REVIEW TITLE 15-2**General Plan

As stated in the conceptual site plan review, the Centerville City General Plan indicates this area is within Neighborhood 4, Northwest Centerville [Section 12-480-5]. In relation to commercial development, an appropriate boundary is established along Parrish Lane. It indicates that high to very-high intensity commercial uses must be located within 500 feet of Parrish Lane. Furthermore, the General Plan establishes Parrish Lane as the "dominant commercial center of Centerville" [Section 12-430-2(3)]. The desire to re-subdivide the two lots into smaller lots for commercial uses is compatible with the desires of Neighborhood 4, Northwest Centerville.

Zoning Ordinance

The proposed King Commercial Development is located within the Commercial-Very High (C-VH) Zone. Through the conceptual site plan review, it has been indicated that the proposed lots do meet the Zoning Ordinance requirements for development within the C-VH Zone.

**GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS TITLE 15-5**Subdivision Layout Section 15-5-101, 102

Each lot is rectangular in shape and part of the larger project of King Commercial Development. All lots have adequate street frontage of 95 feet or more, with shared driveway access to the east and west. The lots are also adequate size for development with the Jiffy Lube being 14,155 square feet, the Beans and Brew lot at 21,158 square feet and the existing Subway lot measured at 14,155. Therefore, it appears the subdivision layout meets the requirements found within Chapter 12-34 of the Zoning Ordinance for development within the C-VH Zone.

Street, Drainage, and Utility Improvements Section 15-5-103,105, 106

The proposed division will not require the dedication of any other streets. Each lot will have access off Parrish Lane with shared driveways to the east and west. On site drainage, flows to the west across a drainage easement to the main storm drain north of Dairy Queen. Although utilities are currently available, the division will require additional lines to serve each lot independently. All utility improvements, easements and drainage must be reviewed by City staff as part of the final subdivision review process. Also as part of the final subdivision plat, utility provider sheets must be submitted indicating that all utility companies can provide adequate service. Finally, a bond must be assessed by the City Engineer for any related improvements and posted by the applicant as part of the final approval.

**CONCLUSION**

It appears the proposed subdivision request meets the requirements of the Subdivision Ordinance. Since 2 lots already exist and the subdivision process is just creating one new lot and shifting the lots lines, staff believes the approval process will be relatively simple. It is the request of staff that both the preliminary and final approvals be together, since there will be minimal changes to the final plat. The Subdivision Ordinance does not specifically prohibit or promote the combining of the two applications together and therefore, in this circumstance, staff believes it would be acceptable.

**PLANNING STAFF RECOMMENDATION**

*Conceptual Subdivision Plat - Suggested Motion for the Conceptual Subdivision Plat:*

**PROPOSED ACTION:** I hereby make a motion for the Planning Commission to approve the conceptual subdivision plat for the King Commercial Development located at 330 West Parrish Lane, with the following conditions:

1. All utility improvements, easements and drainage shall be depicted on the preliminary plat and be reviewed by City staff as part of the preliminary/final subdivision review process.
2. Utility provider sheets shall be submitted indicating that all utility companies can provide adequate service.
3. A bond shall be assessed by the City Engineer for any related improvements and posted by the applicant as part of the final approval.
4. The preliminary and final site plan application shall be submitted simultaneously and meet all applicable requirements found within Title 15-3 and 15-4 of the Subdivision Ordinance.

*Suggested Reasons for the Action (Findings):*

1. The conceptual subdivision is in harmony with the General Plan [Section 12-480-2(1)(c)(1), 12-420-2].
2. All applicable standards for a conceptual subdivision review have been satisfied [Title 15-2].
3. Since 2 lots are already created and the division of land is only adjusting lot lines to add one additional lot, the request to combine the preliminary and final subdivision applications together is deemed appropriate.



WEST ELEVATION



SOUTH ELEVATION

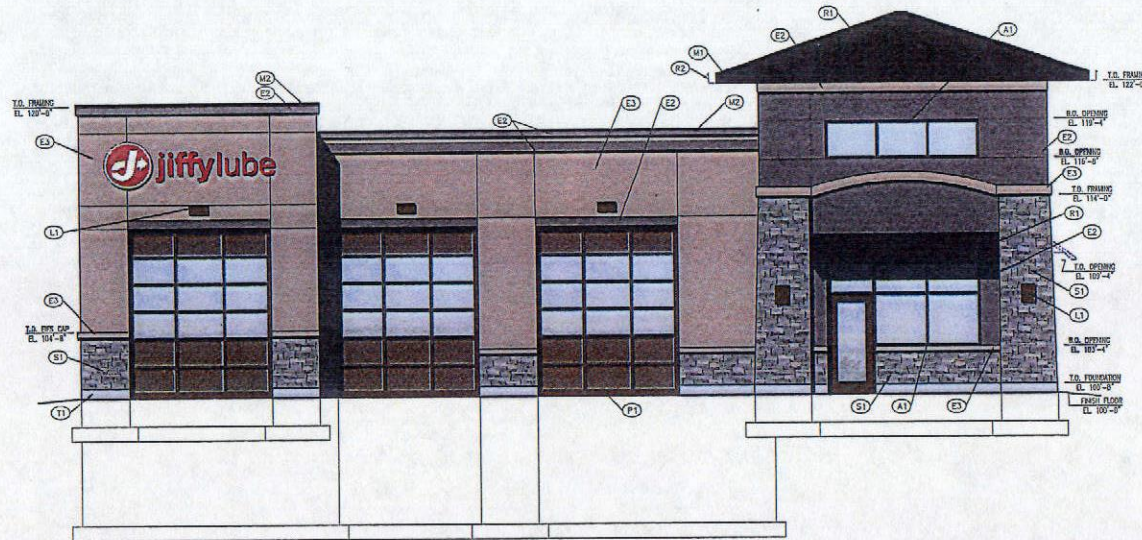
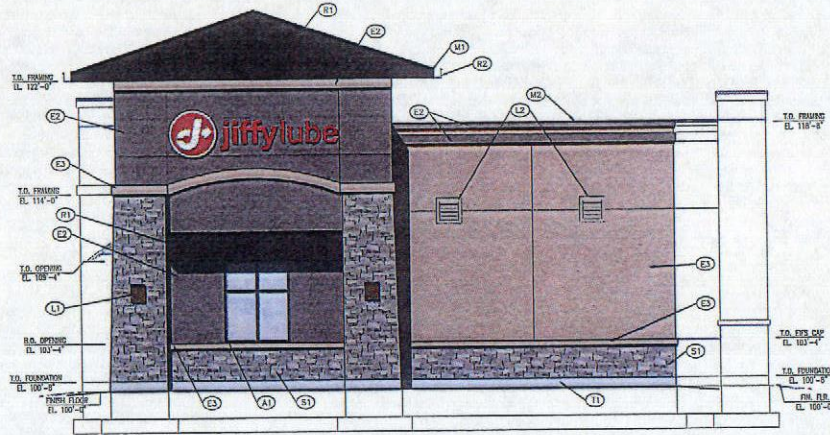


EAST ELEVATION



NORTH ELEVATION

RECEIVED MAY 03 2013



| EXTERIOR FINISH SCHEDULE |                                                      |                                                                                                                                                                                                                                             |                                                                |
|--------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| MARK                     | DESCRIPTION                                          | MARK                                                                                                                                                                                                                                        | DESCRIPTION                                                    |
| (A1)                     | STOREFRONT - KAMMER 20K BRONZE ANODIZED ALUMINUM     | (M2)                                                                                                                                                                                                                                        | PRE-FINISHED METAL FLASHING - COLOR TO MATCH (E2)              |
| (B1)                     | PAINTED BRICK - SK 0008 "COBBLE HILL"                | (R1)                                                                                                                                                                                                                                        | STANDARD SEAM METAL FLASHING - DARK BRONZE                     |
| (C1)                     | SPLIT FACE CMA, COLOR TO MATCH (E2)                  | (R2)                                                                                                                                                                                                                                        | PRE-FINISHED METAL FLASHING & DOWNSPOUTS - COLOR TO MATCH (R1) |
| (E1)                     | NOT USED                                             | (P1)                                                                                                                                                                                                                                        | EXTEND OVER WOOD ROOF AND TRIM - COLOR TO MATCH (A1)           |
| (E2)                     | EPS - STD - PEXOS                                    | (P2)                                                                                                                                                                                                                                        | PAINT DOOR AND FRAME - COLOR TO MATCH (E2)                     |
| (E3)                     | EPS - STD - MANUFACTURED BRICK                       | (S1)                                                                                                                                                                                                                                        | STONE VENEER - GREY HARBORSTONE                                |
| (G1)                     | OVERFLOW DISCHARGE NOZZLE - "DARK BRONZE" (10/A-100) | (T1)                                                                                                                                                                                                                                        | TRIMMED PLASTER GYPSUM - COLOR TO MATCH ADJACENT CONCRETE      |
| (L1)                     | OUTDOOR LIGHTS - COLOR TO MATCH (A1)                 | NOTES:<br>1. ALL COLOR SAMPLES TO BE SUPPLIED TO THE OWNER FOR APPROVAL PRIOR TO ORDERING MATERIAL.<br>2. PAINT ALL WALL MOUNTED EQUIPMENT TO MATCH WALL COLOR.<br>3. ALTERNATE COLORS / MATERIALS MAY BE SUBSTITUTED IF APPROVED BY OWNER. |                                                                |
| (L2)                     | LEDGERS - COLOR TO MATCH (E2)                        |                                                                                                                                                                                                                                             |                                                                |
| (M1)                     | PRE-FINISHED METAL FLASHING - COLOR TO MATCH (R1)    |                                                                                                                                                                                                                                             |                                                                |

NOT FOR CONSTRUCTION

JIFFY LUBE - CENTERVILLE  
APPROX 300 N. PARRISH LN. CENTERVILLE, UT  
RECEIVED JUN 03 2013

| MARK | DATE | DESCRIPTION |
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PROJECT# 413091  
DRAWN BY: OLCOFF  
CHECKED BY: OLCOFF  
ISSUED: MADDEN

NOT FOR CONSTRUCTION



**CENTERVILLE CITY  
COMMUNITY DEVELOPMENT DEPARTMENT  
655 North 1250 West, Centerville, Utah 84014  
(801) 292-8232**

**STAFF REPORT  
AGENDA: ITEM 2**

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**PROPERTY OWNER:** VAL WOODS TRUST  
103 EAST 500 SOUTH  
FARMINGTON, UT 84025

**APPLICANT:** ALAN PRINCE  
4255 SUGAR PINE COURT  
LEHI, UT 84043

**PROPERTY:** WOODS PARK DEVELOPMENT  
690 WEST 2400 NORTH

**ACREAGE:** 6.10 ACRES (*GROSS AREA*)

**ZONING:** R-L/PD (*RESIDENTIAL-LOW/PLANNED DEVELOPMENT*)

**APPLICATION:** PRELIMINARY SUBDIVISION PLAT

**RECOMMENDATION:** APPROVE PRELIMINARY PLAN SUBMITTAL

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**BACKGROUND**

The proposed 29-lot development is to be located at approximately 690 West 2400 North, which is on the north end of the City limit line adjacent to the Frontage Road. The applicant previously received a "planned development overlay" approval with an R-L Zoning and now desires to proceed to preliminary subdivision approval.

**PRELIMINARY SUBDIVISION REVIEW 15-3**

According to the Subdivision Ordinance, "The purpose of the preliminary plat is to require formal preliminary approval of a subdivision... in order to minimize changes and revisions which might otherwise be necessary on the final plat [Section 15-3-101]." It is the responsibility of the Planning Commission to review the proposal and determine compliance with the standards and criteria set forth in the Centerville City Ordinances [Section 15-3-104]." Approval by the Planning Commission for a preliminary plat does not constitute a final approval. The applicant must still apply for final approval and is responsible to comply with any conditions and ordinances pertaining to final plat approval.

## Terms and Conditions of Previous R-L Rezone and PDO Conceptual Approval and Acceptance the Woods Park Project

The following information repeats the original terms and conditions of the conceptual plan acceptance for the Woods Park Development. Items with a "checkmark" bullet are either completed or an ongoing task, while items with a "hollow circle" bullet indicate an incomplete or partially completed task.

1. This PDO Concept Plan acceptance is subject to approval of the R-L/PD by the City Council.  
 ✓ City Council Approved Rezone to R-L/PD on April 2, 2013
2. Upon R-L/PD approval by the City, all future development must substantially comply with the concept plan booklet, the landscaping plan, and color/materials scheme submitted by the developer to the Planning Commission & City Council, except as amended by the City.  
 ✓ Remains in place for developing the subdivision and future homes.
3. Alterations to the City's Zoning or Subdivision Ordinances are acceptable as follows:
  - a) May receive up to a 20% density bonus consisting of no more than 29 single-family homes.  
 ✓ Preliminary Plans depict 29 subdivision lots.
  - b) May reduce the right-of-way down to 44 feet, or as determined appropriate by the City Engineer.  
 ✓ Preliminary plans depict 44-foot right-of-way. City Engineer requests two (2) sidewalks easements outside the right-of-way to provide internal connections to Lund Lane (east side entrance and to a future road north side of east street stub).
  - c) May eliminate the public sidewalk along one side of the street.  
 ✓ Preliminary plans depict inside perimeter eliminated and outside perimeter provided, as planned.
  - d) May reduce front yards to 20 feet.  
 ✓ Preliminary plans depict front yards setbacks at 20 feet.
  - e) May reduce side yards to 5' or 10' between units.  
 ✓ Preliminary plans depict correct side yard setbacks. Additionally, to facilitate access to the 7-foot required side yard easements that will be located between the homes, the City Engineer requests that fencing in the side yard areas be eliminated and just allow fencing in the rear yards of the homes. The applicant has agreed to limit all fencing to rear yard locations (no fencing in front and side yard areas). A note on the final plat is needed to call out this restriction.
  - f) May reduce rear yards to 15'.  
 ✓ Preliminary plans depict 15 feet.
4. This PDO Concept Plan acceptance is amended to include the following:
  - a) Provide a connecting pathway from the interior development pathway system to the landscape detention area and the Frontage Road sidewalks.  
 ○ Preliminary plans depict connections to Lund Lane, on both sides of the subdivision entrance, which connects the internal system to the outside sidewalk system. This creates an indirect connection to the Frontage Road detention area via Lund Lane.
  - b) Switch the interior sidewalk around the island to the outside loop and re-connect the pathways.  
 ✓ Preliminary plan depicts this expected switch.
  - c) Reduce congested driveway (i.e. amount of impervious surface) areas for Lots 1-3 and Lots 19-21 to improve front yard green space and appearance for these units.  
 ○ Preliminary plans depict the original pairing of individual driveways. The question here is whether the approach areas for these specific lots should be shared to reduce hard surfaces to create greater contiguous yard area (green space). This still should

- be explored, but it does pose expectation problems for maintenance (e.g. which owner shovels the snow).
- d) Provide secondary landscaped feature areas at Lots 2, 3 and Lot 19 (e.g. angling rear yard fence lines), along the Lund Lane frontage.  
✓ Preliminary plans depict these features.
  - e) The building architecture for rear elevations are to be enhanced with additional architectural and material design elements.
    - The preliminary plans address only the front elevations of the proposed homes and still need to address the rear elevation expectations. Additionally, this expectation needs to be indirectly referenced noted on the plat indicating the development is subject to a PDO approval and all homes are to comply with such architectural requirements.
  - f) All primary buildings and attached accessory building elements are to comply with the approved setbacks.
    - Preliminary plans list the required setbacks. However, the side yard setback is listed at 15 feet; where it is really 5 feet per lot, for a total of 10 feet. This needs to be corrected on the final plans.
  - g) The use of detached accessory buildings is to be addressed with any preliminary subdivision plan submittal.  
✓ The applicant provides a narrative that is to be included in the project's CC&Rs (see e-mail attachment). However, a summary note needs to be included in the plat notes.
  - h) Stamped-colored concrete crosswalks are to be added to all designated pedestrian crossing areas within the public right-of-way and must meet City Standards.
    - Preliminary plans (i.e. improvement drawings) depicts the use of required crossing design. The City Engineer requests some straightening of the alignments to improve the future maintenance of the roadways (i.e. City's Overlay Program).
  - i) Provide increased architectural interest and detail on the perimeter fencing facing the roads.
    - The submitted Landscaping Plan has been modified to depict alternating planting bed depths allowing an additional foot for trees on the inside of the sidewalk, adjacent to the fence. Then, at regular intervals opposite to the insets, a park-strip tree will be planted. Thus, an alternating tree pattern is proposed. There are no other changes to the fencing depicted on the landscape plan.
  - j) Trees for privacy added in the landscaping plan along the backs of Lots 9-14.  
✓ The submitted Landscaping Plan depicts the expected additional trees.
  - k) A plat note added and a seller disclosure provided that this development is next to existing agricultural zoning.  
✓ A plat note has been provided as expected.
5. As part of any preliminary subdivision submittal, the applicant shall provide a development schedule indicating when the project will begin construction and estimated timeline for build out.
    - The requested schedule has not been provided.
  6. This PDO Concept Plan acceptance is subject to all other applicable City Ordinances and other related development applications and approvals.  
✓ This is an ongoing requirement to satisfy the PDO approval.
  7. The PDO Concept Plan acceptance is subject to the review and approval of the City Engineer and City Attorney, and subject to applicable City Ordinances.  
✓ This is an ongoing requirement to satisfy the PDO approval.

**General Requirements for all Subdivisions [15-15]**

From staff's review, subject to the terms and conditions of the PDO approval, the subdivision meets the general requirements for lots, streets, and most of the public improvements, as found in Section 15-5-101 of the Centerville Municipal Code.

However, the applicant's engineer and our City Engineer have identified a problem with the proposed drainage design for the development. Apparently, the "as built" plans for the existing culverts on the downstream system are not consistent with actual conditions. The culverts are "flatter" than anticipated, which creates a problem with sufficiently moving the creek runoff and floodwaters to mitigate any flooding concerns. The engineers believe that with some changes to the initial design, it will likely solve the problem. However, it will take additional modeling of the expected drainage flows and possibly amending the existing terms and conditions of the Development Agreement related to the Rezone to R-L/PD. Staff is providing recommended conditions for preliminary approval that will allow this issue to be addressed later with the final subdivision plan and plat submittal.

**PLANNING STAFF SUGGESTED ITEMS FOR DISCUSSION**

Staff suggests that the Commission's primary focus for discussion should be on the following issues. Hopefully, the applicant, after receiving this report, will come prepared to address these issues. If not, the Commission may consider tabling the item to receive additional information before granting a preliminary plan approval.

- a) *The preliminary plan's adequacy of providing pathway connections from the interior of the development to the landscape detention area and the Frontage Road sidewalks.*
- b) *The preliminary plan's adequacy of reducing congested driveway (i.e. amount of impervious surface) areas for Lots 1-3 and Lots 19-21 to improve front yard green space and appearance for these units.*
- c) *The preliminary plan's adequacy of addressing only the building rear elevation design expectations.*
- d) *The preliminary plan's adequacy of providing increased architectural interest and detail on the perimeter fencing facing the roads.*
- e) *The expectations regarding development schedule indicating when the project will begin construction and estimated timeline for build out.*

**PLANNING STAFF RECOMMENDATION**

Suggested Motion for the preliminary subdivision plan approval for the Woods Park Development: I hereby make a motion for the Planning Commission to approve the preliminary subdivision plans for the proposed Woods Park Subdivision, subject to the following:

1. A final subdivision application and plans shall be submitted, within one (1) year, in accordance with the requirements of Title 15, Subdivisions and of Title 12-Zoning Ordinance.
2. The final plat and plans shall reflect the design, layout and all related items, as presented with the preliminary plan submittal, except as modified with the conditions of preliminary subdivision approval.

3. Such final plat and plan submittal shall also be subject to all terms and conditions of the conceptual plan and the applicable Development Agreement associated with the Wood Park Development.
4. The final plat and plans shall also address the following:
  - a. The City Engineer's request for two (2) sidewalks easements outside the right-of-way to provide internal connections to Lund Lane (east side entrance and to a future road north side of east street stub).
  - b. The City Engineer's requests that fencing in the side yard areas be eliminated and just allow fencing in the rear yards of the homes. A note on the final plat shall be provided to call out this restriction.
  - c. The City Engineer's request to straighten and align pedestrian crossings to facilitate future road maintenance.
  - d. Provide a reference note on the final plat indicating the development is subject to a PDO approval and all homes are to comply with such architectural requirements.
  - e. The side yard setback corrected to 5 feet for each lot, for a combined total of 10 feet between homes.
  - f. Provide a plat note addressing the use of detached accessory buildings.
  - g. *[Add any other terms or conditions as determined by the Planning Commission regarding suggested discussion items]*
5. The final plat submittal shall also address the needed drainage system improvements to properly manage the anticipated creek flow and flood waters, as recommended by the City Engineer. Any needed amendments to the related Development Agreement shall be prepared at the time of final plan and plat submittal.
6. The developer shall remain responsible for payment of all outstanding professional service fees related to the review of the preliminary subdivision plans.

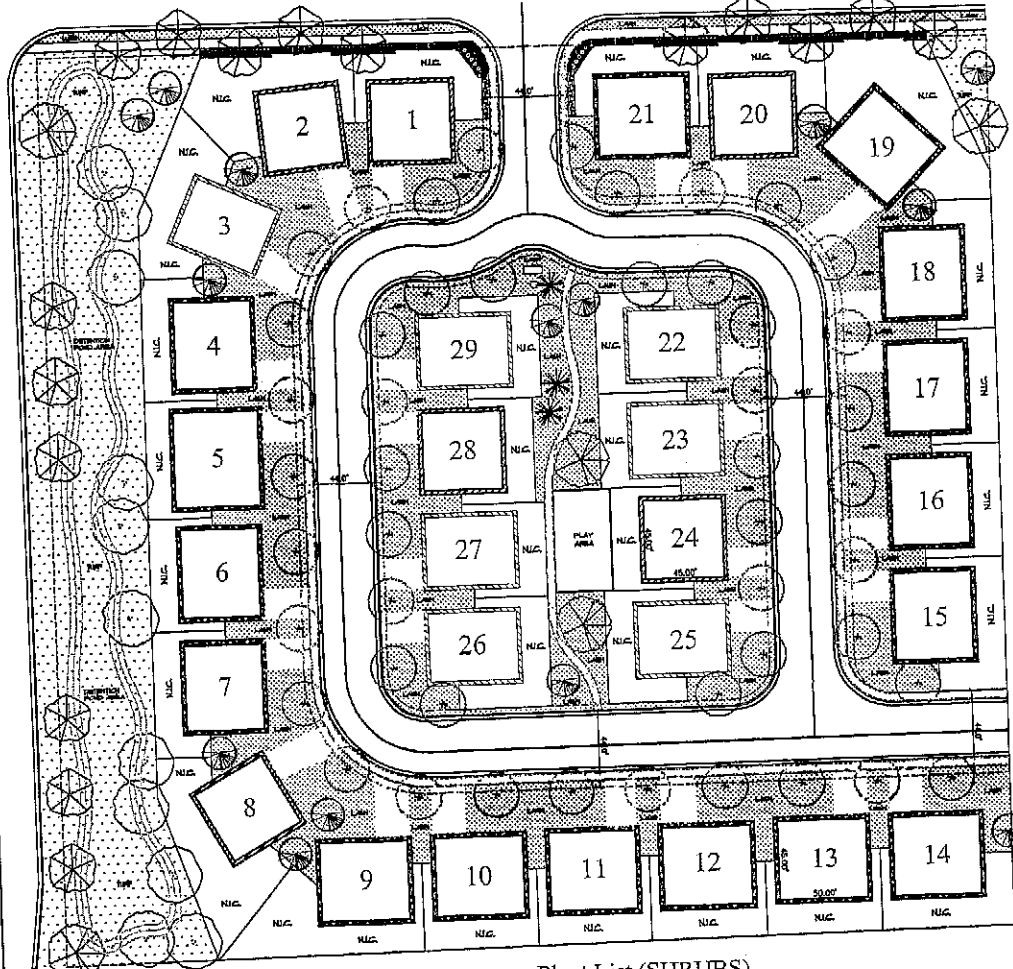
*Suggested Reasons for the Action (Findings):*

- a) The Commission finds that the preliminary subdivision plan is to comply with the terms and conditions of Wood Park PDO Zone Map Amendment and associated Conceptual Plan acceptance that was approved in April of 2013.
- b) The Commission finds that the terms and conditions of the preliminary approval are consistent with this related PDO approval.
- c) The Commission finds that the conditions of the preliminary plan approval, subject to terms and conditions of the PDO, are consistent with the requirements for preliminary subdivision review [Section 15-3-103].
- d) The Commission finds that there is a discrepancy with the downstream drainage improvements, as identified by the professional engineers. Thus, additional conditions are required to ensure proper mitigation of creek flow and flood waters with the final subdivision plans and plat.



800 West Street

Lund Lane (2400 North)



### Plant List (TREES)

| Symbol | Botanical Name                    | Common Name                | Size                            |
|--------|-----------------------------------|----------------------------|---------------------------------|
|        | Acer platanoides 'Columnata'      | Columnar Norway Maple      | 2" Caliper<br>8'-10' Height     |
|        | Acer plat. 'Crimson Sentry'       | Crimson Sentry Maple       | 2" Caliper<br>8'-10' Height     |
|        | Picea orientalis 'Green Knight'   | Green Knight Spruce        | 4"-5" Height<br>B & B / Full    |
|        | Populus alcineta 'Robusta'        | Robusta Poplar             | 1 1/2" Caliper<br>8'-10' Height |
|        | Prunus virginiana 'Candied Red'   | Canadian Red Cherry        | 1" Caliper<br>6'-8' Height      |
|        | Pyrus calleryana 'Chanticleer'    | Chanticleer Flowering Pear | 2" Caliper<br>8'-10' Height     |
|        | Tilia tomentosa 'Sterling Silver' | Sterling Silver Linden     | 2" Caliper<br>8'-10' Height     |

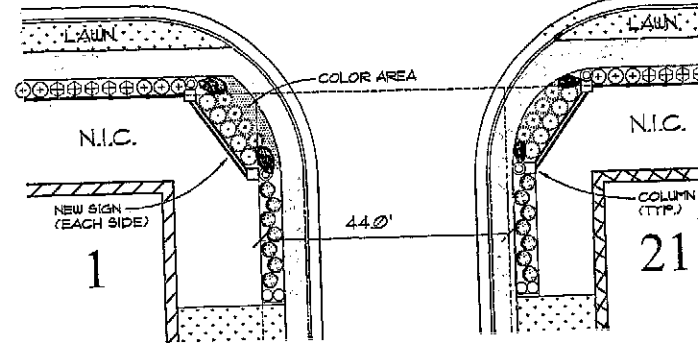
### Plant List (SHRUBS)

| Symbol | Botanical Name                  | Common Name          | Size     |
|--------|---------------------------------|----------------------|----------|
|        | Buxus japonica 'Vista Jane'     | Julia Jane Boxwood   | 1 Gallon |
|        | Cornus alba 'Balthus'           | Ivory Halo Dogwood   | 1 Gallon |
|        | Eucalyptus alatus 'Compacta'    | Dark Burning Bush    | 1 Gallon |
|        | Physocarpus opul. 'Summer Wine' | Summer Wine Ninebark | 1 Gallon |
|        | Rosa arvensis 'Vera Red'        | True Red Rose        | 1 Gallon |
|        | Rosa sp. 'Knock Out Red'        | Knock Out Shrub Rose | 1 Gallon |
|        | Spiraea japonica 'Goldmound'    | Goldmound Spiraea    | 1 Gallon |
|        | Spiraea japonica 'Neon Flash'   | Neon Flash Spiraea   | 1 Gallon |

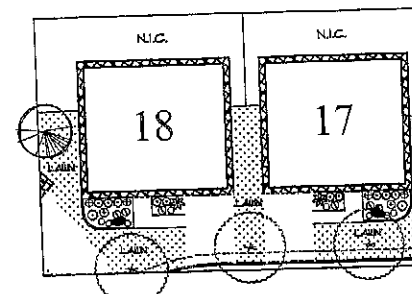
### Plant List (GRASSES/PERENNIALS)

| Symbol | Botanical Name               | Common Name           | Size     |
|--------|------------------------------|-----------------------|----------|
|        | Calamagrostis s. 'Foxtail'   | Foxtail Feather Grass | 1 Gallon |
|        | Lavandula spec. 'Munstead'   | Munstead Lavender     | 1 Gallon |
|        | Pennisetum alopec. 'Natchez' | Dwarf Fountain Grass  | 1 Gallon |

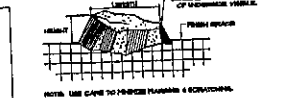
Lund Lane (2400 North)



1 Main Entry/Signage Plan  
SCALE: 1" = 10'-0"



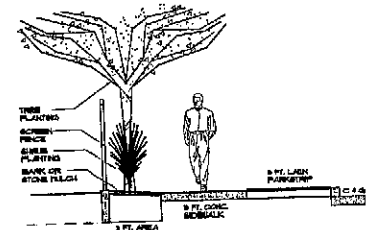
2 Typical Building(s) Planting  
SCALE: 1" = 20'-0"



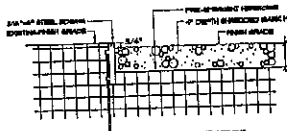
4 Landscape Boulder  
SCALE: 1" = 20'-0"



5 Shrub Planting  
SCALE: 1" = 20'-0"



3 Fence / Parkstrip Cross Section  
SCALE: 1" = 20'-0"



6 Steel Edging / Bark Mulch  
SCALE: 1" = 20'-0"

### Plant List (COLOR AREAS)

| Symbol | Botanical Name          | Common Name       | Size        |
|--------|-------------------------|-------------------|-------------|
|        | Delosperma cooperi      | Hardy Ice Plant   | Flat/6-Pack |
|        | Lavandula s. 'Munstead' | Munstead Lavender | 1 Gallon    |
|        | Phlox subulata          | Creeeping Phlox   | 1 Gallon    |



Woods Park Subdivision  
800 West Lund Lane (2250 North)  
Centerville, Utah



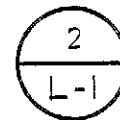
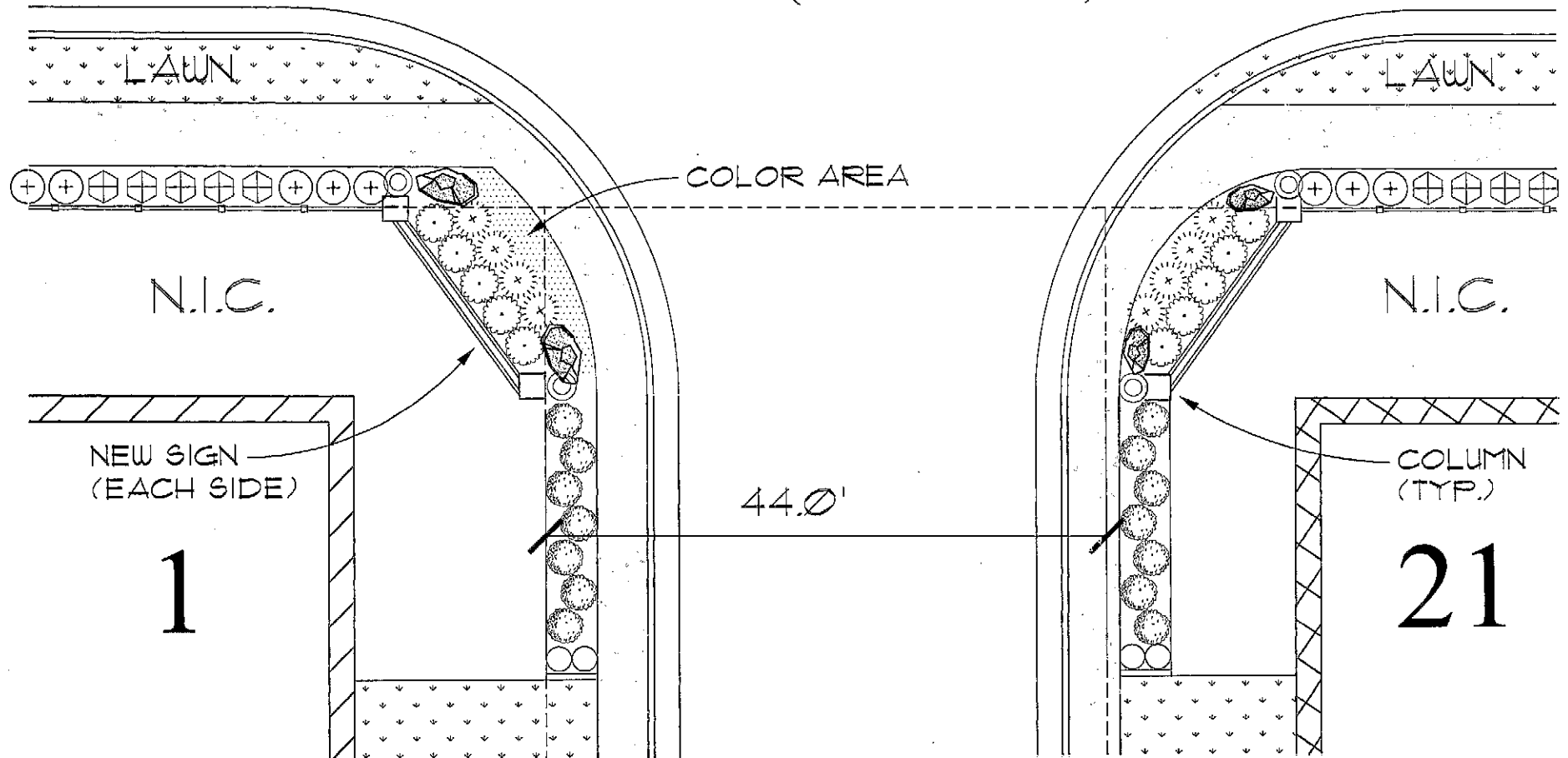
Woods Park Subdivision  
800 West Lund Lane (2250 North)  
Centerville, Utah

| REVISION | DATE     | BY            | CHKD. |
|----------|----------|---------------|-------|
| 1        | 01-10-13 | ROBERT B. ORR |       |
| 2        | 01-10-13 | ROBERT B. ORR |       |
| 3        | 01-10-13 | ROBERT B. ORR |       |
| 4        | 01-10-13 | ROBERT B. ORR |       |
| 5        | 01-10-13 | ROBERT B. ORR |       |
| 6        | 01-10-13 | ROBERT B. ORR |       |
| 7        | 01-10-13 | ROBERT B. ORR |       |
| 8        | 01-10-13 | ROBERT B. ORR |       |
| 9        | 01-10-13 | ROBERT B. ORR |       |
| 10       | 01-10-13 | ROBERT B. ORR |       |

Site Layout/  
Landscape  
Concept Plan

L-1

# Lund Lane (2400 North)



Main Entry/Signage Plan

SCALE : No Scale

Woods Park Subdivision

Centerville, Utah

## Cory Snyder

---

**From:** Alan Prince <alan@prncedevlopment.com>  
**Sent:** Wednesday, May 15, 2013 10:02 AM  
**To:** Cory Snyder  
**Cc:** 'Phil Holland'  
**Subject:** Auxiliary Buildings, Sheds, Detached Garages--Woods Park

Cory, Henry-Walker Homes and I have discussed this matter and, as I recall, it was their intention to place the following restriction into the CCR's for the project. We could also add a note to the plat if you wish. To wit:

No outbuilding, tool shed, separate garage (etc) may be placed any closer to the street than the rear-yard building setback. The preferred location for any such structure will be a rear corner of the lot. The placement of the structure must conform with Centerville City Zoning Ordinances (for the RL/PDO Zone). Any such structure must comply with all Centerville City Building Codes. Said structures may not be higher than one-story. No such structure is permitted which is larger than 10ft x 10ft. Outbuilding structures are to have concreted floors built with proper footings. Outbuilding structures are to be finished in either hardy board/plank, or stucco or brick or rock. No tin or metal or plywood structures are allowed.

This is what we had in mind Cory. Hope that meets what you had in mind. Thanks. Alan

## Cory Snyder

---

**From:** Alan Prince <alan@prncedevlopment.com>  
**Sent:** Monday, May 20, 2013 9:53 PM  
**To:** Cory Snyder  
**Subject:** FW: Woods Park Schedule.

Cory, here is the development schedule for the installation of the physical improvement structures for Woods Park. I am forwarding this to you to meet the requirement you have requested for Preliminary Plat approval with the Planning Commission. Thanks. Alan

---

**From:** DONALD LOFTUS [mailto:dcloftus@msn.com]  
**Sent:** Monday, May 20, 2013 8:51 PM  
**To:** alan@prncedevlopment.com  
**Subject:** Woods Park Schedule.

### Woods Park Schedule Donald Loftus Company

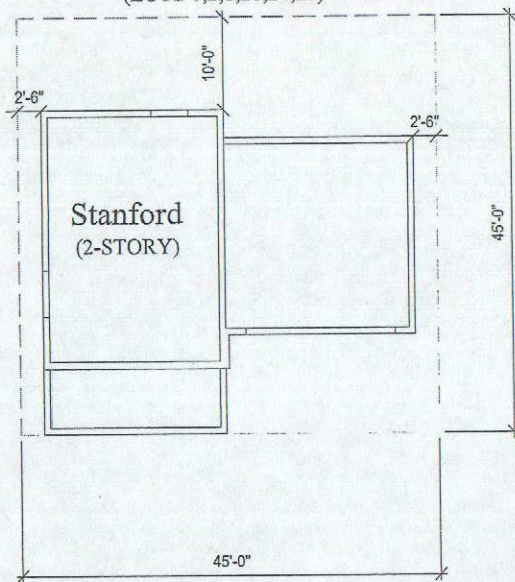
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|       |                             |  |  |
| Day 1 | Sub grade/staging - 10 days |  |  |
|       |                             |  |  |
| Day 2 | Sub grade/staging           |  |  |
|       |                             |  |  |
| Day 3 | Sub grade/staging           |  |  |
|       |                             |  |  |
| Day 4 | Sub grade/staging           |  |  |
|       |                             |  |  |
| Day 5 | Sub grade/staging           |  |  |

|        |                        |  |  |
|--------|------------------------|--|--|
|        | Pressurized Irrigation |  |  |
|        |                        |  |  |
| Day 83 | Water                  |  |  |
|        | Pressurized Irrigation |  |  |
|        |                        |  |  |
| Day 84 | Water                  |  |  |
|        | Pressurized Irrigation |  |  |
|        |                        |  |  |
| Day 85 | Water                  |  |  |
|        | Pressurized Irrigation |  |  |
|        |                        |  |  |
| Day 86 | Roads - 30 days        |  |  |
|        | Concrete - 30 days     |  |  |
|        |                        |  |  |
| Day 87 | Roads                  |  |  |
|        | Concrete               |  |  |

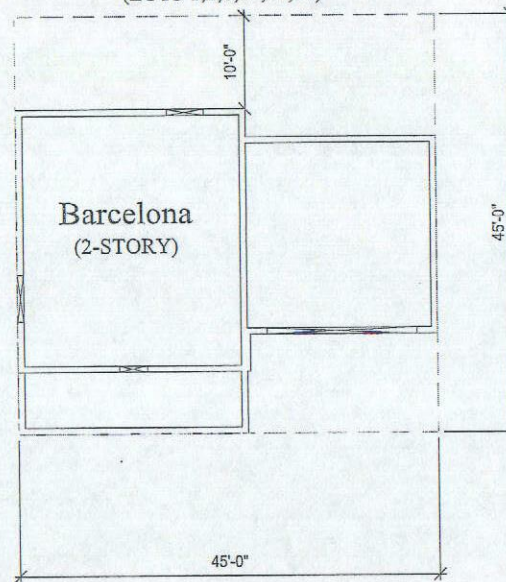
|         |          |  |  |
|---------|----------|--|--|
|         | Concrete |  |  |
|         |          |  |  |
| Day 115 | Roads    |  |  |
|         | Concrete |  |  |
|         |          |  |  |

# Woods Park 45' x 45'

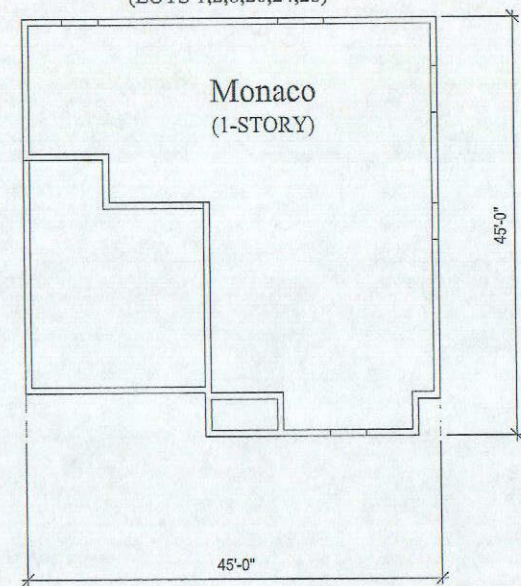
45' Wide x 45' Deep  
(LOTS 1,2,8,20,24,28)



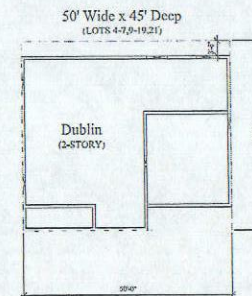
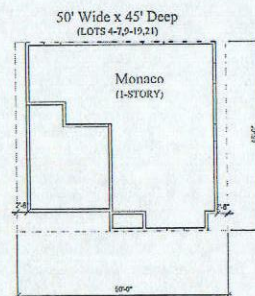
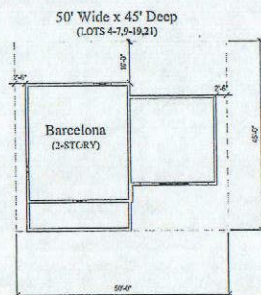
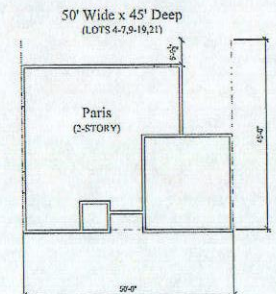
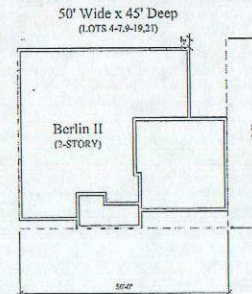
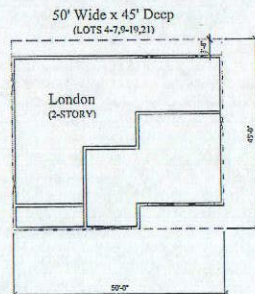
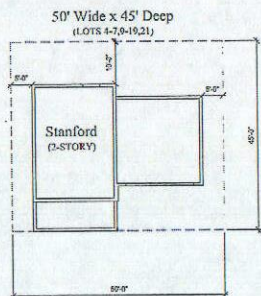
45' Wide x 45' Deep  
(LOTS 1,2,8,20,24,28)



45' Wide x 45' Deep  
(LOTS 1,2,8,20,24,28)



# Woods Park 50' x 45'



# Barcelona

2,465 tot. sq. ft. 4 Bedrooms  
1,835 fin. sq. ft. 2.5 Bathrooms



B



C

HenryWalkerHomes.com 801-677-1600



Henry Walker Homes reserves the right to modify or change floor plans, home specifications, designs, features, option, prices, or terms without notice or obligation. Home square footages are approximates and are subject to change.

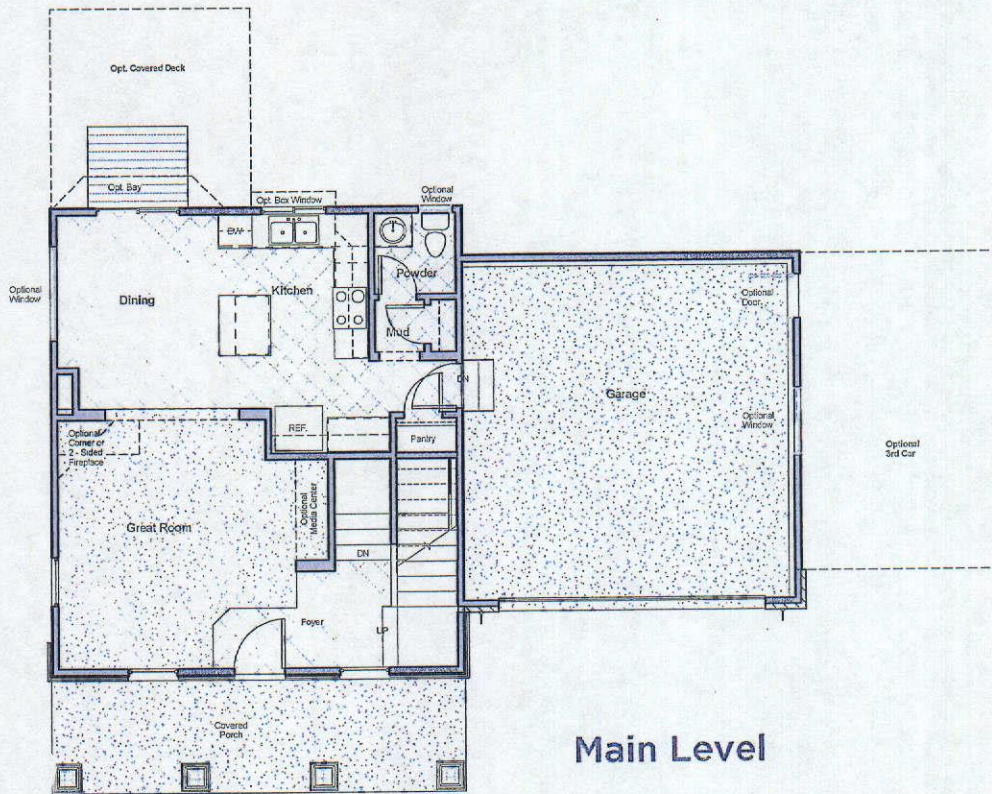
HenryWalkerHomes.com 500 N. Marketplace Drive, Suite 201, Centerville, UT 84014 801-677-1600



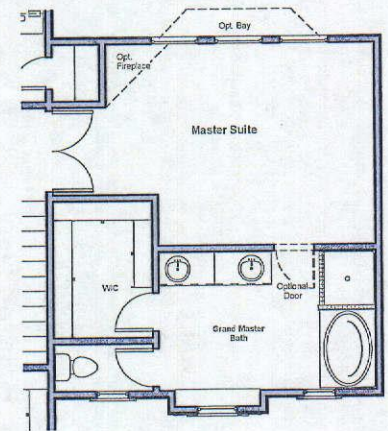
HENRY WALKER  
HOMES

# Barcelona

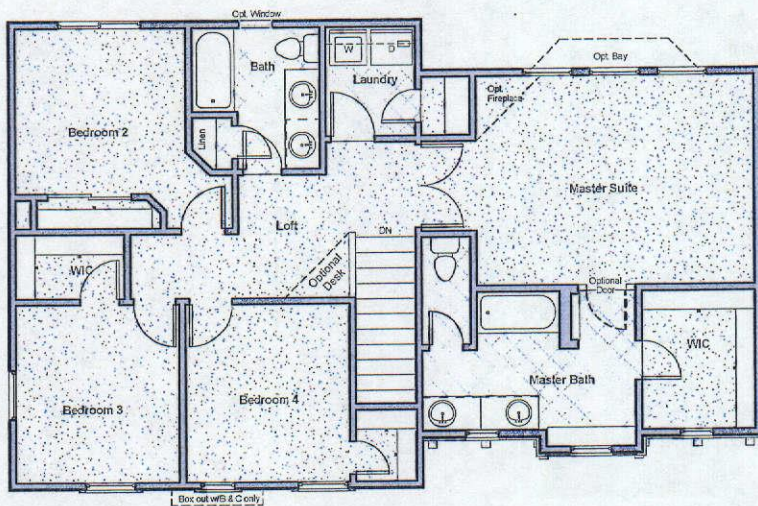
2,465 tot. sq. ft. 4 Bedrooms  
1,835 fin. sq. ft. 2.5 Bathrooms



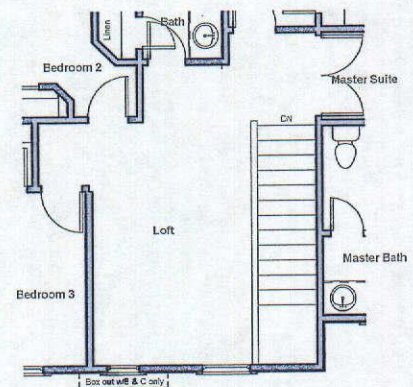
**Main Level**



**Grand Master Bath**



**Upper Level**



**Loft**

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**HENRY WALKER  
HOMES**

## Berlin II

3,530 tot. sq. ft. 3 Bedrooms  
2,386 fin. sq. ft. 2.5 Bathrooms



B



C

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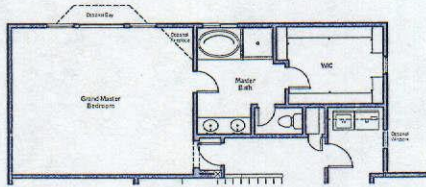
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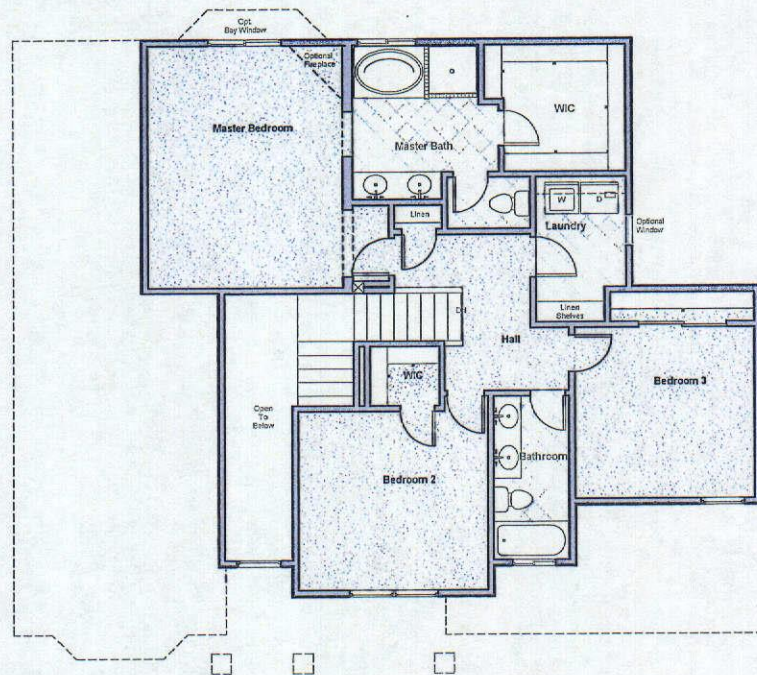
HENRY WALKER  
HOMES

# Berlin II

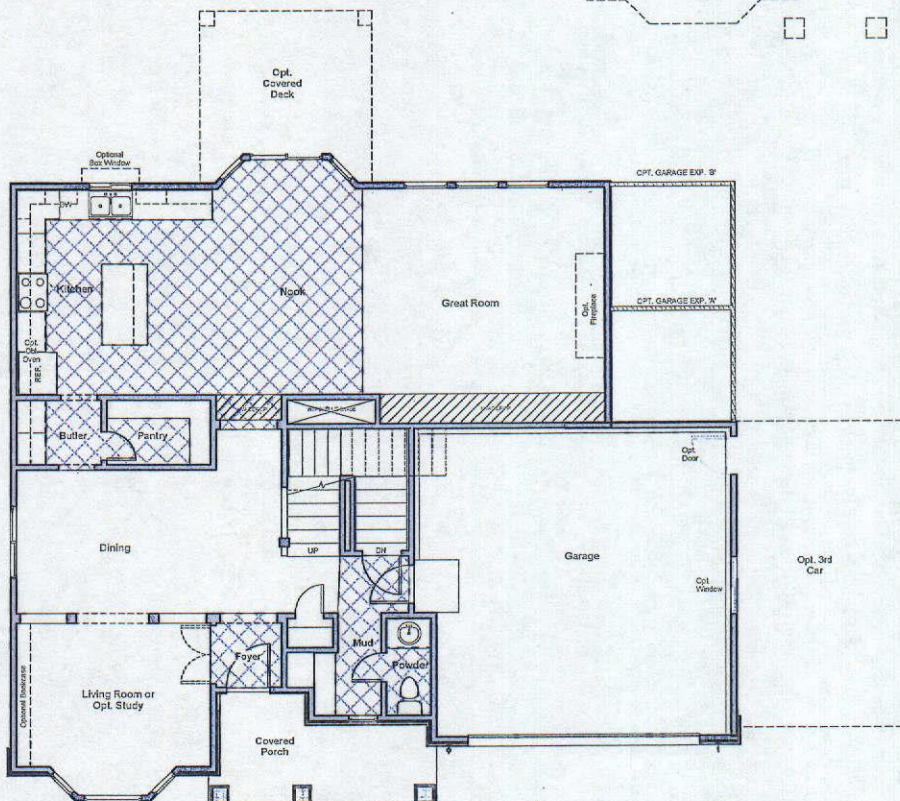
3,530 tot. sq. ft. 3 Bedrooms  
2,386 fin. sq. ft. 2.5 Bathrooms



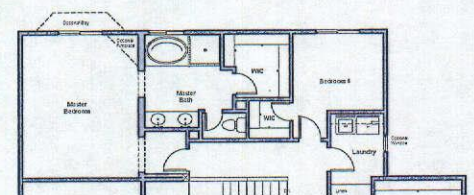
**Grand Master Bedroom**



**Upper Level**



**Main Level**



**Bedroom 4**

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**HENRY WALKER  
HOMES**

# Black Stone

2,596 tot. sq. ft.

3 Bedrooms

1,724 fin. sq. ft.

2 Bathrooms



B



C

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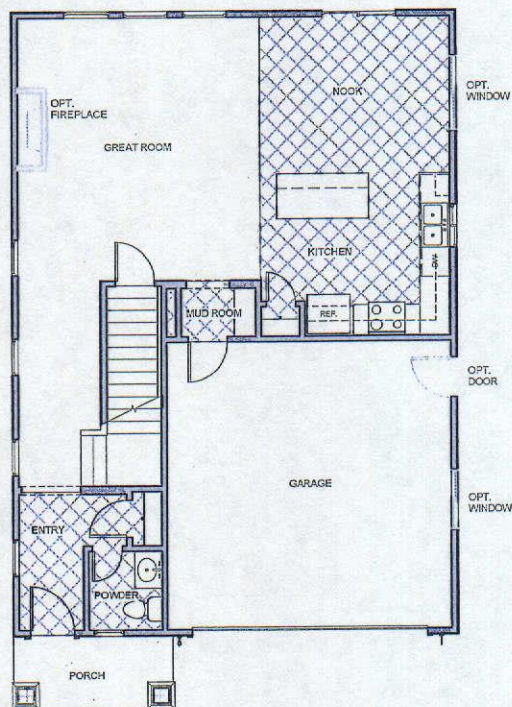


HENRY WALKER  
HOMES

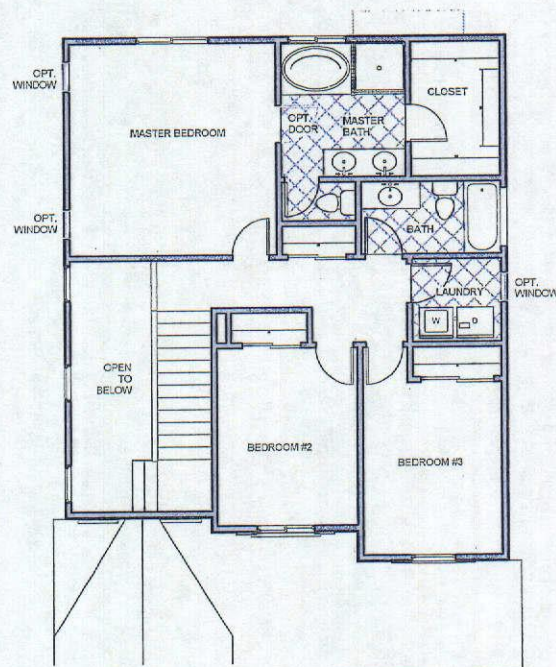
# Black Stone

2,596 tot. sq. ft. 3 Bedrooms  
1,724 fin. sq. ft. 2 Bathrooms

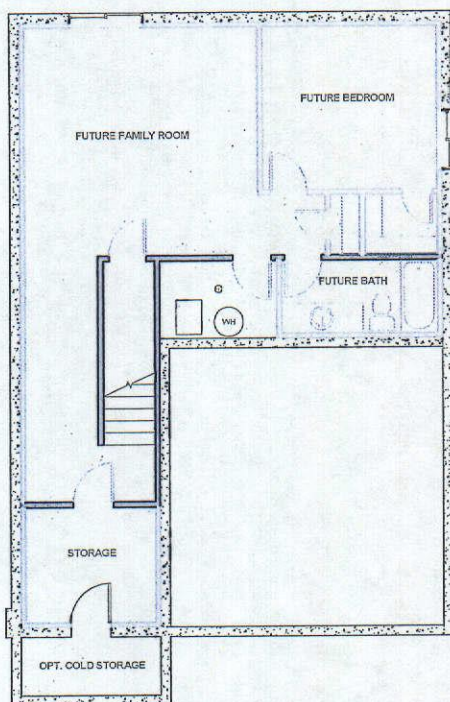
## Upper Level



## Main Level



## Basement Level



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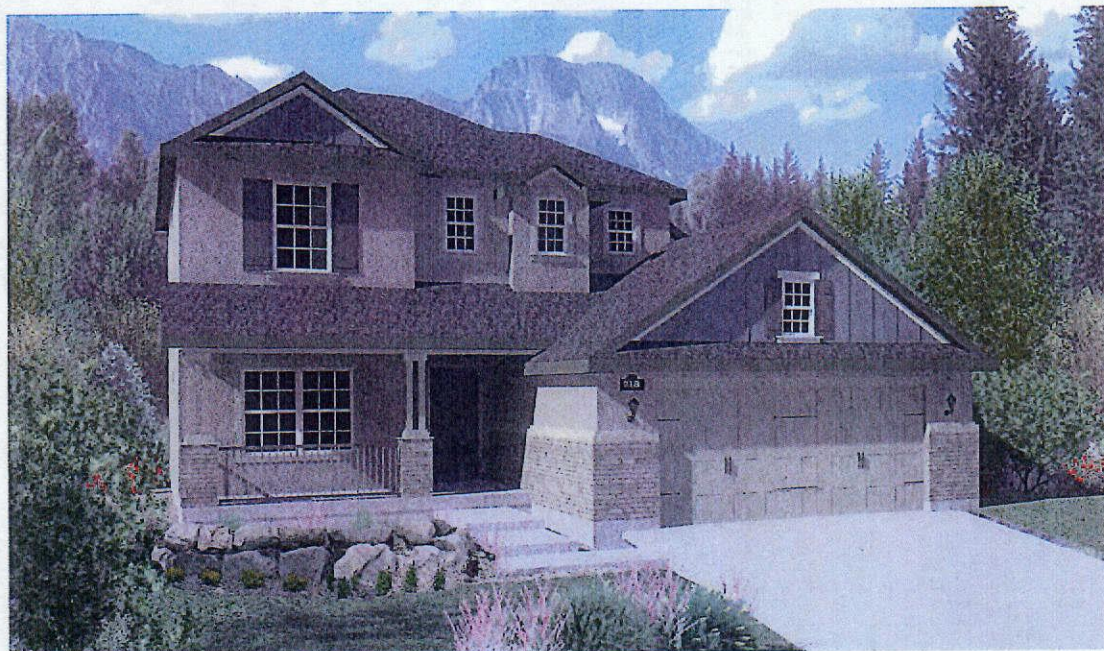
HenryWalkerHomes.com 500 N. Marketplace Drive, Suite 201, Centerville, UT 84014 801-677-1600



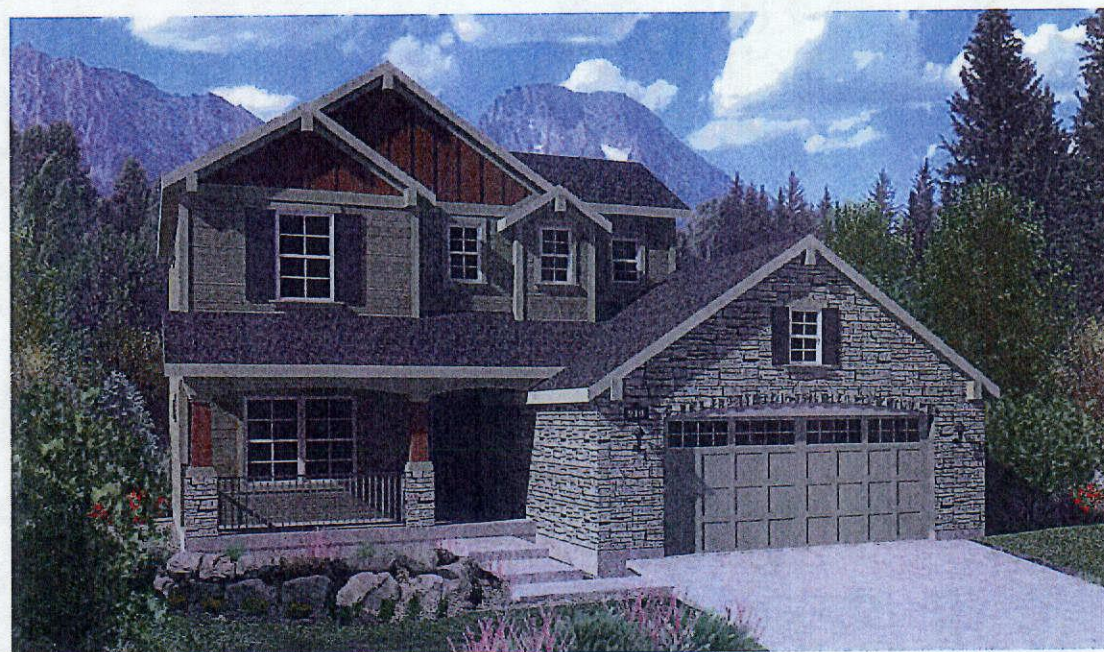
HENRY WALKER  
HOMES

# Dartmouth

2,671 tot. sq. ft. 3 Bedrooms  
1,813 fin. sq. ft. 2.5 Bathrooms



B



C

HenryWalkerHomes.com 801-677-1600



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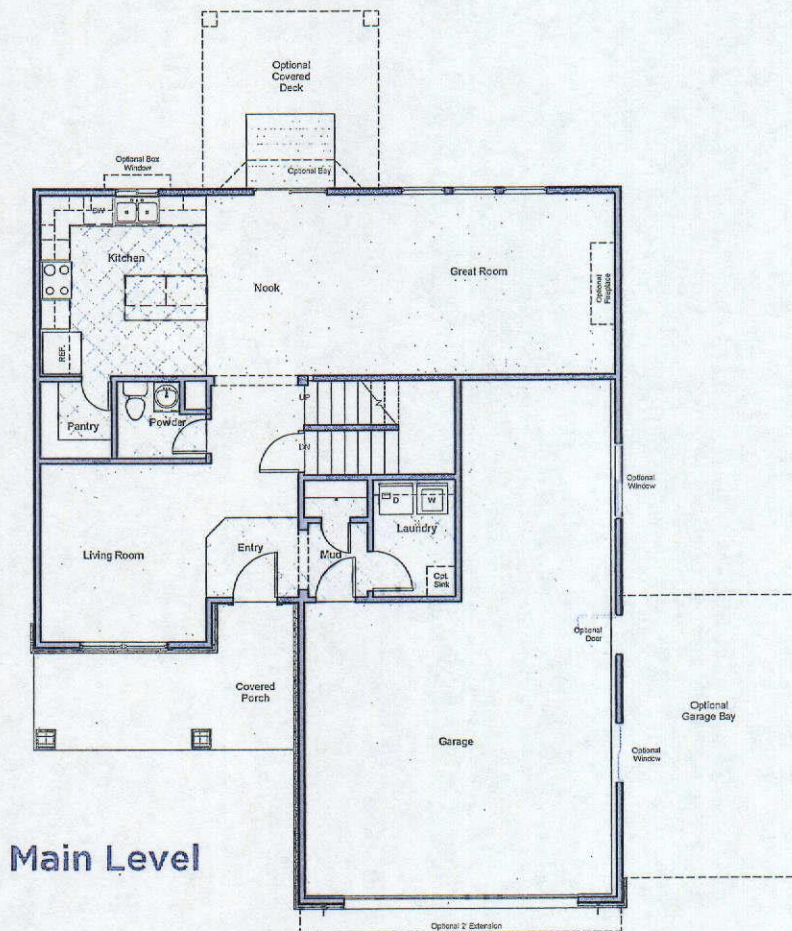
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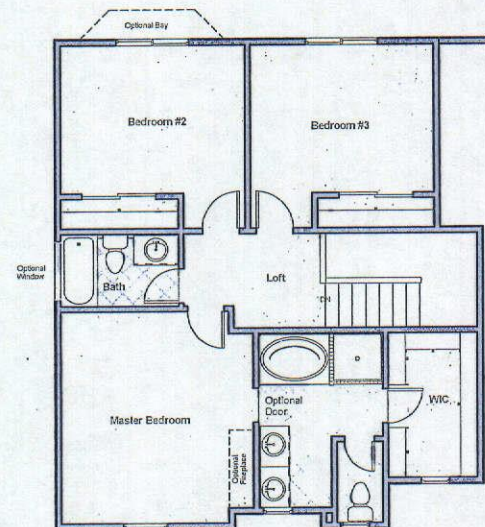
HENRY WALKER  
HOMES

# Dartmouth

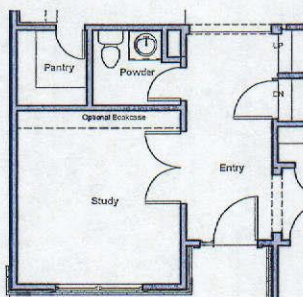
2,671 tot. sq. ft. 3 Bedrooms  
1,813 fin. sq. ft. 2.5 Bathrooms



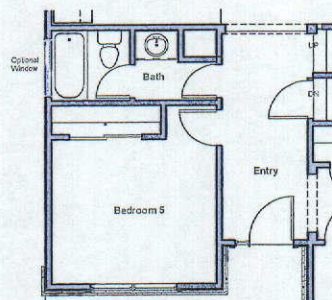
**Main Level**



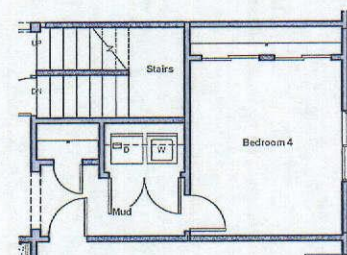
**Upper Level**



**Study**



**Bedroom 5**



**Bedroom 4**

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**HENRY WALKER  
HOMES**

# Dublin

4,168 tot. sq. ft. 3 Bedrooms  
2,864 fin. sq. ft. 2.5 Bathrooms



B



C

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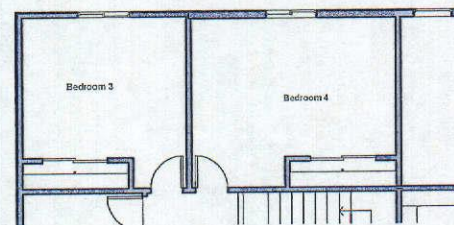
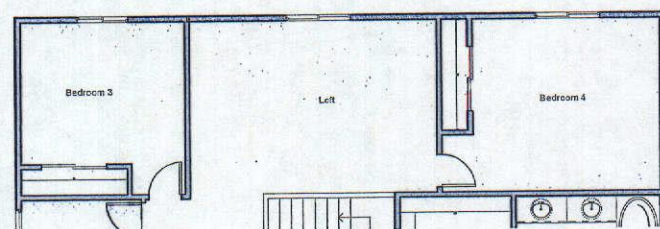
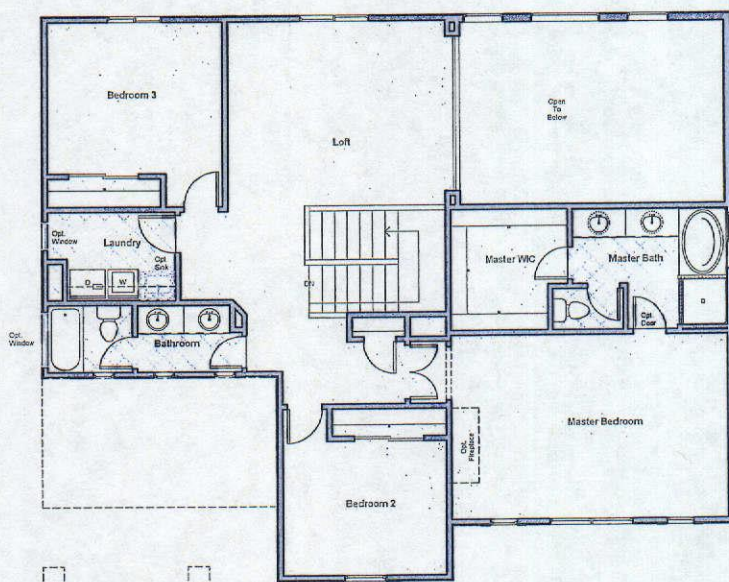
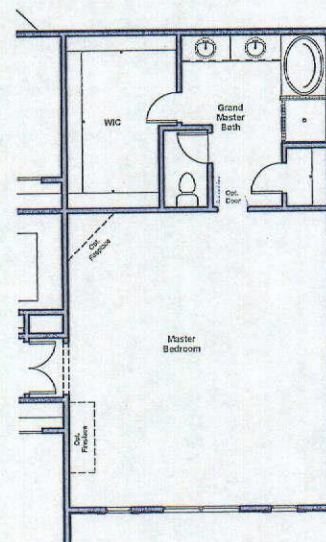
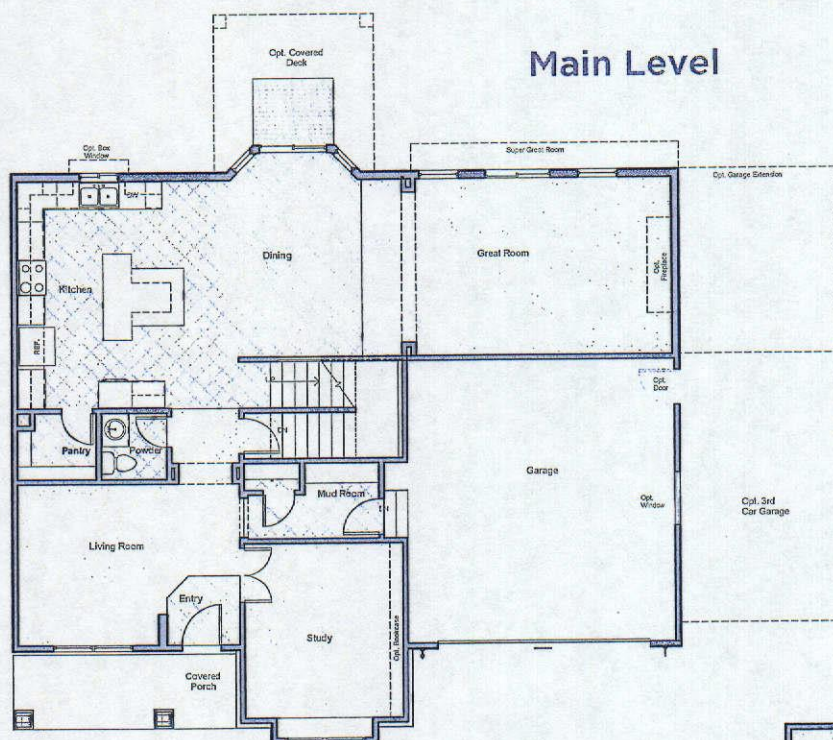
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HENRY WALKER  
HOMES

# Dublin

4,168 tot. sq. ft. 3 Bedrooms  
2,864 fin. sq. ft. 2.5 Bathrooms



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HENRY WALKER  
HOMES

# London

3,617 tot. sq. ft. 3 Bedrooms  
2,614 fin. sq. ft. 2.5 Bathrooms



B



C

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HENRY WALKER  
HOMES

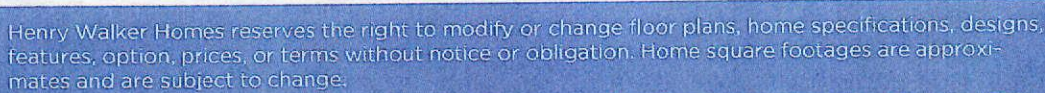
3,617 tot. sq. ft.    3 Bedrooms  
2,614 fin. sq. ft.    2.5 Bathrooms

### 3 Bedrooms

## 2.5 Bathrooms



801-677-1600



Morello

2,699 tot. sq. ft.

3 Bedrooms

1,818 fin. sq. ft.

2 Bathrooms



B



C

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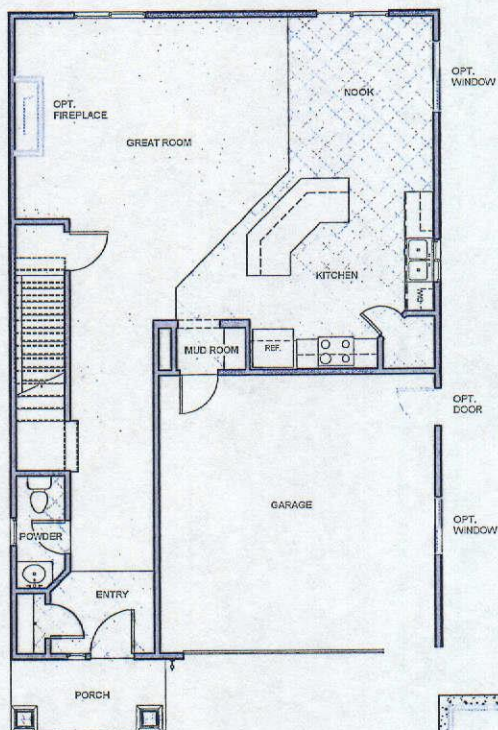
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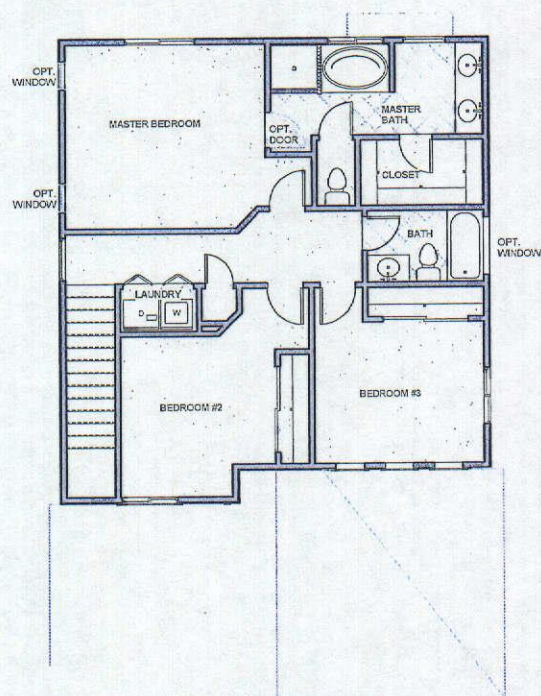
HENRY WALKER  
HOMES

# Morello

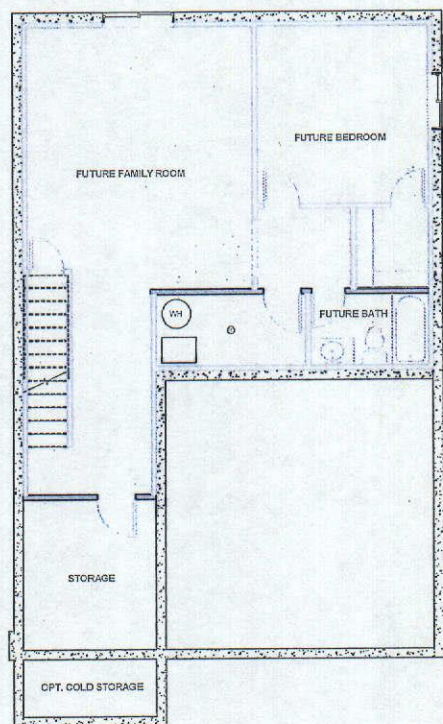
2,699 tot. sq. ft. 3 Bedrooms  
1,818 fin. sq. ft. 2 Bathrooms



**Main Level**



**Upper Level**



**Basement Level**

**HenryWalkerHomes.com 801-677-1600**



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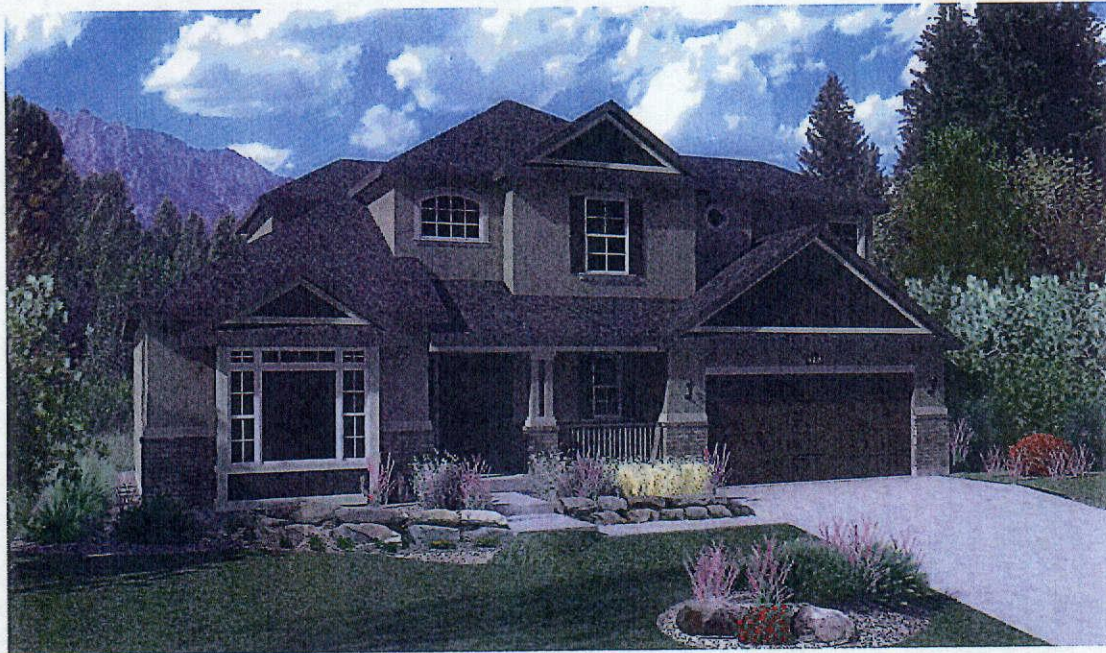
HenryWalkerHomes.com 500 N. Marketplace Drive, Suite 201, Centerville, UT 84014 801-677-1600



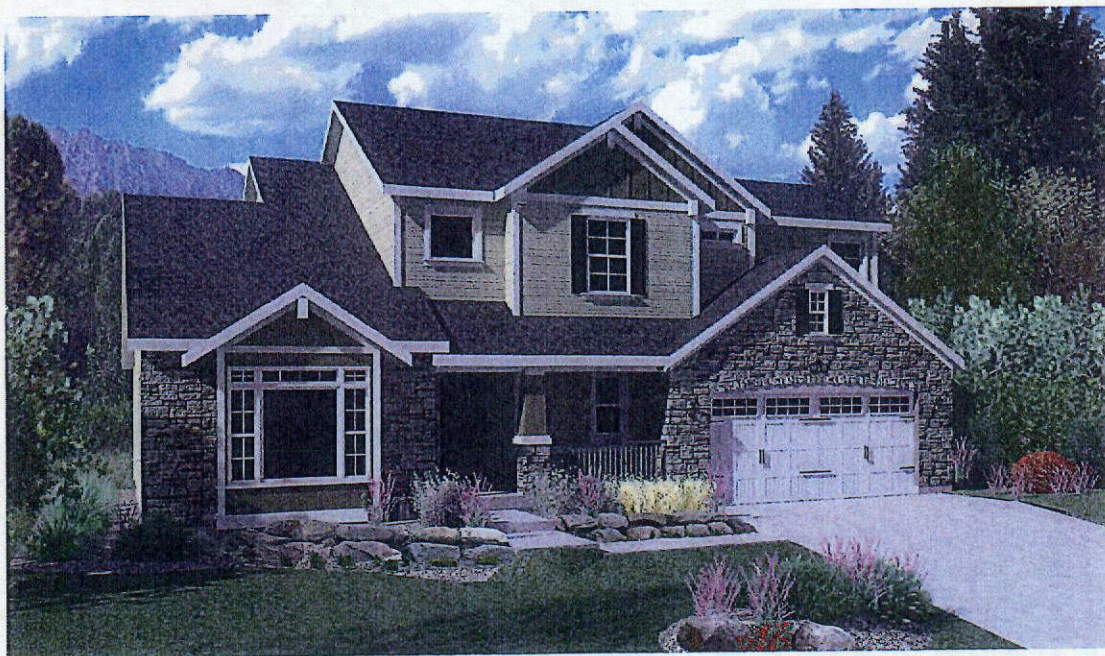
**HENRY WALKER  
HOMES**

# Paris

3,271 tot. sq. ft. 3 Bedrooms  
2,222 fin. sq. ft. 2.5 Bathrooms



B



C

HenryWalkerHomes.com 801-677-1600



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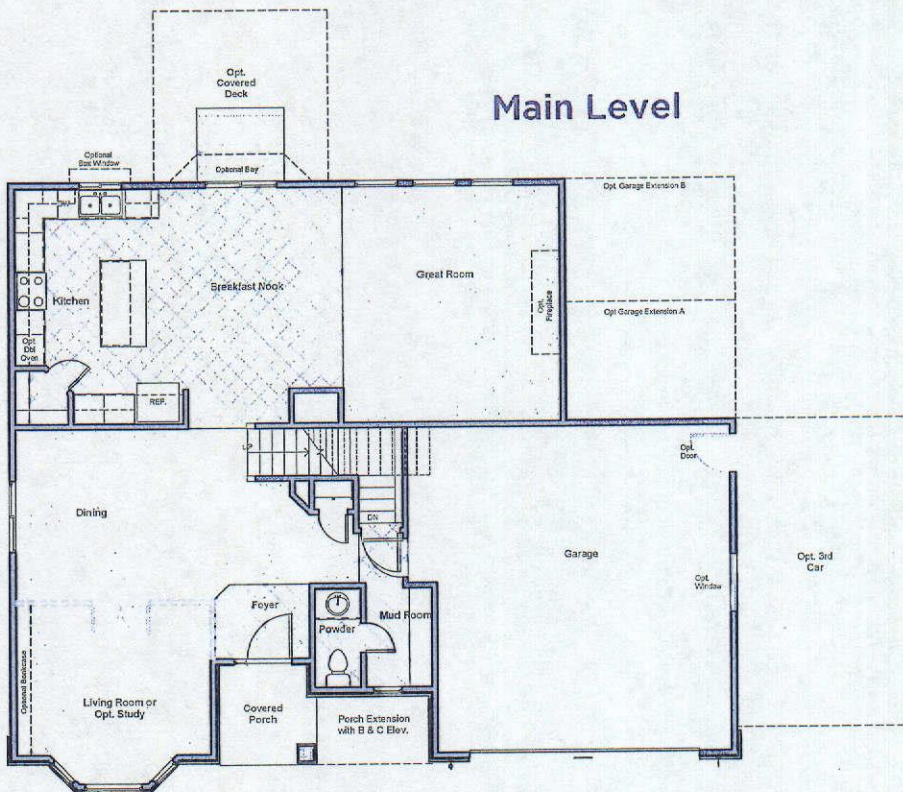


HENRY WALKER  
HOMES

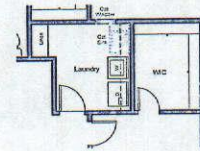
# Paris

3,271 tot. sq. ft. 3 Bedrooms  
2,222 fin. sq. ft. 2.5 Bathrooms

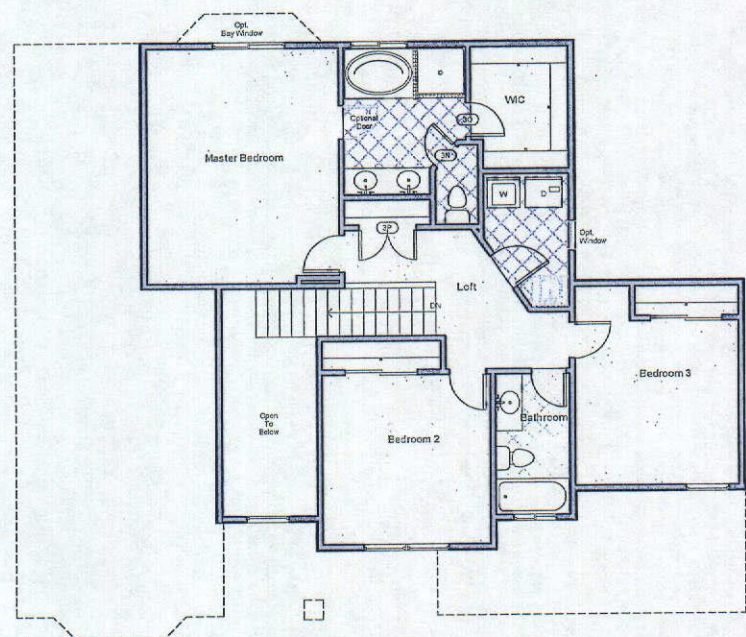
## Main Level



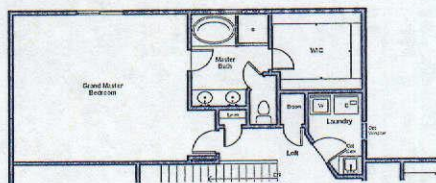
## Extended Laundry



## Upper Level



## Grand Master Bedroom



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HENRY WALKER  
HOMES

# Stanford

2,066 tot. sq. ft. 3 Bedrooms  
1,555 fin. sq. ft. 2 Bathrooms



B



C

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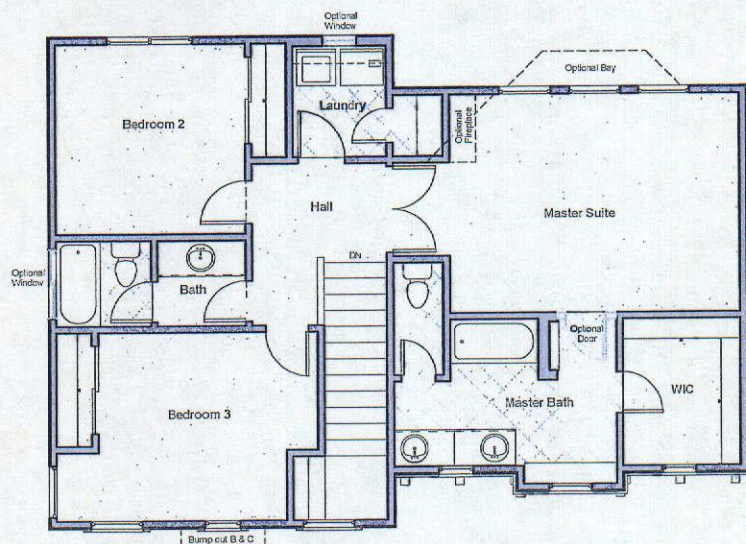
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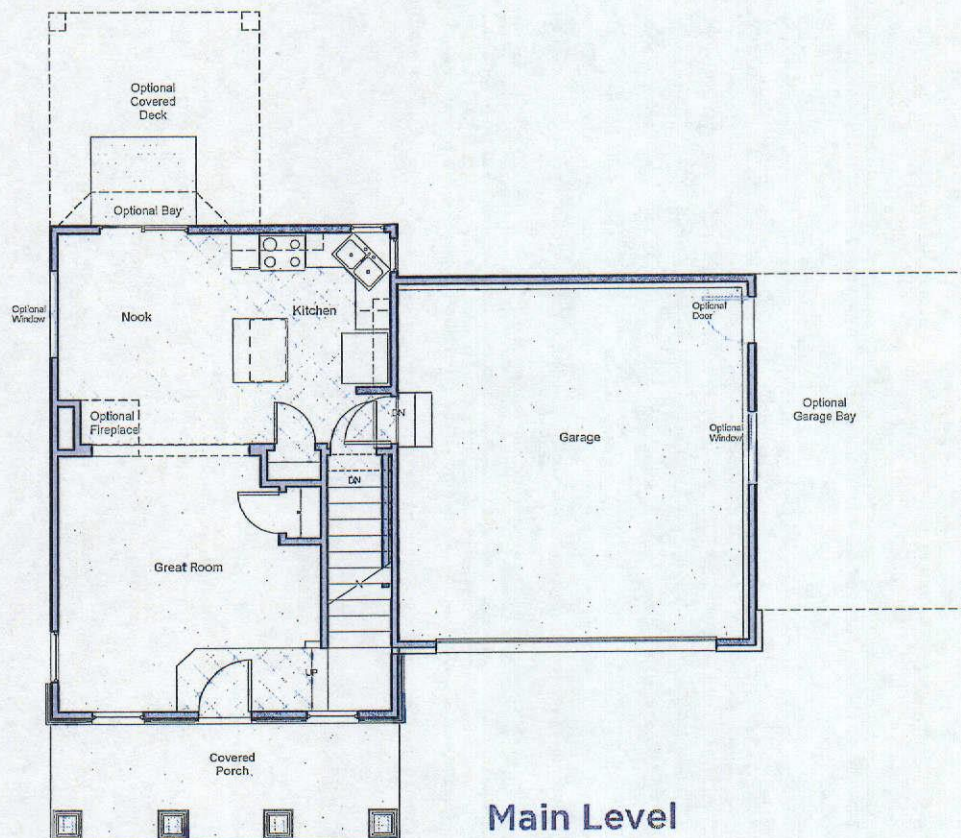
HENRY WALKER  
HOMES

# Stanford

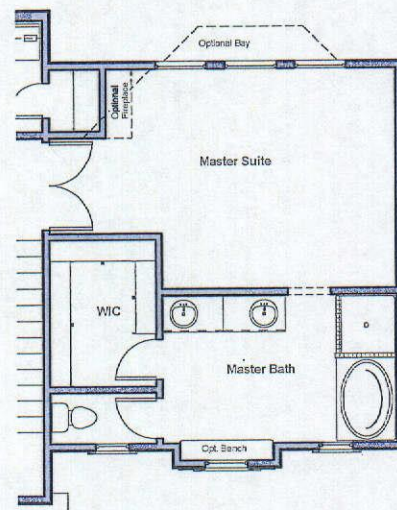
2,066 tot. sq. ft. 3 Bedrooms  
1,555 fin. sq. ft. 2 Bathrooms



Upper Level



Main Level



Grand Master Bath

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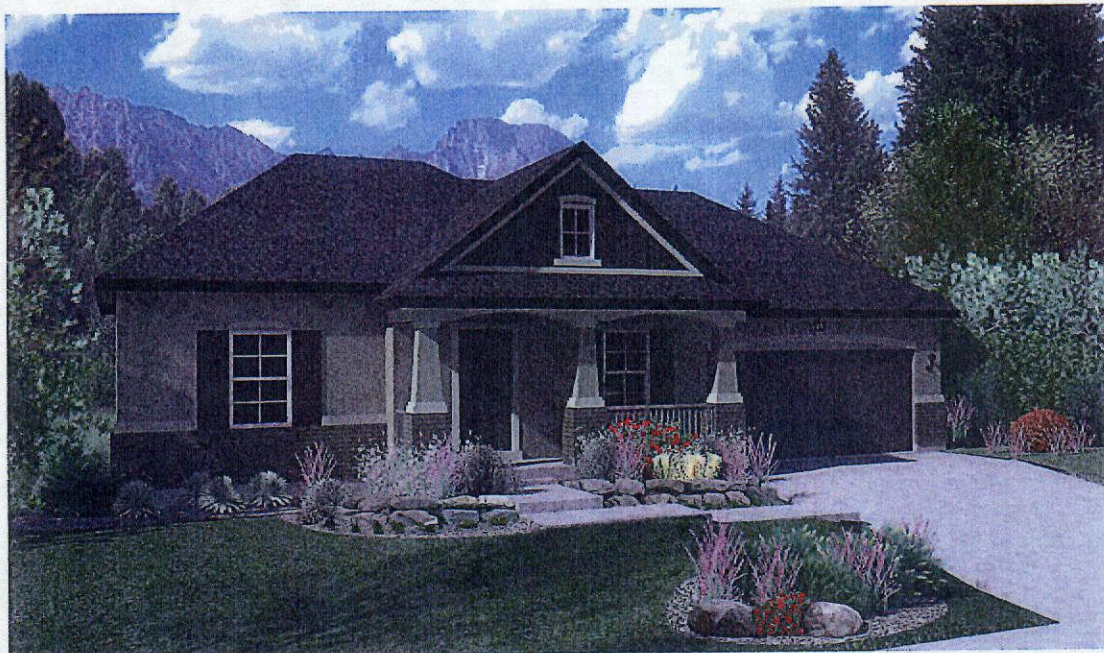
HenryWalkerHomes.com 500 N. Marketplace Drive, Suite 201, Centerville, UT 84014 801-677-1600



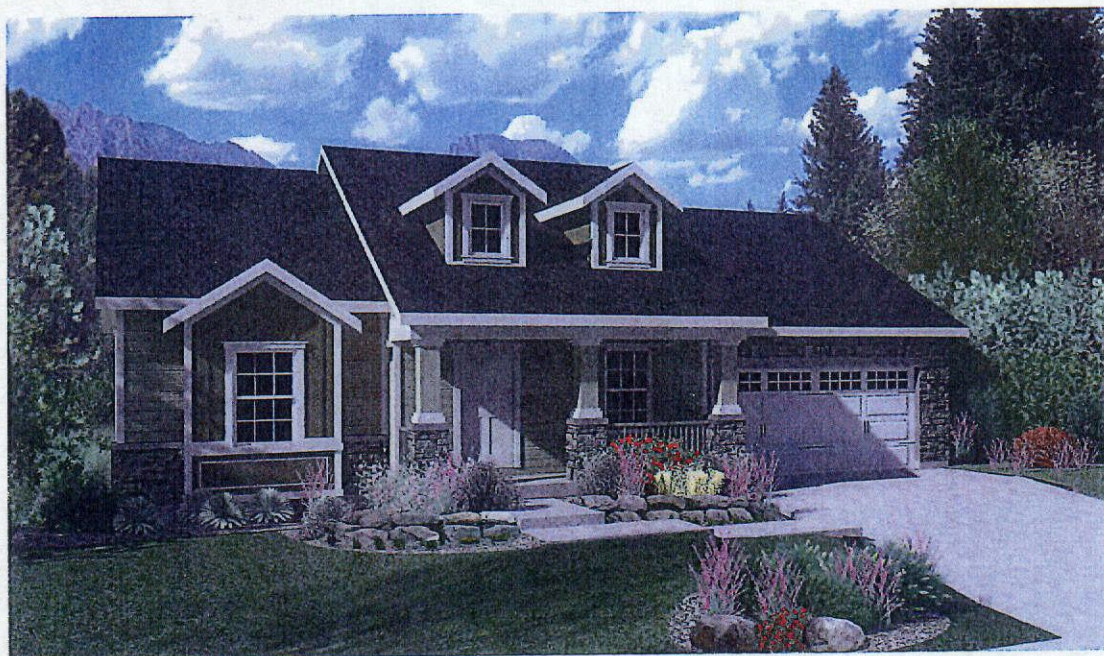
HENRY WALKER  
HOMES

# Vienna

2,815 tot. sq. ft. 2 Bedrooms  
1,483 fin. sq. ft. 2.5 Bathrooms



B



C

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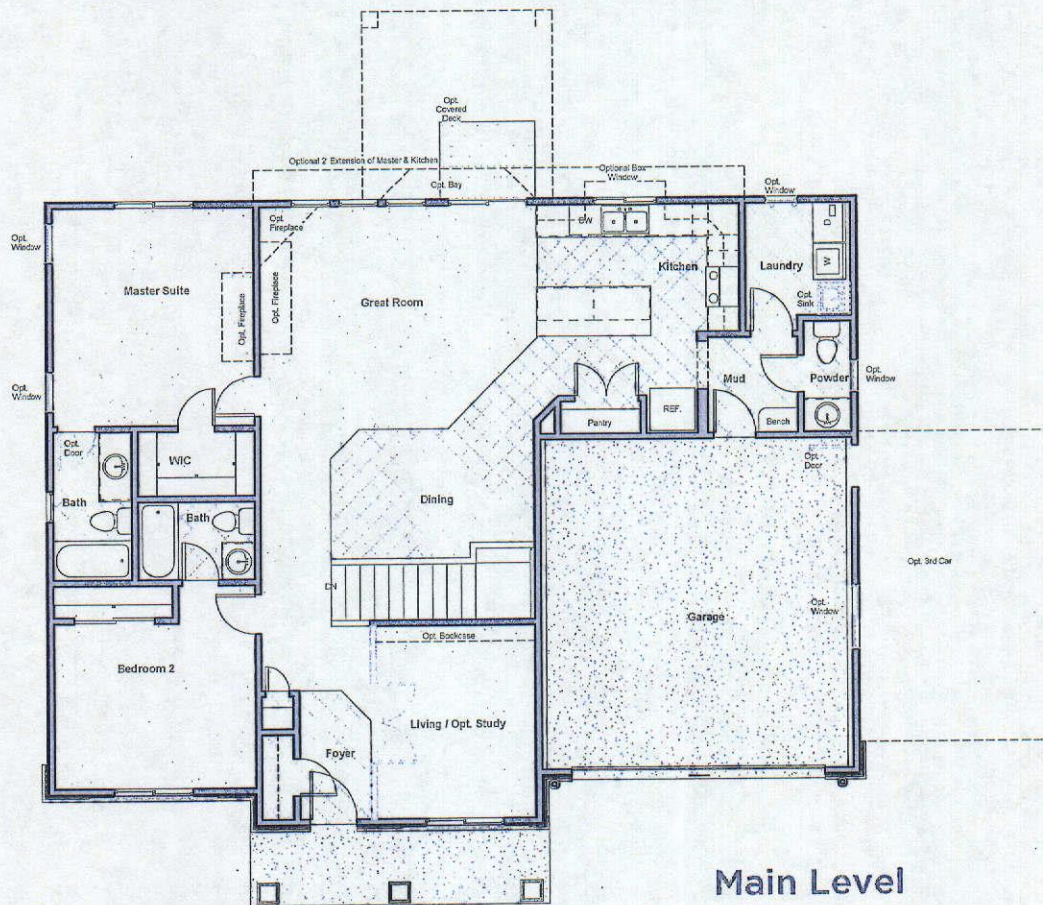
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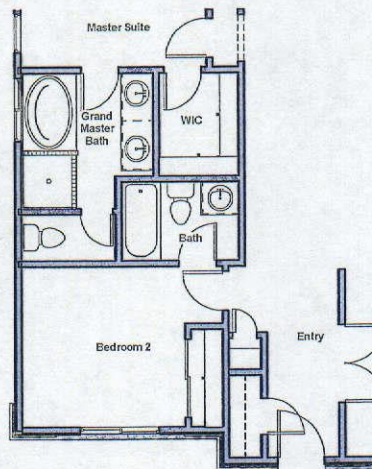
HENRY WALKER  
HOMES

# Vienna

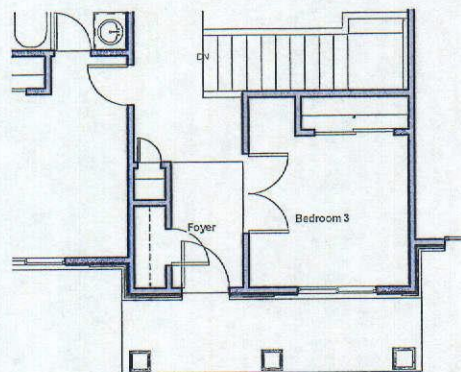
2,815 tot. sq. ft. 2 Bedrooms  
1,483 fin. sq. ft. 2.5 Bathrooms



**Main Level**



**Grand Master Bath**



**Bedroom 3**

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**HENRY WALKER  
HOMES**

# Wellesley

4,088 tot. sq. ft. 4 Bedrooms  
2,849 fin. sq. ft. 2.5 Bathrooms



B



C

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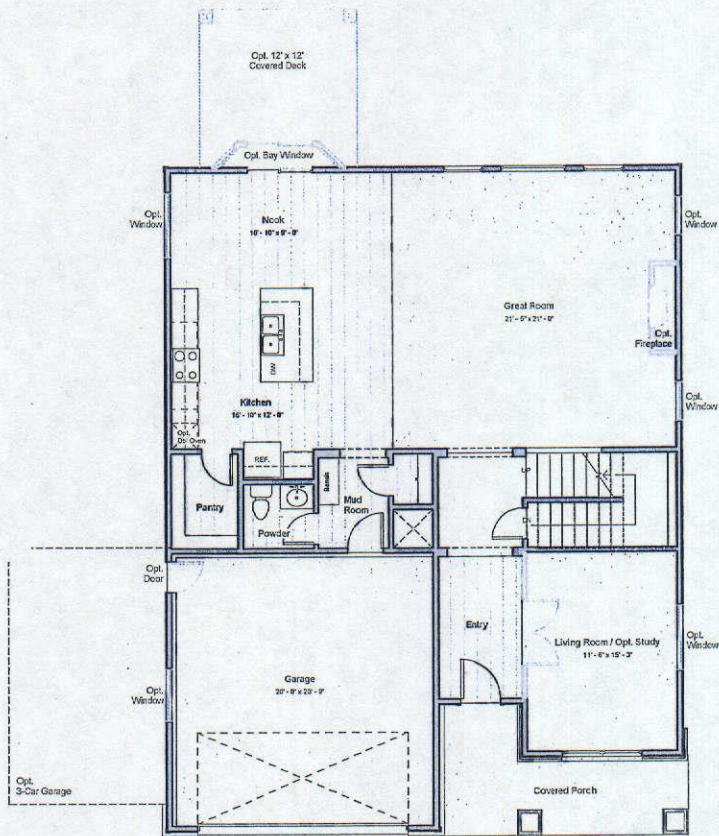
HenryWalkerHomes.com 500 N. Marketplace Drive, Suite 201, Centerville, UT 84014 801-677-1600



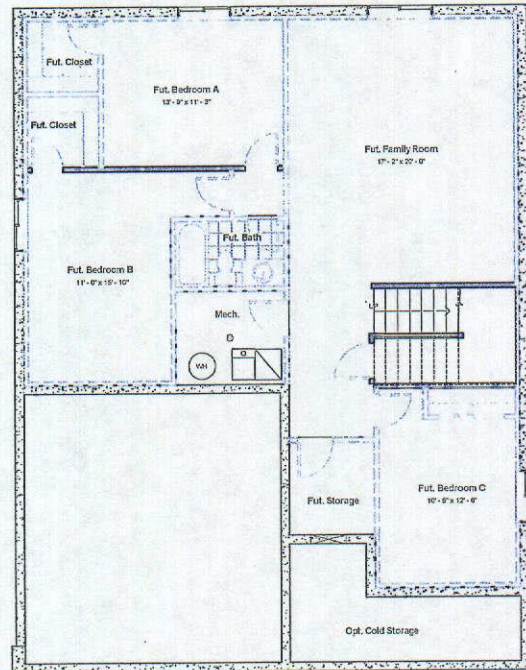
HENRY WALKER  
HOMES

# Wellesley

4,088 tot. sq. ft. 4 Bedrooms  
2,849 fin. sq. ft. 2.5 Bathrooms



**Main Level**



**Basement Level**



**Second Level**

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**HENRY WALKER  
HOMES**

**CENTERVILLE CITY**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
655 North 1250 West, Centerville, Utah 84014  
(801) 292-8232

**STAFF REPORT**  
**AGENDA: ITEM 3**

---

**PROPERTY OWNER:**      **GORDON THOMAS**  
                                 **70 EAST CHASE LANE**

**APPLICANT:**              **CENTERVILLE CITY**

**PROPERTY:**                **70 EAST CHASE LANE**

**ZONING:**                   **R-L (RESIDENTIAL-LOW)**

**APPLICATION:**          **CONCEPTUAL SITE PLAN**

---

**BACKGROUND**

In order to plan for the future needs of the City in regard to culinary water, Centerville continues to locate areas that have the highest potential of producing a large amount and best quality of water. For the past few years, the Public Works Department and the City Engineer have been working with a geologist to find workable locations. The site located at 70 East Chase Lane was one of the locations to be a potential well site. The City has contacted the property owner and signed an agreement that after the water is found to be of good quality, they will officially purchase the property. The well was drilled and the water went through a series of tests to ensure high quality and pressure. After several weeks, the water was found to be acceptable and the City was prepared to finalize the purchase with the property owner and to receive proper approvals once again by the Planning Commission. Once the conceptual site plan has been reviewed, they will need to apply for a conditional use permit, a final site plan and a small subdivision/lot split waiver.

**CONCEPTUAL REVIEW**

**Location and Structure Detail**

The site will be located in the south east portion of the property and will be measured at 4,000 square feet (80' x 50'). In addition, a 20-foot wide easement will run along the east fence line from the street to the proposed water pump site. This easement will allow the City to enter the property when maintaining the water pump. The actual pump house will be measured at 480 square feet. The City Engineer has stated that the pad must be 65 to 80 feet long for drilling and to have adequate room to place the pump in the correct location. The site will also house a generator in case of power outages. A sidewalk is proposed to wrap around the south and east sides of the building, with the east property line possibly having some type of retention wall.

The plan is not clear in regard to landscaping and will need to indicate on the final site plan how the area will be maintained. No detail was submitted regarding the outside appearance of the pump house, which will also need to be submitted with the final site plan. The Public Works Director has stated that they will look at the area and try to blend the building in with its surroundings, as best as they can. The pump house will be located 8 feet from the south property line, 32.5 feet from the east property line, 28 feet from the proposed north property line and 14 feet to the proposed west property line.

#### **Landscaping 12-64-070(a)**

The applicant has provided a brief description of general landscaping, yet will need to provide more detail as part of the final site plan application. Staff is recommending that this landscaping be minimal as to reduce maintenance costs for the City. The Public Works Director has stated that he would like to work with the property owner to determine the types of plantings they desire. The Public Works Department will need to ensure that the area is well irrigated and that no drainage issues will occur on the Thomas property because of the pump house. A drainage plan must also be submitted with the final site plan application. Finally, the Public Works Director has stated that in order for the well to have adequate flow, the pump house must be higher on the south and slope downward toward the north. Because of this action, a retaining wall will be necessary on the south property line. For the final site plan, a description of the wall will be necessary to ensure proper height.

#### **Additional Conceptual Notes**

The pump house will not generate any traffic and all City vehicles will park next to the building or on the street. According to the definitions found in Chapter 12-12 of the Zoning Ordinance, the pump house would be considered a Utility Substation. The Table of Uses Allowed (Chapter 12-36), allows a substation to be located within the Residential-Low (R-L) Zone with a conditional use permit. In addition, Section 12-64-060 of the Zoning Ordinance states that if it does not conform to development standards, including size, a conditional use permit is required. The pump house will be larger than 9 feet in any direction and will therefore be required to have a conditional use permit. The City will need to submit a conditional use permit application following the guidelines of Section 12-21-100 of the Zoning Ordinance, with all the necessary information to be reviewed by the Planning Commission. Staff is also requesting the results from the water test also be submitted as part of the necessary documentation.

One question that staff has raised, is the safety concerns in regard to the pump house. Each pump house contains a low percentage of chlorine and fluoride that is regulated and placed in the water, therefore, the concern was in regard to leaks. The Public Works Director stated that leaks are extremely rare, yet if one occurred it should stay within the secondary containment. He also stated that each pump house meets EPA standards for the keeping of chlorine and fluoride. Since this pump house will be located within a residential neighborhood, staff is requesting that more detail be given in regard to leaks and other dangers and mitigations in regard to the pump house. Finally, the City Engineer has stated that any future sewer lines within 100 feet will need to be slip-lined in order to prevent any possible contamination. This, however, will be reviewed more fully as part of the conditional use permit process. In looking at the site plan, this will affect the Stringfellow property and the Phillips property to the east. Staff requests that more

detail be given in regard to the impact to adjacent property owners in regard to this requirement, including any digging, landscaping and sprinkler damage or repair.

## **PLANNING STAFF RECOMMENDATION**

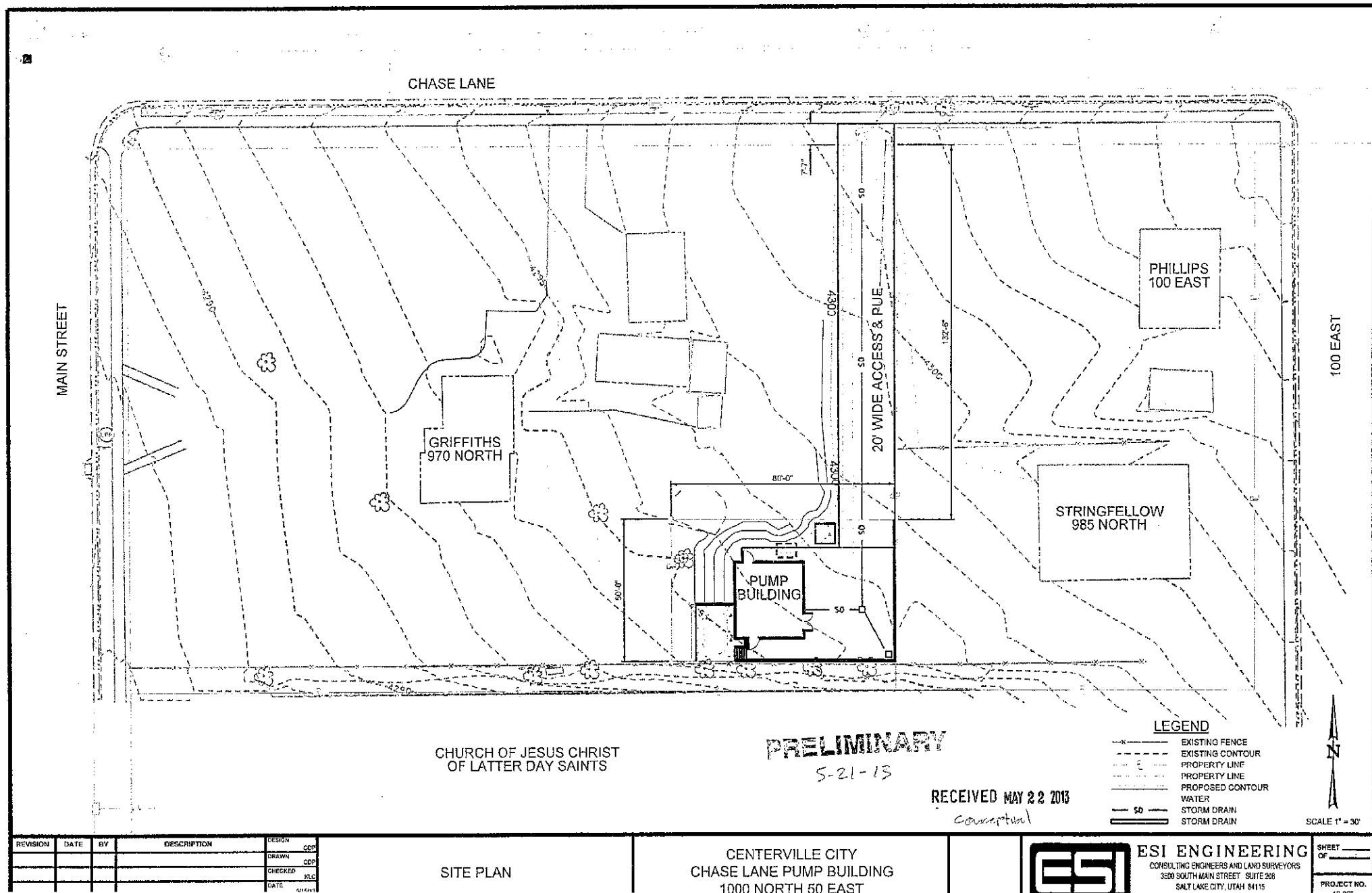
### *Suggested Motion for conceptual site plan acceptance:*

I hereby propose the Planning Commission accept the conceptual site plan for the Chase Lane Culinary Water Pump House, located at 70 East Chase Lane, subject to the following conditions:

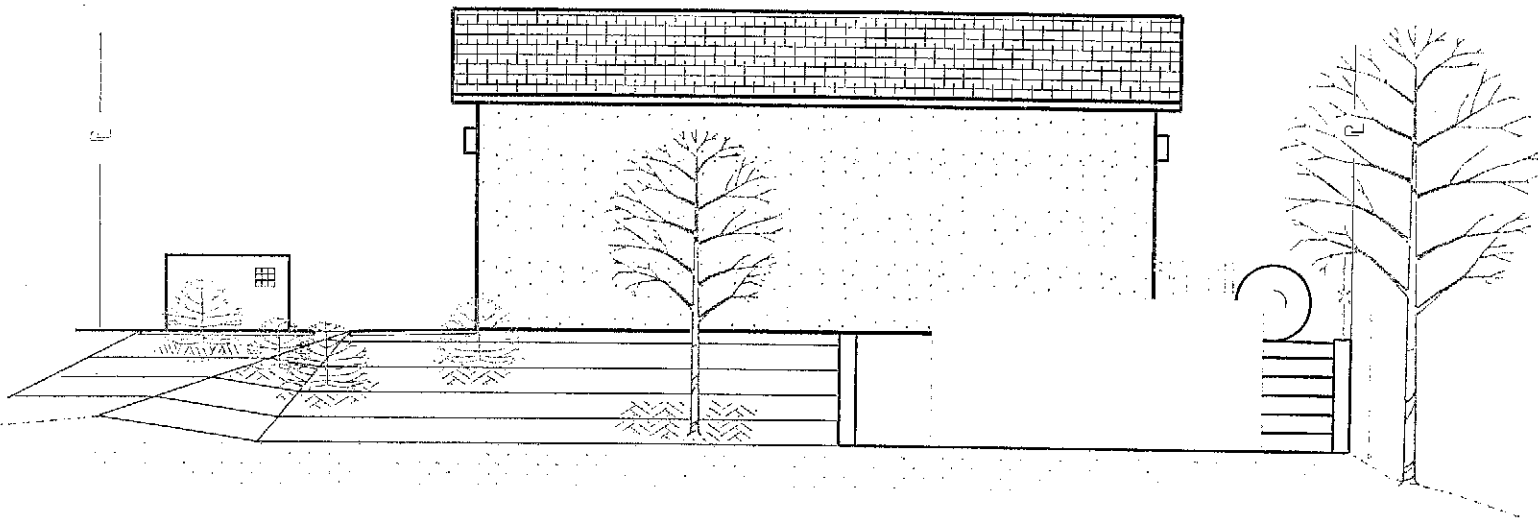
1. The City shall submit a final site plan application in accordance to Section 12-21-110(e) of the Zoning Ordinance.
2. A conditional use permit shall be submitted in accordance to Section 12-21-100 of the Zoning Ordinance.
3. The applicant shall submit a small subdivision/lot split waiver application for review and approval.
4. The final site plan shall include landscaping detail in regard to how the site will be maintained. This plan shall include type of groundcover, vegetation type, irrigation detail and a drainage plan.
5. Unnecessary hard surfacing shall be reduced to a minimum in order to reduce run off and increase the landscaped area.
6. Final sketches of the pump house shall be submitted indicating the aesthetic appearance and structural detail.
7. Detail shall be submitted in regard to dangers, such as leaking of fluoride or chlorine, and how the City is prepared to handle such emergencies.
8. The result of the drilling test shall be submitted.

### *Suggested Reasons (findings):*

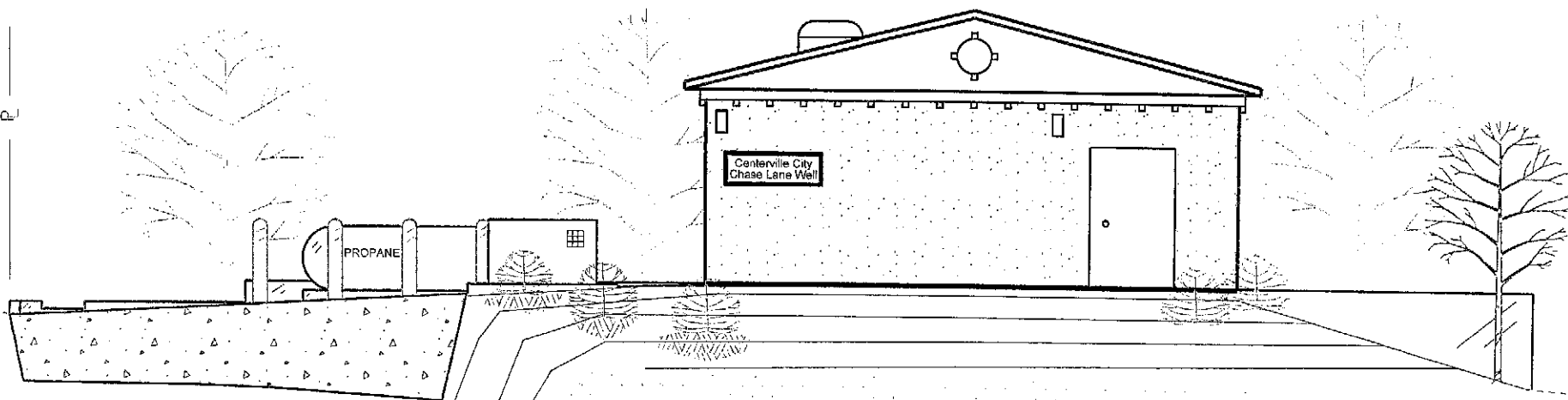
1. The applicant submitted a full application regarding a conceptual site plan [Section 12-21-110(d)].
2. A public utility substation is allowed within the R-L Zone with a conditional use permit [Section 12-36].
3. After the applicant submits a conditional use permit, the criteria of Chapter 12-64 will be addressed in regard to public utility substations.







WEST ELEVATION



NORTH ELEVATION

PRELIMINARY

5-21-13

| REVISION | DATE | BY | DESCRIPTION | DESIGN  | CDP     |
|----------|------|----|-------------|---------|---------|
|          |      |    |             | DRAWN   | CDP     |
|          |      |    |             | CHECKED | KLC     |
|          |      |    |             | DATE    | 5/15/13 |

ELEVATION VIEWS

CENTERVILLE CITY  
CHASE LANE PUMP BUILDING  
1000 NORTH 50 EAST



ESI ENGINEERING  
CONSULTING ENGINEERS AND LAND SURVEYORS  
3500 SOUTH MAIN STREET SUITE 206  
SALT LAKE CITY, UT 84119

SHEET  
OF

**CENTERVILLE CITY  
COMMUNITY DEVELOPMENT DEPARTMENT  
655 North 1250 West, Centerville, Utah 84014  
(801) 292-8232**

**STAFF REPORT  
AGENDA: ITEM 4**

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**APPLICANT:        CENTERVILLE CITY  
                      LISA ROMNEY, CITY ATTORNEY  
                      655 NORTH 1250 WEST  
                      CENTERVILLE, UT 84014**

**APPLICATION:    ZONE CODE TEXT AMENDMENT, CHAPTER 12-23 -  
                      ENFORCEMENT**

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**See attached amendments to Chapter 12-23 - Enforcement**

These amendments are intended to bring the code enforcement procedures for zoning ordinance violations in line with the procedures we use for other civil code enforcement.

**Title 12 – Zoning**  
**Article 2 – Administration and Enforcement**  
**Chapter 12-23 – Enforcement**

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**Sections:**

- 12-23-010. Purpose.**
- 12-23-020. Scope.**
- 12-23-030. Definitions.**
- 12-23-040. Enforcement Authority.**
- 12-23-050. Issuance of Permits.**
- 12-23-060. Types of Violations.**
- 12-23-070. Remedies and Enforcement Powers.**
- 12-23-080. Nonconforming Use as Affirmative Defense.**
- 12-23-085. Complaint Procedures.**
- 12-23-090. Enforcement Procedures.**
- 12-23-092. Civil Penalty Procedures.**
- 12-23-093. Notice.**
- 12-23-094. Criminal Penalty Procedures.**
- 12-23-100. Other Enforcement Matters.**
- 12-23-110. Appeal.**

**12-23-010. Purpose.**

The purpose of this Chapter is to establish the remedies, penalties, and procedures for enforcement of this Title.

**12-23-020. Scope.**

The remedies, penalties, procedures, and other matters set forth in this Chapter shall apply to any violation of the provisions of this Title. The remedies, penalties and procedures set forth herein are not intended to limit or waive any remedies or rights under the law. The provisions of this Chapter shall not invalidate any other chapter, section or provision of the Centerville Municipal Code or applicable law, but shall be read in conjunction with such chapters, sections and provision, and shall be used as an additional remedy for enforcement of violations.

**12-23-030. Definitions.**

Certain words and phrases in this Chapter are defined in Chapter 12-12 of this Title.

**12-23-040. Enforcement Authority.**

This Title shall be administered and enforced by the Zoning Administrator or other authorized enforcement official.

**12-23-050. Issuance of Permits.**

Every official and employee of the City who is vested with the duty or authority to issue permits shall conform to the provisions of this Title and shall issue no permit, certificate, or license for a use, building, or purpose in conflict with the provisions of this Title. Any permit, certificate, or license issued in conflict with the provisions of this Title, intentionally or otherwise, or which is issued upon a false statement of fact material to the issuance of the permit shall be void.

**12-23-060. Types of Violations.**

(a) *Unlawful Acts.* It shall be unlawful for any person to violate any provision of this Title, cause the violation of any provision of this Title, or fail or refuse to do some act required under this Title, including, but not limited to, any of the following acts:

(1) To engage in any development, use, construction, remodeling, or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of the City without all of the required permits, approvals, certificates, and other forms of authorization required by this Title or other City ordinance in order to conduct or engage in such activity;

(2) To engage in any development, use, construction, remodeling, or other activity which is contrary to the terms and conditions of any permit, approval, certificate, or other form of authorization required to engage in such activity;

(3) To violate, by act or omission, any lawful term, condition, or qualification placed by the City Council, Planning Commission, Board of Adjustment, or officer of the City, as applicable, upon a required permit, certificate, or other form of authorization or approval granted by the City Council, Planning Commission, Board of Adjustment, or other City officer allowing the use, development, or other activity upon land or improvements thereon;

(4) To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building or structure, or to use any land in violation of this Title;

(5) To reduce or diminish any lot area so that setbacks or open spaces shall be smaller than prescribed by this Title and any applicable site plan or subdivision plat; or

(6) To remove, deface, obscure, or otherwise interfere with any notice required by this Title.

(b) *Continuing Violation.* Each day a violation occurs shall constitute a separate offense.

(c) *Persons Liable.* The owner, owner's agent, tenant and/or occupant of any building or land or part thereof and any builder, contractor, agent and/or other person who participates in, assists, directs or creates any situation that is contrary to the requirements of this Title may be held responsible for the violation and be subject to the penalties and remedies provided herein.

**Title 12 – Zoning**  
**Article 2 – Administration and Enforcement**  
**Chapter 12-23 – Enforcement**

**12-23-070. Remedies and Enforcement Powers.**

Any violation of the provisions of this Title shall be subject to the enforcement remedies and penalties provided by this Chapter and by Utah law, including any of the following:

(a) *Withhold Permit.* The City may deny or withhold all permits, certificates, or other forms of authorization pertaining to any land or improvements when an uncorrected violation exists pursuant to this Title or to a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City Council, Planning Commission, Board of Adjustment, or other City officer. The City may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this section shall apply regardless of whether the original applicant or owner or current applicant or owner is responsible for the violation in question.

(b) *Revoke Permit.* Any permit may be revoked by the Zoning Administrator when the Zoning Administrator determines the permit was procured by false representation or was issued by mistake.

(1) When a permit is revoked hereunder for false representation or mistake, a notice of a revocation shall be in writing and may be served upon the owner, the owner's agent or contractor, or upon any person employed at the site of the building or structure for which such permit was issued. A notice of revocation shall be posted in a prominent location; and, thereafter, no such construction shall proceed under such permit.

(2) When plans conflict with applicable requirements, in lieu of revoking a permit, such plans may be modified to conform with applicable requirements as determined by the Zoning Administrator.

(3) When a mistake has been made calculating the fee for any permit, the proper fee shall be assessed and paid by the permit holder within ten (10) days of notification.

(c) *Stop Work.* In accordance with its power to stop work under the building code, the City may stop work, with or without revoking permits, on any building or structure on land where there exists an uncorrected violation of a provision of this Title, a permit, or other form of authorization issued hereunder.

(d) *Revoke Plan or Other Approval.* Where a violation of this Title involves failure to comply with approved plans or a condition upon which plan approval was subject, the original authorizing or approving body may, after ten (10) days notice to the applicant and other known parties in interest (including any holders of building permits affected) and after a hearing:

(1) Revoke the plan or other approval; or

(2) Condition its continuance on strict compliance, the provision of security, or such other conditions as the original Zoning Administrator may reasonably impose.

(e) *Remove Sign.* When a sign is illegally located within a public right-of-way, on City-owned property, or in the case of an emergency or an identified hazard, the Zoning Administrator or authorized enforcement official may, without notice, cause the immediate removal of such sign.

(1) Such action by the City shall be at the expense of the owner and shall include the actual cost of repair or removal of the sign, plus fifteen (15) percent of such amount for administrative and overhead costs.

(2) If the owner fails to pay the amount due within thirty (30) days from the date of billing, the City may initiate legal action against the owner as provided by law to collect such costs and expenses, including interest at the legal rate and reasonable attorney fees.

(f) *Injunctive Relief.* The City may seek an injunction or other equitable relief in the district court to stop, prevent or enjoin any violation of this Title, or a permit, certificate, or other form of authorization granted hereunder.

(g) *Abatement.* The City may seek a court order from the district court in the nature of mandamus, abatement, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition which existed prior to the violation.

(h) *Penalty.* ~~(4)~~ A violation of any provision of this Title shall be punishable either:

(1A) As a class C misdemeanor upon conviction; or

(2B) By imposing a civil penalty as provided in Section 12-23-092. Subsection 3 of this section.

(i) *Separate and Continuing Violation.* Each day that any violation of this Title is committed, maintained, continued or permitted shall be considered a separate offense for purposes of the penalties and remedies available to the City. Accumulation of the penalties for violations, but not the obligation for payment of penalties already accrued, shall stop on correction of the violation.

(j) *Other Remedies.* The City shall have such other remedies as are and as may be from time to time provided by Utah law or City ordinance for the violation of any provision of this Title.

(k) *Remedies Cumulative.* These remedies shall be cumulative.

**Title 12 – Zoning**  
**Article 2 – Administration and Enforcement**  
**Chapter 12-23 – Enforcement**

**12-23-080. Nonconforming Use as Affirmative Defense.**

It shall be an affirmative defense to the enforcement of the provisions of this Title that the action complained of is a legally nonconforming lot, structure, use, or other nonconformity as governed by the provisions of Chapter 12-22 of this Title.

**12-23-085. Complaint Procedures.**

Centerville City generally uses the complaint-based methodology for code enforcement whereby the City pursues code enforcement upon receipt of a complaint. Any person desiring to file a complaint regarding a Zoning Code violation may do so by filling out a Centerville City Civil Complaint Form ("Civil Complaint Form") or by contacting the Community Development Department. The Community Development Department will accept complaints by phone or in writing. If complaints are made by phone, City staff will fill out the Civil Complaint Form. All official complaints will be logged and thereafter investigated by the applicable enforcement official. If requested and contact information is provided, the enforcement official will follow up with the complainant and provide a summary of the investigation and the enforcement action taken, if any. The City may also use a systematic approach to code enforcement whereby the City conducts systematic sweeps or reviews of various areas of the City for code violations. The City may use the systematic approach when deemed necessary to address safety issues, rampant violations in a particular area, as part of an awareness campaign, or as directed by the City Council.

**12-23-090. Enforcement Procedures.**

(a) Investigation and Inspection. Complaints.—The Zoning Administrator, or authorized enforcement official, his or her authorized designee, may investigate any purported violation of this Title and take action as is warranted under the circumstances in accordance with the provisions and procedures set forth in this Chapter. An enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of this Title are being obeyed and to make any reasonable examination or survey necessary to determine compliance. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations and surveys shall be done in a reasonable manner. If such inspection, entry, examination or survey requires entry onto private property, the enforcement official shall provide prior notice and obtain approval from the property owner or responsible person. If a property owner or responsible person refuses to allow an enforcement official to enter property, the enforcement official shall obtain a search warrant or administrative warrant before entering the property.

(b) Notice of Violation. Except as otherwise provided herein, if the enforcement official Zoning Administrator determines that any provision of this Title is being violated and immediate enforcement action is not necessary under the circumstances, the enforcement official Zoning Administrator

shall provide a written notice of violation to the property owner or any other person determined to be responsible for the violation. Such written notice of violation shall indicate the nature of the violation, the action necessary to correct the violation, the warning period established before further enforcement action or penalties, and the potential enforcement action and/or penalties to be imposed for failure to cure the violation within the established warning period. Such notice of violation shall be served in accordance with Section 12-23-091. Such notice of violation shall serve to start the warning period. A notice of violation shall not be required for violations requiring immediate enforcement under Subsection (d), or for subsequent violations within a 12-month period under Subsection (e), as amended.

(c) Warning Period. Unless otherwise determined by the enforcement official, Zoning Administrator, the warning period for correction of violations set forth in the notice of violation shall be ten (10) days from the receipt of the notice of violation. If the violation remains uncured after expiration of the warning period, the enforcement official Zoning Administrator shall pursue further enforcement action as deemed appropriate in accordance with the provisions provided herein. The enforcement official Zoning Administrator is authorized, in his or her discretion, to extend the warning period, up to an additional not to exceed thirty (30) days, if the enforcement official Zoning Administrator determines good cause exists for such extended warning period and the extension will not create or perpetuate a situation imminently dangerous to life or property. The enforcement official is authorized to grant an extension beyond the additional thirty (30) days, on similar grounds and findings; provided, any such extension. Any such extension shall require written agreement by the property owner or person responsible for the violation to remedy the violations within a set time frame and to comply with any and all conditions of extension as required by the enforcement official Zoning Administrator. A request for extension shall be filed in writing by the property owner or person responsible for the violation prior to the expiration of the ten (10) day response period. A warning period shall not be required for violations requiring immediate enforcement under Subsection (d), or for subsequent violations within a 12-month period under Subsection (e), as amended.

(d) Immediate Enforcement. The enforcement official is not required to provide a notice of violation or warning period for any continuing development or construction or an emergency situation. In the case of a violation involving such either continuing construction or development, or an emergency situation, as reasonably determined by the enforcement official, Zoning Administrator, the enforcement official City may use the enforcement powers and remedies available to it under this Chapter, including issuance of a civil citation, without prior notice or notice of violation, in such case, the Zoning Administrator shall send the notice to the same parties set forth in the subsection (b) simultaneously with the beginning of enforcement action.

**Title 12 – Zoning**  
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(e) Subsequent Violations. The enforcement official is not required to provide a notice of violation or warning period for the same subsequent Zoning Code violation occurring on the same property within a twelve (12) month period from the date of the first notice of violation. In the case of such subsequent violation(s) occurring on the same property within a twelve (12) month period, the enforcement official may use the enforcement powers and remedies provided under this Chapter, including issuance of a civil citation, without prior notice or notice of violation. In accordance with applicable statutes, property owners with weed violations need only be provided one notice of violation per season.

(f) Enforcement and Abatement. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained; or any land, building, or premises used contrary to the provisions of this Title is hereby declared to be unlawful and a public nuisance. The City Attorney, Prosecutor or other authorized legal counsel may commence action or proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law. The City Attorney, Prosecutor or other authorized legal counsel may also take such other steps and may apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any building, structure, or property contrary to the provisions of this Title.

**12.23.092. Civil Penalty Procedures.**

(a) Civil Citation of Civil Penalties. If any violation of this Title remains uncured after issuance of a notice of violation and expiration of the warning period set forth therein, as applicable, a civil citation of civil penalties may be issued to the property owner or other person determined to be responsible for the violation and civil penalties imposed for such violation in accordance with the notice of violation. The civil citation shall be served in the manner set forth in Section 12-23-093. Each civil citation shall include the date and location of all violations, the Code sections violated, the amount of the civil penalty imposed for each violation, an explanation of how the civil penalty shall be paid and the consequences for failure to pay, an explanation of the right to and the procedures for requesting an administrative hearing, and the signature of the enforcement official issuing the citation.

(b) Civil Penalties Imposed. Civil penalties to be imposed for a civil citation. The civil penalty to be imposed for any given violation shall be imposed in accordance with the civil penalties fee schedule adopted by the City. Civil penalties shall be due and owing to the City within twenty (20) days from the date of service. The civil penalty shall double if not paid within twenty (20) days from the date of service. The civil penalty shall triple if not paid within forty (40) days from the date of service. After forty (40) days, unpaid civil penalties shall accrue interest at the rate set forth by the State of Utah for unpaid judgments. Payment of any civil penalty shall not excuse any failure to correct a violation or the reoccurrence of

the violation, nor shall it bar further enforcement action by the City. A civil citation and civil penalties may be imposed for each and every day a violation occurs or continues to exist. Additional civil penalties may be imposed for subsequent or reoccurring violations offenses on the same property within twelve (12) months from the date of the civil citation, one year from the imposition of a civil penalty. Such graduated penalties for subsequent or recurring violations shall be adopted by the City Council and set forth in the City Fee Schedule. If a violation is corrected but reoccurs on the same property within one year from the imposition of any civil penalty, any subsequent violation within such one year period shall subject the person to the recurring violation penalty. Civil penalties may not be imposed for a civil violation that occurs in conjunction with another criminal violation as part of a single criminal episode that will be prosecuted in a criminal proceeding. Civil penalties shall be paid to the City Finance Department.

(c) Request for Hearing. Any person having received a civil citation of civil penalties may request an administrative hearing before a hearing officer by filing a written application for hearing. Such request for hearing shall be filed with the City Recorder within ten (10) days from the date of service of the civil citation or other specified date set forth therein, prior to the due date for the civil penalties. Failure to request an administrative hearing as provided herein within ten (10) days from the date of service of the civil citation or other specified time frame shall constitute a waiver of the right to an administrative hearing and the right to an appeal. The hearing shall be held in accordance with the hearing procedures set forth in Subsection (f) below.

(d) Scheduling Hearing. Upon receipt of a request for an administrative hearing, the City Recorder shall forward the same to the City Manager. The City Manager shall thereafter appoint, contract with or hire a hearing officer to hear the matter. As soon as practicable after being appointed, the hearing officer shall schedule a date, time and place for the administrative hearing and shall send written notice of same to the responsible person(s). Notice of the hearing shall be served on the responsible person(s) in accordance with the provisions of Section 12-23-093.

(e) Hearing Procedures. Administrative hearings are intended to be informal in nature. Formal rules of evidence and discovery shall not apply; provided, all persons shall be afforded due process of law, including adequate notice, an opportunity to be heard, and adequate explanation of the reasons justifying any action. The City shall bear the burden of proof to establish the existence of a violation of the Code. Such proof shall be established by a preponderance of the evidence. All administrative hearings shall be open to the public and shall be recorded. The responsible person shall have the right to be represented by an attorney. If an attorney will be representing a responsible person at a hearing, notice of the attorney's name, address and telephone number shall be given to the City at least one (1) day prior to the hearing. If such notice is not given, the hearing may be continued at the City's request, and all costs of the continuance shall be

**Title 12 – Zoning**  
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assessed to the responsible person. The burden to prove any raised defenses shall be upon the party raising any such defense. All civil penalty hearings shall be held as a public meeting with business transacted during regularly scheduled hours. All civil penalty hearings shall provide for due process for the parties and shall be recorded or otherwise documented so that a true and correct transcript may be made of the proceedings.

(f) Failure to Attend Hearing. A responsible person who fails to appear at an administrative hearing shall be deemed to have waived the right to such hearing, the adjudication of issues related to the hearing, and the right to appeal, provided that proper notice of the hearing has been given as provided in Section 12-23-093.

(g) Administrative Order. After holding the administrative hearing, the hearing officer shall issue a written administrative order affirming, rejecting or modifying the civil citation and/or civil penalties. The administrative order shall become final on the date of signing by the hearing officer. The administrative order shall be served on all parties in accordance with the provisions of Section 12-23-093.

(he) Appeal. Any person aggrieved of the hearing officer's determination regarding the imposition of civil penalties for a Zoning Ordinance violation may appeal such final administrative determination to the Board of Adjustment in accordance with the appeal procedures set forth in Section 12-21-200.

(if) Collection. The City may use any lawful means available to collect any unpaid penalty and fees imposed under this Chapter, including costs and reasonable attorney's fees.

(ig) Enforcement Alternative. The procedures set forth herein regarding notice and imposition of civil penalties is one of many enforcement options available to the Zoning Administrator and is not intended to be an exclusive or required remedy.

**12-23-093. Notice.**

Whenever notice is required to be given under Section 12-23-092 for civil enforcement proceedings, the notice shall be served by one of the following methods, unless different provisions are otherwise specifically stated to apply:

(a) Personal service;

(b) Certified mail, return receipt requested, postage prepaid, to the last known address(es) of the responsible person(s);

(c) Posting the notice conspicuously on or in front of the property, if inhabited; if the property is uninhabited, the notice must be personally served, mailed or published as provided herein; or

(d) Published in a newspaper of general circulation when the identity or whereabouts of the person to be served are unknown and cannot be ascertained through reasonable diligence, where service is impracticable under the circumstances, or where there exists good cause to believe the person to be served is avoiding service.

Failure of a responsible person to receive notice shall not affect the validity of any civil enforcement action taken hereunder if notice has been served in the manner set forth above. Service by certified mail shall be deemed served on the date signed for on the return receipt.

**12.23.094. Criminal Penalty Procedures.**

(a) Criminal Citation. If any violation of this Title remains uncured after issuance of a notice of violation and expiration of the warning period, a criminal citation may be issued to the property owner or other person determined to be responsible for the violation in accordance with the notice of violation. All criminal citations for Zoning Ordinance violations shall be issued by the City Police Department in accordance with applicable criminal procedures for issuance of a criminal citation.

(b) Criminal Penalties. The criminal penalty for Zoning Ordinance violations is a class C misdemeanor subject to such fines and incarceration as set forth by Utah law.

**12.23-100. Other Enforcement Matters.**

(a) Inspection of Buildings, Structures, and Land Uses. The Zoning Administrator, or his or her authorized designee, is authorized to inspect buildings and structures in the course of construction, modification, or repair and to inspect land uses to determine compliance with the provisions of this Title.

(b) Right of Entry. The Zoning Administrator, or his or her authorized designee, shall have the right to enter any building or property for the purpose of determining compliance with the provisions of this Title. Such right of entry shall be exercised only at a reasonable hour. In no case shall entry be made to any building in the absence of the owner or tenant thereof without consent of the owner or tenant, or a written order of a court of competent jurisdiction.

(c) Interference with Enforcement Personnel. It shall be unlawful for any person to interfere with lawful enforcement activities of authorized City personnel.

(d) Other Powers. In addition to the enforcement powers specified in this Chapter, the City may exercise any and all enforcement powers granted to it by Utah law, as may be amended from time to time.

(e) Continuation. Nothing in this Title shall prohibit the continuation of previous enforcement actions, undertaken by the City pursuant to previous and valid resolutions, ordinances, and laws.

**Title 12 – Zoning**  
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(f) *Selection of Remedy.* Except as otherwise restricted by law, the City shall have the sole discretion in deciding whether to pursue a criminal or civil enforcement action for the violation of any ordinances or applicable code requirements and the provisions of this Chapter shall not be construed to limit the City's right to prosecute any violation as a criminal offense; provided, the City may not impose a civil penalty for a civil violation that occurs in conjunction with another criminal episode that will be prosecuted in a criminal proceeding.

(g) *Essential Governmental Function.* By establishing performance standards or by establishing obligations to act, it is the intent of the City Council that City employees and officers are exercising discretionary authority in pursuit of an essential governmental function and that any such standards or obligations shall not be construed as creating a ministerial duty for purposes of tort liability.

**12-23-110. Appeal.**

Except as otherwise provided herein for criminal or civil proceedings regarding zoning enforcement actions, any person adversely affected by a final decision of the Zoning Administrator regarding the provisions of this Chapter may appeal that decision to the Board of Adjustment as provided in Section 12-21-200 of this Title.

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**CENTERVILLE CITY  
COMMUNITY DEVELOPMENT DEPARTMENT  
655 North 1250 West, Centerville, Utah 84014  
(801) 292-8232**

**STAFF REPORT  
AGENDA: ITEM 5**

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**APPLICANT:** PETROLEUM WHOLESALE  
C/O JOHN COOK  
P.O. BOX 4456  
HOUSTON, TX 77210

**AGENT:** DELL S. NICHOLS  
COMMERCE REAL ESTATE SOLUTIONS  
170 SOUTH MAIN, SUITE 1600  
SALT LAKE CITY, UTAH 84101  
[DNichols@comre.com](mailto:DNichols@comre.com)

**PROPERTY:** 1011 SOUTH MAIN STREET  
CENTERVILLE, UTAH 84014

**ZONING:** COMMERCIAL HIGH (C-H)/ SOUTH MAIN STREET CORRIDOR  
(OVERLAY) ZONE (SMSC)

**APPLICATIONS:** 1. FINAL SITE PLAN APPROVAL  
2. CONDITIONAL USE PERMIT FOR FAST-FOOD USE

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**BACKGROUND**

The applicant, Petroleum Wholesale, desires to enlarge and expand a legally existing, but non-conforming structure for the purposes of demolishing the existing car wash facility and adding a fast-food restaurant use to their approved gas station/convenience store.

**FINAL SITE PLAN, 12-21-110(e)**

As explained in the Commission's previous conceptual plan review, the gas station and convenience store are existing approved uses. In addition, the Board of Adjustment has approved the enlargement and expansion of the existing building (provided the existing car wash is demolished and a final site plan is approved for remaining ordinance requirements). The Planning Commission's focus, for final site plan review, will be the remaining site alterations and the conditional use request for the fast-food use.

**Previous Conceptual Plan Acceptance Directives**

On May 8, 2013, the Planning Commission accepted the conceptual site plan for the proposed changes to the existing gas station and convenience store, at 1011 South Main Street, with the following directives:

1. The applicant shall submit a final site plan application meeting the standards found in Section 12-21-110(e) of the Ordinance.
2. The applicant shall receive a conditional use permit approval for allowing the fast-food use subject to the standards found in Section 12-21-100 of the Ordinance, prior to or as part of any final site plan submittal.
3. The final site plan submittal shall also address the following:
  - a. Provide a landscaping plan that addresses the following:
    - i. Site and street tree requirements
    - ii. Parking lot landscaping requirements
    - iii. 50% building foundation landscaping
  - b. An updated site plan that addresses the following:
    - i. The screening of the service and loading area from public view
    - ii. The dumpster area design including the use of materials, color and height of the walls and gate
    - iii. The screening of any site, wall, or roof-mounted utility service equipment
  - c. An updated sign plan that addresses the following:
    - i. Indicate the location of any monument, wall, or free-standing signs that are being maintained or changed

#### **Applicable SCP Development Standards**

Staff has reviewed the plans and found, subject to the terms and conditions of the Board's previous authorization, the site would likely meet the remaining applicable development standards and the regulations of the South Main Street Corridor (SCP) Zone.

| <b>SCP Development Standards<br/>12-48-Tables 1, 2, 3</b> |                                   |                         |                   |
|-----------------------------------------------------------|-----------------------------------|-------------------------|-------------------|
| <b>Development Standard</b>                               | <b>Required</b>                   | <b>Actual</b>           | <b>Compliance</b> |
| <b>Landscaping Standards</b>                              |                                   |                         |                   |
| 9% On-site                                                | 2,784 sq. ft.                     | 3,051 sq. ft.<br>(9.9%) | Yes               |
| <b>Parking Regulations</b>                                |                                   |                         |                   |
| 60% of Ordinance Requirements*                            |                                   |                         |                   |
| Convenience Store                                         | 8 stalls*<br>(1 per 200 sq. ft.)  | 23 stalls               | Yes               |
| Fast-Food                                                 | 15 stalls*<br>(1 per 100 sq. ft.) |                         |                   |

#### **Applicable Commercial Development Standards**

According to Section 12-22-080, all existing sites with non-conformities with regards to site landscaping, screening, or other issues, shall be brought into conformance upon the occurrence of any increase more than 30% of the building floor area. The proposed changes increase the building by nearly 50%. Thus, the following tables and narratives address those Ordinance requirements identified by staff.

| <b>Required Landscaping Summary 12-51</b>   |                                           |                                       |                   |
|---------------------------------------------|-------------------------------------------|---------------------------------------|-------------------|
| <b>Guidelines</b>                           | <b>Required</b>                           | <b>Actual</b>                         | <b>Compliance</b> |
| Total Required Trees                        | 1 Tree per 500 square feet of landscaping | 12 Shown<br>(6 required)              | Yes               |
| Trees for Street Frontage                   | 1 per 25 linear feet                      | 13 Shown<br>(14 required)             | No (1 short)      |
| Building Frontage/Foundation                | 50% of Building Frontage                  | 19 feet shown<br>(18.5 feet required) | Yes               |
| Total Interior Parking Lot Landscaping      | 7%                                        | ~15-19%                               | Yes               |
| Total Interior Parking Lot Trees and Shrubs | For every six required stalls: 1 tree     | 3 shown<br>(4 required)               | No (1 short)      |
|                                             | For every six required stalls: 2 shrubs   | 106 Shown<br>(46 required)            | Yes               |
| Public Street Landscaping                   | 15 feet<br>(arterials)                    | 18' & 15'                             | Yes               |

**Screening Section 12-51-110**

The submitted site plan indicates the location of the dumpster and how it will be completely screened from view. In addition to the dumpster, any wall or roof-mounted equipment will need to be screened from view of the public street. Upon staff's review of the building elevations, this likely can be accomplished. However, there is no information on the submitted plan addressing the screening of wall-mounted equipment.

**Signage**

All signing requires separate permits and must be approved by the Zoning Administrator as part of the sign permit application. However, the final site indicates that the existing free-standing sign will be kept. The applicant and Planning Commission should be aware that the existing free-standing sign is considered legal non-conforming (such signs in the Page Lane area are not allowed under current sign regulations) and may remain provided any changes to the sign comply with Section 12-54-160, Nonconforming Signs.

**REVIEW OF CONDITIONAL USE PERMIT REQUEST (12-12-100)**

*Table of Uses Allowed Chapter 12-36* – Within the Zoning Ordinance, the Table of Uses allows a fast-food restaurant with a conditional use permit in the Commercial-High (C-H) Zone. The conditional use permit will be applied for at the time of the final site plan application. Within Chapter 12-12 of the Zoning Ordinance, a fast-food restaurant is defined as the following:

An establishment that sells ready-to-eat food and beverages quickly, and has one (1) or more of the following:

- (a) Food and beverage orders are not taken at the customers table;
- (b) Food and beverages are generally served in disposable wrapping or containers;

(c) Food and beverages are offered directly to the customer in motor vehicles from a "drive-up" service window.

**General Plan**

The Centerville City General Plan indicates this area is within Neighborhood 1, Southeast Centerville [Section 12-480-2]. In relation to commercial development, the plan indicates that this area serves a large part of Centerville and is a major contribution to the City's tax base. New development should be encouraged to be as attractive as possible.

Furthermore, the General Plan established a South Main Street Corridor Plan that involves this site [Section 12-480-7]. The site is located in what is known as the Pages Lane Mixed-Use District. The plan for redeveloping this area was to encourage a "traditional neighborhood development pattern." This pattern primarily is to create mixed-use nodes.

It is the opinion of staff that this proposal depicts the inherent conflict where existing developed land rights is at a crossroad with expected future mixed-use development. Thus, the proposal does not fully capitalize on the future development opportunities and design expectations that are also desired by the General Plan. Nonetheless, staff does not see that the proposal is consistent with the overall expectations of the General Plan, which had and does envision a neighborhood base of commercial uses for this area.

**Evidence [12-21-100(e)(3)(A-D)]**

The proposed use for the addition will be a fast-food restaurant with a drive-through window. There are other fast-food uses in the area, such as the pizza place just to the west (within the same development complex), another pizza place on the east end of the Pages commercial area, and a national burger chain just across the street in Bountiful. It is staff's opinion that the area will not likely see a new surge of traffic, but a return surge once the gas/convenience store re-opens. It is also staff's opinion that the re-opening and addition of the fast-food use actually improves the economic conditions for the area and provides desirable locally needed commercial services.

**Factors to be Reviewed [12-21-100(e)(5)(A-K)]**

**Suitability and Harmony with the Proposed Site and Adjacent Property (A-C, F)**

This site has been in stagnant use for a significant amount of time. The proposed addition is to be supportive to the success and continued use of the convenience store/fuel sales use. As of late, another significant grocery sales use, very near this site, relocated to another area of the City. Next door, the Church of Jesus Christ of Latter-day Saints has purchased the old bank building and they have plans for a parking lot expansion. The Church of Jesus Christ also owns the now vacant fabric store building and efforts are underway to market a new use for it. It is clear to staff that there has been a recent pattern of vacancies and a subsequent deterioration of this local neighborhood commercial area. Thus, staff concludes that approving the proposed expansion would assist in a revitalization of this property and add value and hopefully synergy to both the adjacent properties and the community as a whole.

**Impact on the Community and Safeguards to Minimize this Impact (D-E, G, I-K)**

The new proposed site design and layout to reopen the store, minimizes or eliminates a number of site nonconformities. Such efforts not only improve visual appeal of the site but also help bring back lost services and improve the viability of the area. In exchange, the owners desire to increase the economic return for such improvements through the addition of a fast-food component for their investment. This will not only help the owners of this site, it will complement the revitalization efforts of an adjacent user (*Deseret Industries*) to add needed parking and compliment the adjacent commercial and residential investments made across the street in Bountiful.

**Adequate Access, Parking, Lighting, Fire Protection and Vehicular Circulation (H)**

There are existing facilities and services to both the convenience store/fuel sales and the "to be demolished" car wash to support the proposed addition. However, the demolition coupled with the proposed addition will likely require some re-routing or other like changes to system. This was evaluated by interested agencies and entities as part of the site plan review process and will be inspected during the building permit process later. The revised site plan review process, related to this CUP request, also evaluated parking, access, fire protection, and circulation issues.

**PC ACTION #1 - PLANNING STAFF RECOMMENDATION – FINAL SITE PLAN APPROVAL**

**PROPOSED ACTION:** I hereby make a motion for the Planning Commission to approve the final site plan, as submitted to the City, for the proposed changes to the existing gas station, 1011 South Main Street, subject to the following conditions:

1. The expansion and enlargement shall be subject to the terms and conditions previously approved by the City's Board of Adjustment.
2. The Landscaping Plan shall be modified to include the missing trees related to street trees and interior parking lot trees, which shall be verified by City Staff as part of the building permit submittal.
3. All wall or roof-mounted equipment shall be screened from view of the public street, which shall be verified by City staff as part of the building permit submittal.
4. The design and layout for traffic circulation and drive-through stacking lanes for the building addition is subject to the review and approval of a conditional use permit for fast-food use.
5. The free-standing sign is recognized as legal non-conforming and may remain provided any changes to the sign comply with Section 12-54-160, Nonconforming Signs.
6. A landscaping bond shall be prepared and accepted by the City for the required landscaping improvements prior to release of a building permit.

**SUGGESTED REASONS FOR THE FINAL SITE PLAN ACTION:**

- a) *The Planning Commission finds that on January 16, 2013, the presumption of abandonment of the site was deemed "Rebutted" by the Board of Adjustment.*
- b) *The Planning Commission finds that on April 9, 2013, the Board granted authorization to the owner's request to expand and enlarge the non-conforming building of this site.*
- c) *The Planning Commission finds that the conceptual site plan submittal has adequately shown how the property may be developed [Section 12-21-110(d)(2)].*

- d) *The Planning Commission finds that the proposal remains consistent with the overall expectations of the General Plan, which had and does envision a neighborhood base of commercial uses for this area [Section 12-480-2].*
- e) *The Planning Commission's previous conceptual site plan directives provided feedback to address the applicable standards for developing within the C-H Zone and/or the SCP Zone Standards of the City's Zoning Ordinance.*
- f) *The Planning Commission finds that the proposed fast-food use requires a conditional use permit, as depicted in the Table of Uses, Chapter 12-36.*
- g) *The Planning Commission finds that all existing sites with non-conformities with regards to site landscaping, screening, or other issues, shall be brought into conformance upon the occurrence of any increase more than 30% of the building floor area, as described in Section 12-22-080.*
- h) *The Planning Commission finds that the nonconforming free-standing sign is subject to the provisions of Section 12-54-160.*

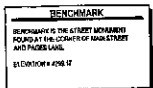
**PC ACTION #2 - PLANNING STAFF RECOMMENDATION FOR CONDITIONAL USE PERMIT APPROVAL**

**PROPOSED ACTION:** I hereby make a motion for the Planning Commission to approve the conditional use permit for a fast-food use to be located at 1011 South Main Street, subject to the following conditions:

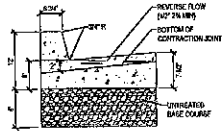
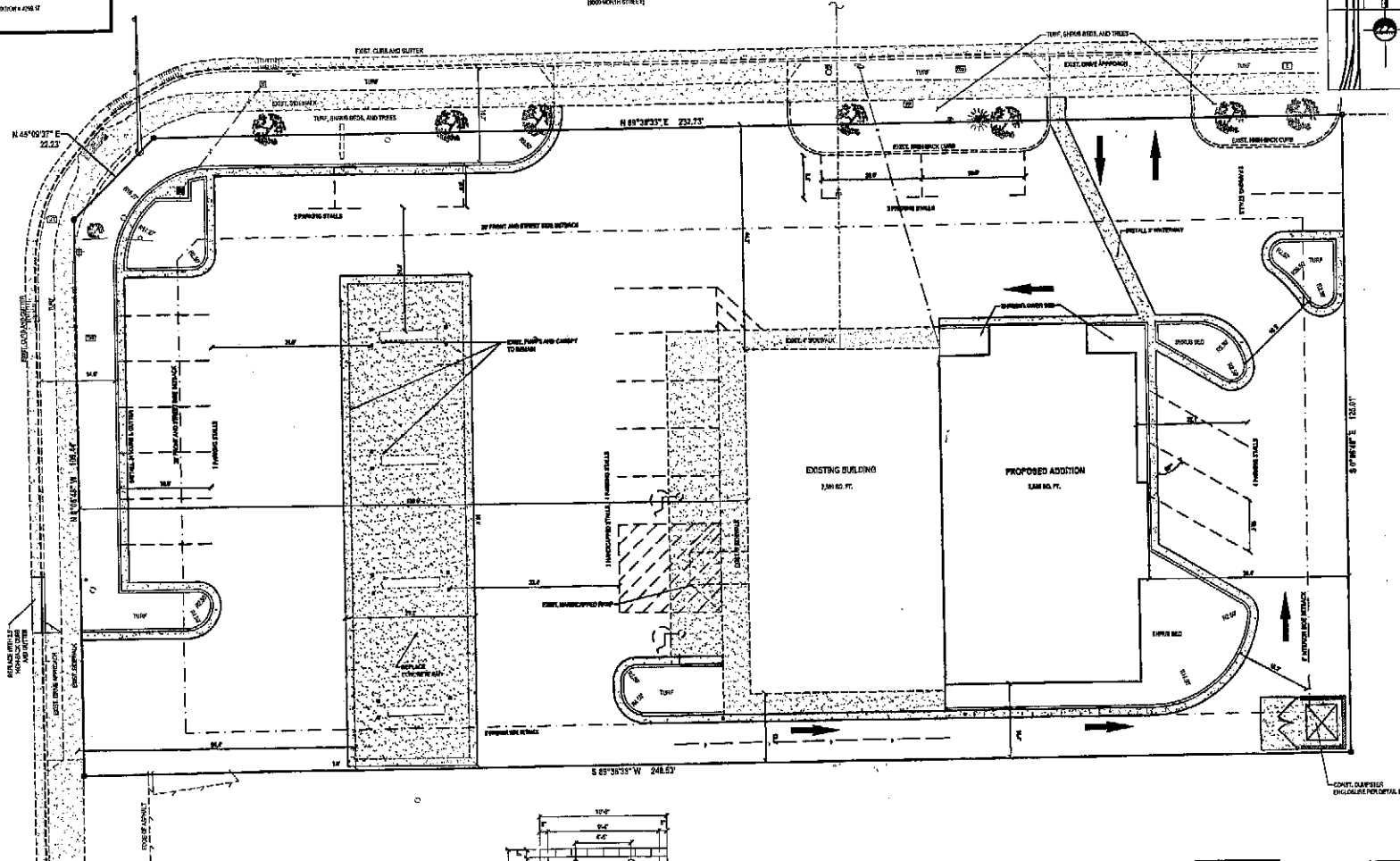
1. The site located at 1011 South Main Street shall be approved for a fast-food restaurant use with a drive-through.
2. The size of the fast-food use area shall not exceed a size larger than 1,500 square feet or that can be parking supported using one (1) stall per 100 square feet of fast-food space within the new proposed addition.
3. The fast-food use is approved provided the site design and layout complies with the revised final site plan approval that is related to the issuance of this conditional use permit approval.

**SUGGESTED REASONS FOR THE ACTION:**

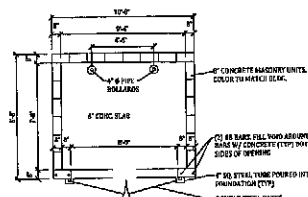
- a) The Planning Commission finds that a completed application for conditional use permit has been submitted to the City [Section 12-21-100(d)(1)].
- b) The Planning Commission finds that the use of a fast-food restaurant with a conditional use permit is allowed within in the Commercial-High (C-H) Zone [Chapter 12-36].
- c) The Planning Commission finds that request and related site plan address the conditional use permit review and approval criteria, as described in the related planning staff report [Section 12-21-100].



**PAGES LANE**



**TYP. 24" CURB & GUTTER**



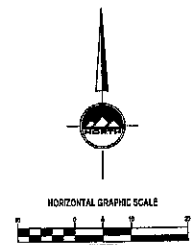
**TYPICAL TRASH ENCLOSURE**  
SCALE: NONE

| PARKING STATISTICS   |    |
|----------------------|----|
| HC ACCESSIBLE STALLS | 2  |
| STANDARD STALLS      | 28 |
| TOTAL                | 30 |

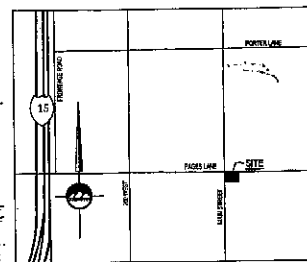
|                 |        |        |
|-----------------|--------|--------|
| LANDSCAPED AREA | 3,651  | 6.8%   |
| BUILDING AREA   | 5,187  | 16.8%  |
| PAVED AREA      | 22,202 | 73.3%  |
| TOTAL           | 30,945 | 100.0% |

**NOTE**

1. ALL DIMENSIONS TO TOP UNLESS NOTED OTHERWISE.
2. ALL WORK SHALL COMPLY WITH CURRENT AIAA PLANS AND SPECIFICATIONS, AND WITH CITY STANDARD PLANS AND SPECIFICATIONS.
3. NOTIFY THE ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKES BEFORE PLACING CONCRETE OR PIPE.



LOCATED IN THE SOUTHEAST QUARTER  
OF SECTION 16  
TOWNSHIP 2 NORTH, RANGE 1 EAST  
SALT LAKE BASE AND MERIDIAN



### VICINITY MAP

### LEGEND

- |  |                                              |
|--|----------------------------------------------|
|  | DIRECTION CORNER                             |
|  | EXIST. BUILDING                              |
|  | PRO. BUILDING                                |
|  | EXIST. PAVEMENT AND GAP                      |
|  | PRO. PAVEMENT AND GAP                        |
|  | EXIST. WATER/SEWER                           |
|  | EXIST. WATER/SEWER                           |
|  | EXIST. WATER/PROV.                           |
|  | EXIST. WATER/PROV.                           |
|  | EXIST. FENCE/STREET                          |
|  | EXIST. DRIVEWAY/SEWER MANHOLE                |
|  | PRO. DRIVEWAY/SEWER MANHOLE                  |
|  | EXIST. STORM DRAIN/SEWER MANHOLE             |
|  | PRO. STORM DRAIN/SEWER MANHOLE               |
|  | EXIST. STATION                               |
|  | EXIST. UTILITY MANHOLE                       |
|  | EXIST. UTILITY POLE                          |
|  | EXIST. GAS VALVE                             |
|  | EXIST. TRUNK                                 |
|  | EXIST. DRAIN                                 |
|  | EXIST. BUILDING                              |
|  | PRO. BUILDING                                |
|  | PRO. BUILDING AREA WITHIN SETBACKS           |
|  | PRO. BUILDING SETBACK                        |
|  | EXISTING 6" GAS AND WATER                    |
|  | PROPOSED 6" GAS AND WATER                    |
|  | PROPOSED 12" WATER MAIN 12" CLASH AND CUTTER |
|  | EXIST. EDGE OF ASPHALT                       |
|  | PROPOSED EDGE OF ASPHALT                     |



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**CENTERVILLE SUNMART**

011 SOUTH MAIN STREET  
CENTERVILLE, UTAH



|   |         |              |      |
|---|---------|--------------|------|
| 4 | 6-20-72 | 104 BOSTON   | DATE |
| 5 | 6-21-72 | FOR APPROVAL | DATE |
| 6 |         |              |      |

**SITE DIMENSION  
PLAN**

|                |            |
|----------------|------------|
| WARRANT NUMBER | 1994 0075  |
| ISSUED         | 03/1/93    |
| CHARGE BY      | 24-0000007 |
| AGENCY         | M. STARIN  |
| INVESTIGATOR   |            |
| REMARKS        |            |

**C-2**