

1
2 **PLANNING COMMISSION MINUTES OF MEETING**

3 **Wednesday, July 10, 2013**

4 **7:00 p.m.**
5

6 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville,
7 Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.
8

9 **MEMBERS PRESENT**

10 Tamilyn Fillmore (arrived 7:05 p.m.)

11 David Hirschi

12 Steven Markham

13 Kevin Merrill, Chair

14 Debra Randall
15

16 **MEMBERS ABSENT**

17 Brian Holman

18 Scott Kjar
19

20 **STAFF PRESENT**

21 Corvin Snyder, Community Development Director

22 Brandon Toponce, Assistant Planner

23 Lisa Romney, City Attorney

24 Kathy Streadbeck, Recording Secretary
25

26 **VISITORS**

27 Interested Citizens (see attached sign-in sheet)
28

29 **PLEDGE OF ALLEGIANCE**

30
31 **OPENING COMMENT/LEGISLATIVE PRAYER**

Commissioner Markham

32
33 **MINUTES REVIEW AND APPROVAL**
34

35 Minutes of the Planning Commission meeting held June 26, 2013 were reviewed. Chair
36 Merrill made a **motion** to approve the minutes as written. The motion was seconded by
37 Commissioner Randall and passed by unanimous vote (4-0). Commissioner Fillmore arrived at
38 7:05 p.m., shortly after approval of the minutes.
39

PUBLIC HEARING | 1872 NORTH MAIN SUBDIVISION | 1872 N MAIN ST
Consideration of a conceptual subdivision with flag lots for the 1872 North Main
Subdivision; which consists of 4 lots, located in the R-L Zone. Paul Cutler, Applicant.

Cory Snyder, Community Development Director, said this application is a request for a flag lot subdivision. During staff's review it was discovered there is a conflict between the flag lot and the small subdivision waiver ordinances. The proposed application shows four (4) lots, but according to ordinance only two (2) are allowed. The proposed subdivision is not able to be developed in accordance with traditional subdivision standards and is ideal for the flag lot option, but under the current flag lot ordinance such development is not possible. The flag lot ordinance was intended to be a last resort for infill development and was tied to the small subdivision waiver ordinance which allows only two (2) lots. The proposed property is 1.5 acres in the Residential-Low Zone, which would allow up to six (6) lots. The proposed plan is for four (4) lots. Staff provided possible solutions for ordinance amendments. This would be done separate from this application.

Mr. Snyder reviewed the proposed conceptual site plan, the history, and the existing conditions on the property. There are a number of structures already on the property including a single-family home, a duplex, a pool, an apartment (pool house), and a garage. Several of these structures are non-conforming and would require demolition or adjustments if the subdivision were approved. In addition, the subdivision would require a fire access turnaround at the top of the private drive. This too would require additional discussion and approval. Preliminary utility plans were submitted and distributed to the Commission for their review. Staff provided options to deny the proposed conceptual plan or to table the plan until the flag lot ordinance can be reviewed and possibly amended.

Commissioner Hirschi said it appears there are two (2) conventional lots which front Main Street and two (2) flag lots. It seems this would be allowed under the current ordinance.

Mr. Snyder said due to the limit of two lots in the small subdivision ordinance, the flag lots are tied to the entire property/subdivision and there can only be two lots within a flag lot subdivision. Although the two lots fronting Main Street seem convention, they are still tied to the flag lot subdivision. The applicant could subdivide the property into two (2) conventional lots, then wait the mandatory three (3) years and subdivide again into the flag lots. This would be acceptable under current ordinance. However, this is risky because the ordinance could be amended within the 3-year waiting period possibly changing what is currently allowed. He explained State law allows up to ten (10) lots under a small subdivision waiver. It may be simpler to amend the Subdivision Ordinance to allow a greater number of lots, perhaps four or five.

1 Commissioner Fillmore agreed it may be worthwhile to discuss and possibly allow a
2 greater number of lots within a small subdivision waiver. She had concerns about allowing a lot
3 split with existing structures straddling those lines and asked if this has ever been allowed in the
4 past. She also asked what time frames for delay of demolition have been allowed in the past.

5
6 Lisa Romney, City Attorney, explained the City has allowed a delay on demolitions in
7 the past, under special circumstances, but the standard is to require demolition upon approval of
8 a subdivision. In this case, the duplex is straddling a proposed property line and demolition
9 should be required. The City cannot create or expand an illegal or non-conforming structure/use
10 when dividing property. Staff will work with the applicant on time frames and options. It may be
11 possible to allow an agreement withholding a building permit until demolition is complete.

12
13 Paul Cutler, applicant, said he applied for a subdivision in 2006 but it proved impossible
14 at that time. He is now at a place where immediate demolition of the duplex is possible and he
15 would like to move forward with subdividing the property. His goal is to comply with City
16 ordinances and create conforming lots and structures. He is not asking for any increased density
17 or structures. He explained the pool house has been used as a small apartment since the 1960s
18 and believes the Commission could justify this as a primary use. He would also like to keep the
19 garage at the back of the property for the time being, as an accessory use to the pool house
20 apartment. Eventually, the garage would be demolished and a home built; however there is no
21 current time frame. He would prefer to leave both structures (pool house and garage) intact at
22 this time. If demolition of all structures was immediately required this would be a hardship. He is
23 also committed to complying with all utility and fire access requirements.

24
25 Mr. Snyder said it is likely there is documentation showing legality of the pool house
26 apartment. If not, the applicant would also have the option to go before the Board of Adjustment.
27 There are many issues still to be discussed, this is only conceptual approval.

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 table action for
33 the request of a small subdivision waiver/flag lot for the project located at 1872 North Main
34 Street, with the following directives to be completed and/or submitted for further consideration.
35 In addition, the Commission directs staff to prepare a Subdivision Ordinance Amendment
36 regarding the small subdivision waiver definition to consider how the flag lot regulations might
37 be incorporated into this process.

Directives:

1. The conceptual plan submittal needs to address the topography and slope issues of the Hillside Overlay Zone.
2. The conceptual plan submittal is to adequately address the fire lane, turnaround, and hydrant expectations. The applicant, city engineer and the fire marshal still need to work together to come up with a solution.
3. The conceptual plan submittal is to address the specifics involved with providing needed services. The applicant will still be required to work with the city engineer concerning any drainage issues and utility placements.
4. The conceptual plan submittal is to address the issue of maintenance for the flag lot access stem.
5. The conceptual plan submittal will need to provide an accessory building remediation plan to address the ordinance requirements, as summarized in the staff report.

Reasons for the Action (Findings):

- a. The proposed subdivision does not currently qualify for a flag lot development, which requires it to consist of only two (2) lots. However, staff is suggesting that the City consider potential amendments that may allow the project to occur, if such changes were adopted.
- b. The Commission finds that the project is required to submit a complete application for consideration of a small subdivision waiver/lot split [Section 15-2-107].
- c. The Commission finds that a small subdivision waiver does not involve additional application submittals, thus the requested information needs to be reviewed at the time of conceptual plan review and action.

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

PUBLIC HEARING | LEGACY CROSSING OFFICE BUILDING | 1148 W 300 N
Consideration of a conditional use permit for new office building height which exceeds the
allowed as per City Ordinance, for Lot 405 of the Legacy Crossing at Parrish Lane
development, 1148 West Legacy Crossing Blvd., located in the C-VH(PD) Zone. Craig
Widmier, U S Development, Applicant

Brandon Toponce, Assistant Planner, reported the applicant recently received final approval from the City Council for a proposed 4-story building. During the building permit process it was discovered the proposed building exceeds the height limit. The applicant is now seeking a conditional use permit for the additional height. Staff has reviewed the application and finds it to be acceptable. The proposed building is part of an approved Planned Development

1 Overlay (PDO) which meets all applicable ordinances. The proposed building is located near the
2 Larry Miller Megaplex Theater which has a similar height to the proposed building. Staff does
3 not believe the increased height will be a detriment to the PDO or pose any negative impacts that
4 have not already been addressed as part of the PDO process. In addition, the Fire Marshal has
5 also provided approval with regard to fire access.
6

7 Commissioner Hirschi questioned the visual impact of this building from the ground. Mr.
8 Toponce explained appropriate buffers and landscaping will be installed. In addition, the
9 proposed building is separated from the residential units by Legacy Boulevard. This too will help
10 diminish the visual impact.
11

12 Craig Widmier, applicant, said this building was always intended to be 4-stories and has
13 always been presented as such. This was simply an oversight. He said the project will meet all
14 requirements of the development agreement.
15

16 Chair Merrill opened the public hearing. There was no comment; he closed the public
17 hearing.
18

19 Commissioner Fillmore made a **motion** for the Planning Commission to approve the
20 conditional use permit for the office building height located at 1148 West Legacy Crossing
21 Boulevard, subject to the following condition:
22

- 23 1. The allowable height for the Legacy Crossing 4-Story Building, located on Lot 405,
24 shall not exceed 58' in total height, from the finished grade to the top of the finished
25 floor; excluding all applicable exceptions found in Section 12-55-120 of the Zoning
26 Ordinance.
27

28 ***Reasons for the Action (findings):***

- 29 1. The applicant has submitted a complete conditional use permit application according
30 to Section 12-21-100(d)(1).
31 2. The design of the building and site was previously approved on October 10, 2012.
32 3. No negative impacts were found to occur if the additional height were granted
33 [Section 12-21-100(e)(3,5)].
34

35 The motion was seconded by Commissioner Randall and passed by unanimous vote (5-
36 0).
37
38
39

WOODS PARK SUBDIVISION | 690 WEST 2400 NORTH (LUND LANE)
Consideration of a final subdivision plan & plat for the Woods Park Subdivision, which
consists of 29 building lots, located at 690 West 2400 North, in the R-L(PD) Zone. Alan
Prince, Prince Development, Applicant.

Cory Snyder, Community Development Director, reported the applicant is seeking final approval for the Woods Park subdivision. He reviewed the color boards and the conditions set during preliminary approval. He explained the conditions/issues which have yet to be completed (see staff report dated July 10, 2013). Many of these outstanding issues are those set by the Commission during the preliminary process. He explained approval could still be granted conditioned on completion of outstanding issues prior to City Council approval.

Alan Prince, applicant, distributed a full size plat and documentation. The final plat shows twenty-nine (29) lots as approved. He reviewed the plat notes stating many of the outstanding issues are listed on the plat notes. The plat notes discuss rear elevation design elements (plat note #14), fencing color (#15), side yard fencing (#11), driveway width (#13), side loading garages (#16), and perimeter fencing including a mix of decorative and solid styles (#18). He said the homes originally envisioned were nowhere near as nice as the homes that will now be required. He explained, due to elevation, the proposed homes will have walk out basements at the back. He requested decks be allowed as discussed in plat note #17. It is reasonable to provide a deck outside the main living space for access to the rear yard. Decks encroaching the rear yard setback will not be covered. He said the proposed homes are 40-50 feet wide and the deck limit is 15 feet wide. This is not overly intrusive. He believes all issues have been dealt with and requests approval.

Commissioner Fillmore said the quality of this development is exciting, but she also wants to make sure all negative impacts are addressed. This is a major change to the current density and zoning in this area. She said plat note #14 does not meet the Commission's specific desires regarding rear elevation elements. She suggested at least one of the elements a, e, or h as listed be required. She said plat note #13 only discusses curb cut and driveway approach skirt width. It does not discuss the actual driveway width. She would like to ensure minimal hard surface beyond the drive approach. She also suggested plat note #18 be amended to a "shall" rather than a "can."

Mr. Snyder agreed that clarifying the Commission's desires with regard to rear elevation elements is important. The applicant claims Henry Walker will be the builder of this subdivision, but it is also still possible another builder could purchase the project. It is important to make sure all conditions are clearly stated on the plat. He agreed the interior driveway should also be

1 limited in width, not just the curb cut and drive approach skirt. He said there is still concern with
2 elevated decks and possible privacy issues.

3
4 Commissioner Hirschi expressed concern with elevated decks on the south and east sides
5 of the development. Privacy issues could arise. He said the Commission could consider
6 restricting decks just on those sides of the development. Commissioner Randall agreed.

7
8 Commissioner Fillmore explained she dealt strictly with decks in the Chapel Hill
9 subdivision because there were already existing neighbors. In this case, there are no close
10 existing structures/neighbors. Any adjacent future developments will be aware of the existing
11 conditions on this development, including decks.

12
13 Commissioner Fillmore made a **motion** for the Planning Commission to recommend
14 approval of the final subdivision plat and plan for the proposed Woods Park Subdivision to the
15 City Council, subject to the applicant addressing, correcting, or resubmitting the following prior
16 to submittal to the City Council:

17
18 ***Conditions:***

- 19 1. The final subdivision plat and plans shall address the following:
- 20 a. Several final plan exhibits incorrectly depict 30 lots/building pads, where only 29
21 units were originally approved.
 - 22 b. A reference plat note is missing on the final plat indicating the development is
23 subject to a PDO approval and all homes are to comply with such architectural
24 requirements.
 - 25 c. The fencing in the side yard areas is to be eliminated and just allow fencing in the
26 rear yards of the homes. A note on the final plat shall be provided to call out this
27 restriction.
 - 28 d. The plans and plat shall address the driveway cut width to be a maximum of a 2-
29 car width and to reduce the hard surface to a minimum allowable on the 3-car
30 driveway plans as provided in general plat note #13 with staff adding language to
31 limit additional hardscape beyond the curb cut and drive approach skirt.
 - 32 e. The plat and plans shall address the Planning Commission's expectation for a
33 commitment that each rear elevation has a minimum of four (4) architectural
34 design elements as provided in general plat note #14 with at least one of those
35 being material variation above the fence line. This can be clarified by amending
36 the concluding sentence of plat note #14 to include only a, e, and h.
 - 37 f. A reference plat note shall indicate that no driveway shall be allowed on the side
38 yard (street sides) of Lots 1, 14, 15 and 21.

- g. A plat note indicating that there be a maximum allowance of 6' (depth) x 15' (width) uncovered decks outside the rear yard building line. Any amendments to the associated covenants, conditions, and restrictions shall include these parameters.
 - h. The applicant shall prepare and submit the required covenants, conditions, and restrictions along with the homeowners association documents to the City Attorney for review and acceptance with applicable laws and approvals related to the PDO approval of the Woods Park Development.
 - i. General plat note #18 be amended by changing the word "can" to the word "shall."
2. The final plat and plan submittal shall also be subject to all terms and conditions of the preliminary plan approval and the applicable Development Agreement associated with the Wood Park Development.
 3. The final plat and plan submittal shall be subject to the acceptance of the flood inundation study, as determined by the City Engineer. Any needed amendments to the related Development Agreement shall be prepared and accepted prior to the time of final plan and plat recording.
 4. The applicant or subsequent developer/owners of the project shall remain responsible for payment of all outstanding professional service fees related to the review of the final subdivision plans and plat.

Reasons for the Action (findings):

- a) The Commission finds that the final subdivision plat and 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 conditions of the final plat and plan recommendation, subject to terms and conditions of the PDO, are consistent with Woods Park PDO Zone Map Amendment.
- c) The Commission finds that the terms and conditions of the final plat and plan recommendation is consistent with preliminary subdivision approval, dated June 12, 2013.

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

PUBLIC HEARING | CHASE LN CULINARY PUMP HOUSE | 70 E CHASE LN
Consideration of a final site plan and conditional use permit for a public utility substation
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

1 Brandon Toponce, Assistant Planner, reviewed the proposed application and site plan.
2 The applicant has submitted the necessary landscape, lighting, and architectural plans as
3 requested. The proposed building and site will blend with its surroundings as required. All
4 lighting will face down and away from neighbors. The applicant plans to start construction in
5 September. There are a number of chemicals used inside the pump house which are dangerous.
6 The applicant has provided the necessary information regarding these dangerous chemicals
7 including a plan on how the public will be kept safe. The applicant has also submitted a noise
8 study showing the noise of a pump house does not exceed that of a traditional home. The pump
9 house will only be accessed for periodical maintenance. Staff believes all negative impacts have
10 been appropriately addressed.

11
12 Randy Randall, applicant, said a letter was submitted by surrounding residents asking for
13 building materials such as stone or brick. He is willing to work with these requests to produce a
14 product that will match its surroundings.

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

18
19 Commissioner Hirschi made a **motion** for the Planning Commission to approve the final
20 site plan for the Chase Lane Culinary Water Pump House, located at 70 East Chase Lane, subject
21 to the following conditions:

22
23 ***Conditions:***

- 24 1. The Chase Lane Culinary Pump House shall substantially comply with submitted
25 architectural and landscaping plans of the final site plan based upon further discussion
26 with staff and neighboring property owners.
27 2. The City shall provide required construction plans for review by the building official,
28 prior to any construction taking place.

29
30 ***Reasons for Action (findings):***

- 31 1. The City Engineer submitted a full application regarding a final site plan [Section 12-
32 21-110(e)].
33 2. A public utility substation is allowed within the R-L Zone with a conditional use
34 permit [Chapter 12-36].
35 3. All applicable development standards for the utility building have been satisfied
36 [Chapter 12-64]

37
38 The motion was seconded by Chair Merrill and passed by unanimous roll-call vote (5-0).
39

Commissioner Randall made a **motion** for the Planning Commission to approve the conditional use permit for the Chase Lane Culinary Water Pump House, located at 70 East Chase Lane, subject to the following conditions:

Conditions:

1. The conditional use permit shall be for a culinary water pump house use located at 70 East Chase Lane.
2. The City shall comply with all applicable safety measures as discussed in the conditional use permit submittal.
3. All conditions of the final site plan approval shall apply to the approval of the conditional use permit.

Reasons for Action (findings):

1. The City Engineer submitted a full application regarding a conditional use permit [Section 12-21-100(d)(1)].
2. The Public Works Department have adequately identified all possible negative impact on the community concerning the well house and how each impact can be mitigated.

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

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. The next Planning Commission meeting will be held on July 31, 2013.
2. Upcoming Agenda Items
 - King Commercial Development
 - Evans Subdivision
 - Flag Lot Ordinance/Small Subdivision Waiver

The meeting was adjourned at 9:30 p.m.


Kevin Merrill, Chair

7-31-13
Date Approved


Kathleen Streadbeck, Recording Secretary



CENTERVILLE PLANNING COMMISSION MEETING

Wednesday, July 10, 2013
7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS**

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** Your address will be used only in the event the City staff needs to contact you pertaining to an issue discussed in the Planning Commission meeting.