

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, JULY 23, 2014, AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL 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

Tentative Time: (The times shown below are tentative and are subject to change during the meeting)

- 7:00** **A. WELCOME AND ROLL CALL**
 B. PLEDGE OF ALLEGIANCE
 C. PRAYER OR THOUGHT – Commissioner Debbie Randall
 D. MINUTES REVIEW AND ACCEPTANCE – July 9, 2014
 E. BUSINESS
- 7:10** **1. PUBLIC HEARING | BLESOR RENTALS LLC | 156 SOUTH 200 EAST**
 Consider a conditional use permit for Blesor Rentals LLC, a home occupation business, to rent a limited number of inflatables to the surrounding communities, to be located at 156 South 200 East, in the R-L Zone. David Williamson, Applicant
- 7:30** **2. PUBLIC HEARING | LEGACY TRAIL APARTMENTS DEV | SOUTHWEST CORNER OF 1250 WEST & PARRISH LANE**
 Consider a conceptual subdivision plan for the Legacy Trail Apartments Development; which consists of a mixed-use development allowing office, retail, gas/convenience store uses, and multi-family dwelling units, to be located on the southwest corner of 1250 West and Parrish Lane, in the C-VH/PD Zone. Fred Hale & Chad Salmon, Applicants
- 8:00** **3. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
 a. Upcoming Meetings
 • PC Meeting August 13, 2014: Gas Station 1011 S Main CUP, Text Amendment for Apiaries/Beekeeping, West Centerville General Plan & Text Amendment to consider a Transit-Oriented Development (TOD) District
 • ADU Panel Discussion on July 30, 2014, City Hall Building, 7:00 PM
- 8:05** **F. ADJOURNMENT**

PRELIMINARY DRAFT

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, July 9, 2014

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

David Hirschi, Chair

Gina Hirst

Logan Johnson

Scott Kjar

Kevin Merrill

Debra Randall

MEMBERS ABSENT

William Ince

STAFF PRESENT

Corvin Snyder, Community Development Director

Kathy Streadbeck, Recording Secretary

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Chair Hirschi

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meeting held May 28, 2014 were reviewed. Chair Hirschi made a **motion** to approve the minutes as written. The motion was seconded by Commissioner Johnson and passed by unanimous vote (4-0). Commissioners Merrill and Kjar abstained from voting as they were not present at this meeting.

TRAINING | ACCESSORY DWELLING UNITS (ADU'S) – Review previously published brief.

Cory Snyder, Community Development Director, reported the City has advertised, in numerous locations/forums, the upcoming Panel Discussion on Accessory Dwelling Unit's scheduled for July 30, 2014. This Panel Discussion is a special Planning Commission meeting. Mr. Snyder reviewed how this meeting is to be conducted. This will be an informal meeting to provide information to the public and allow the public an opportunity to provide input, ask

questions, and engage in discussion. The meeting should include discussion on the Wasatch 2040 Plan, Housing/Transportation options, Moderate Income Housing, Centerville's General Plan, and introduction to the Accessory Dwelling Unit concepts. Accessory Dwelling Unit's is a serious policy decision and the public should be provided adequate opportunity to learn, discuss, and question.

Mr. Snyder showed two internet videos about possible options for accessory dwelling units which discussed policies that may be required to allow for such uses. Mr. Snyder suggested these types of videos or a clip be viewed during the Panel Discussion to provide the public with a visual and provide education on accessory dwelling units.

The Commission agreed with the suggested direction for the Panel Discussion. The Commission discussed options to encourage attendance. Chair Hirschi suggested the Panel Discussion be video recorded and posted on the City's website.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

1. The next Planning Commission meeting will be Wednesday, July 23, 2014.
2. ADU Panel Discussion to be held on July 30, 2014 at 7:00 p.m.
3. Upcoming Agenda Items
 - Legacy Trails Apartments, Conceptual Subdivision
 - Bleson Rentals, Conditional Use Permit for Home Business
 - Don Youngblood, Amended Site Plan

The meeting was adjourned at 8:10 p.m.

David Hirschi, 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**

**PROPERTY OWNER/
APPLICANT:** **DAVID WILLIAMSON
BLESON RENTALS LLC**

E-MAIL: **BLESONRENTALS@GMAIL.COM**

PROPERTY: **156 SOUTH 200 EAST
CENTERVILLE, UT 84014**

ACREAGE: **.28**

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

APPLICATION: **HOME OCCUPATION CONDITIONAL USE PERMIT FOR
RENTAL OF INFLATABLES (bounce house, etc.)**

RECOMMENDATION: **APPROVE THE CONDITIONAL USE PERMIT WITH
CONDITIONS**

BACKGROUND

Mr. Williamson desires to receive approval for a conditional use permit to allow a home occupation of a rental business at 156 South 200 East. Bleson Rentals LLC, will specialize in the in the rental of inflatables, such as bounce houses and slides. According to Section 12-62-060 of the Zoning Ordinance, a conditional use permit will be required since the use of an inflatable rental business is not within the permitted use list for home occupations [Section 12-62-040]. The applicant stated the majority of the business takes place online in a home office. Although most of the rentals are delivered, some clients desire to pick-up the product directly from Bleson Rentals. Mr. Williamson is expecting approximately 4 cars per day for pick-ups and drop-offs.

DEVELOPMENT STANDARDS FOR ALL HOME OCCUPATIONS 12-62-050(a-l)

- a. Business License:** The applicant will be responsible in applying for and obtaining a business license for the home-based rental center.
- b. Employees:** As a reminder, a home occupation may only be operated by persons living within the dwelling unit where the home occupation is conducted.

- c. **Hours of Operation:** Since the applicant will be conducting business within their own home, hours of operation concerning internet orders may not be a concern. However, the applicant has mentioned clients will be picking up product from 8:00 a.m. to 10:00 a.m. In addition, clients will be dropping off the product at the end of the day generally around 8:00 p.m. to 10:00 p.m. Staff is requiring that all pick-up and drop-off be conducted during the hours of 8:00 a.m. to 9:00 p.m. No business may be conducted after 9:00 p.m., as to stay in compliance with the Noise Ordinance (Section 7-09-020(a) of the Municipal Code).
- d. **Inventory:** The applicant may store inflatable product and equipment related to the operation of the inflatable products only and not store other items unrelated to the inflatables for rental or sale. Yet, an overabundance is not permitted, as to ensure the property does not become a safety hazard to the occupants or to the surrounding neighbors.
- e. **Modification of Structures:** No evidence from the outside of the home may indicate that a home occupation is being conducted. Product may not be stored within the yard and all signage must comply with Section 12-54-080(b) of the Zoning Ordinance.
- f. **Nuisance:** No nuisance will occur on site in regards to noise, vibration, fumes, smoke, electrical interference, etc. If the inflatables are to be blown up for cleaning and repairs, this must take place within the rear yard of the home and not within the front of the home.
- g. **Product Display:** No external display of product is permitted for advertising. If the inflatables require cleaning and repair, this must be completed in the rear yard only, as to not make a nuisance or hazard to the surrounding neighborhood.
- h. **Secondary Use:** A home occupation is not considered the primary use and must only be secondary to the main use of a single-family dwelling. Storage of the product must be conducted indoors, such as the main home or garage, and not outside in the yard area. In a recent statement, Mr. Williamson stated that as his business increases he hopes to move to a commercial location.
- i. **Signs:** According to Section 12-54-080(b) of the Zoning Ordinance, the property is allowed signage, by right, which may include commercial or non-commercial messages. These permitted signs by right must be at least 3 feet back from the property line, no more than 3 feet high, and cannot exceed 12 square feet.
- j. **Traffic, Parking and Access:** No home occupation may generate excess pedestrian or vehicular traffic for a residential community. Although Mr. Williamson stated he will have 4 cars per day come to his home, staff does not believe this generates an excess amount. Many home occupations, such as music teachers or other instructional services, generate this amount or more. It appears with the proposed use that they will not be increasing the amount of traffic within the neighborhood.
- k. **Yards:** The yard may not be used for the storage, display or other activities associated with the rental business, except for cleaning and repair of inflatables within the backyard.

DEVELOPMENT STANDARDS – HOME OCCUPATION WITH A CONDITIONAL USE PERMIT SECTION 12-62-070(a-d)

- a. **Employees:** As stated previously, no employees not residing in the home will be allowed.

- b. Neighborhood Disturbance:** The main use of the home is not changing and will remain a single-family residential dwelling. The inflatable rental business will not disrupt the neighborhood with noxious smells, or noise. In a recent statement, the applicant has assured City staff that little, to no impact will occur to the surrounding neighbors because of their home occupation. This is mainly due to the fact that the majority of business is handled within the home from the internet and they are only expecting 4 cars per day.
- c. Promotional Meetings:** This criteria does not apply to Bleson Rentals.
- d. Utility Demand:** Bleson Rentals will not cause a demand for public utilities in excess of what is customarily provided for residential uses. They may need to plug in the air compressor and utilize City water to clean the products, but staff does not feel that this would be an excessive use.

CONDITIONAL USE PERMIT REVIEW – SECTION 12-21-100

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

The proposed business is located within the R-L (residential-low) Zone, which allows a home occupation as long as it follows the regulations found within Chapter 12-62 of the Zoning Ordinance. With the above review, it appears the Development Standards found in Section 12-62-050(a-l) and 12-62-070(a-d), have been satisfied. Mr. Williamson desires to start his business within his home and perhaps over time move to a commercial location. Since the use appears to be a very low impact, it will not be detrimental to the health and safety of the surrounding community. Finally, nothing within the General Plan discusses home occupations and therefore, the proposal is not in agreement with or against the goals and objectives of the General Plan.

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

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

The proposed home occupation will be located within an R-L (residential-low) Zone and surrounded by single-family dwellings. A home occupation must follow the Development Standards found in Section 12-62-050(a-l) and 12-62-070(a-d) of the Zoning Ordinance, which helps to make the use suitable for a residential area. The main primary use of the site will remain a single-family dwelling with a secondary accessory use of a home-based inflatable recreation rental business. The use will be in harmony with the surrounding community, since no significant increase of traffic will be generated and noise and smells will be to a minimum. No other similar conditional use permits have been issued within this area of Centerville.

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

There is no economic impact on the surrounding area, since the home occupation is located within a residential community. No outside modifications in regards to the business may occur, except for the cleaning and repairing of the rental equipment located within the rear yard of the home. As stated previously, the home will not be using more electricity or other utilities than what is normally consumed by a single-family dwelling. They may have a small amount of increased water to clean the product, yet this amount will not be overly excessive. No outside display is allowed on the property and the lot may not be used for excess storage in regards to the home occupation. However, the applicant is allowed a sign by right in accordance with Section 12-54-080 of the Zoning Ordinance. No balloons, flags, pennants or signs larger than 12 square feet will be allowed.

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

The site is to remain as a residential area with no additional parking, access, or outdoor lighting associated with Bleson Rentals. The applicant has stated that a limited number of clients desire to pick-up and drop-off the inflatable equipment, rather than having it delivered. If complaints are received from the surrounding neighborhood concerning a negative impact, it may be required to address traffic and create other forms of mitigation. Hours of operation for this activity are limited to 8:00 a.m. to 9:00 p.m., and on all days of the week.

CONCLUSION

As a reminder, if the applicant does not adhere to the conditional use permit, they may be subject to having the permit revoked [Section 12-21-100(i)(1)(B)]. If the Planning Commission approves the conditional use permit, the applicant will need to receive the proper business license prior to conducting business at this location.

PLANNING STAFF RECOMMENDATIONS

Suggested motion for an approval of a conditional use permit for the home occupation of Bleson Rentals LLC., located at 156 South 200 East

PROPOSED ACTION: I hereby make a motion for the Planning Commission to approve the conditional use permit for the home occupation of Bleson Rentals LLC, allowing the rental of inflatable recreation equipment located at 156 South 200 East, with the following conditions:

1. This conditional use permit shall be for a home occupation inflatable rental business located at 156 South 200 East.
2. The primary use for the home shall be maintained as a single-family dwelling.
3. Bleson Rentals shall only be operated by persons living within the dwelling unit; where the home occupation is being conducted and meets the criteria for a "Family Unit" found in Chapter 12-12 of the Ordinance.
4. The pick-up and drop-off of inflatable equipment by clients shall be conducted during the hours of 8:00 a.m. and 9:00 p.m., and on all days of the week. The applicant shall ensure that any renting of product during operating hours **does not generate more than 10 vehicles per day.**
5. Any outside display or the use of accessory or yard area for the home occupation and the storage of products shall be prohibited; except for the cleaning and repair of equipment found within the rear yard.
6. If the applicant desires any future signage, they shall follow the guidelines found in Section 12-54-080(b) of Zoning Ordinance in regards to signs allowed "By Right."
7. All prohibited signage called out in Section 12-54-070 of the Zoning Ordinance shall not be allowed.
8. The applicant shall apply for and receive approval for a Centerville City Business License prior to conducting business.
9. No product may be stored outside of the dwelling.

SUGGESTED REASONS FOR THE ACTION:

1. A complete application for a conditional use permit has been submitted [Section 12-21-100(d)(1)].
2. The application meets the required established evidence for an approval of a conditional use permit [Section 12-21-100(e)(3)(A-D)].
3. The request for a conditional use permit meets the factors to be reviewed and considered for an approval [Section 12-21-100(e)(5)(A-K)].
4. The use of a home rental center for inflatable recreation equipment does not appear to be detrimental to the surrounding community [Section 12-21-100(e)(5)(D-E, G, I-K)].
5. All development standards for a home occupation have been reviewed and satisfied [Section 12-62-050(a-i)].
6. A use not listed on the home occupation approved listing of Section 12-62-040 is subject to receiving a conditional use permit [Section 12-62-060].
7. All development standards for a home occupation with a conditional use permit have been reviewed and satisfied [Section 12-62-070(a-d)].
8. The approval of a home occupation does not relieve a person from obtaining a Centerville City Business License and other related agency approvals [Section 12-62-050(a)].
9. If the applicant does not adhere to the conditional use permit, they may be subject to having the permit revoked [Section 12-21-100(i)(1)(B)].

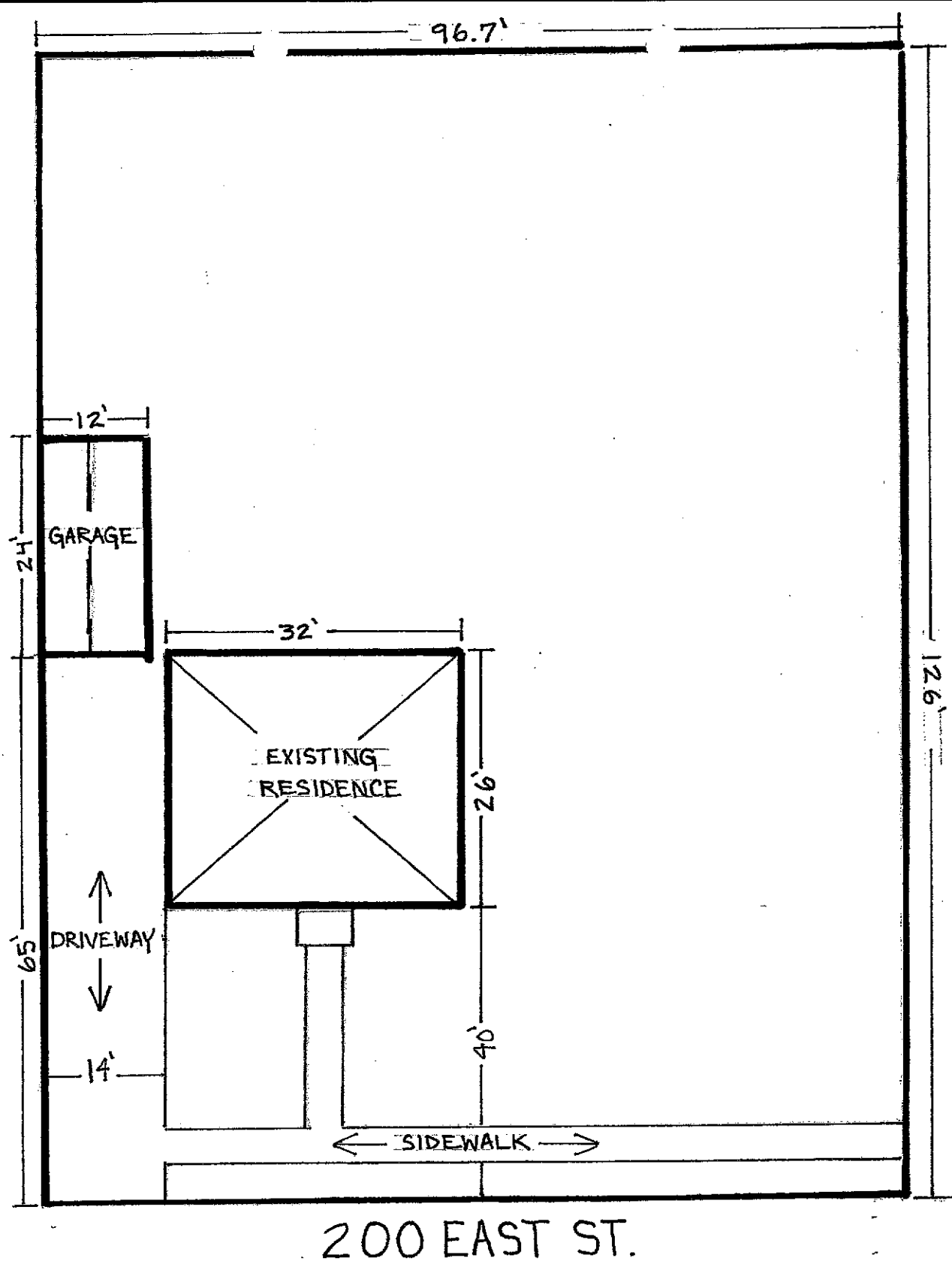
APPLICANT STATEMENT

The purpose of the following statement is to demonstrate how this conditional use permit request meets the approval of standards in subsection 12-21-100(e).

The proposed conditional use by Bleson Rentals, a home occupation business, is allowed by zone R-L upon the issuing of a conditional use permit. Bleson Rentals is willing to have reasonable conditions imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the conditional use, upon the City as a whole, or upon public facilities and services.

Bleson Rentals is a small family owned business which has a limited number of inflatables available for rent to the surrounding community. The majority of business is done online in a home office; however, the residence at 156 South 200 East is being proposed to be used as a pickup point for renters who wish not to have items delivered. At the present time, Bleson Rentals has a limited inventory which puts the maximum amount of renters stopping by the proposed site at 4 vehicles a day. The small inventory of Bleson Rentals is stored indoors so as to not affect the aesthetics of the neighborhood. The actual time to pick up and or drop off rental items is typically less than 10 minutes. Parking for pick up and drop off is available in the driveway or curbside on the street near the driveway entrance. Pick up time typically occurs between 8 and 10 am, with most drop offs happening between 8 and 10 pm.

- (A) The proposed use by Bleson Rentals as a small community recreation rental service will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- (B) The proposed use of the location is desirable to provide a clean, affordable rental service which will contribute to the general well-being of the neighborhood and the community. As the business grows, and a commercially zoned location is sought, Bleson Rentals will become a vital contributor to the outdoor recreation needs of Centerville residents and the surrounding communities.
- (C) Bleson Rentals and its proposed use of the property will comply with regulations and conditions specified by the Planning Commission and the city of Centerville upon issuance of the conditional use permit.
- (D) The proposed use of the property will comply with applicable provisions of the General Plan.
- (E) Bleson Rentals has no employees other than persons who reside on the premises where the home occupation will be conducted.
- (F) Bleson Rentals proposed use of the property will do nothing to alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood, including radio and television reception, by reason of color, construction, design, lighting, materials, noises, sounds, or vibrations, or excessive traffic.
- (G) Promotional meetings for the purpose of selling merchandise, taking orders, or training will not be held by Bleson Rentals on the property.
- (H) Bleson Rentals and its proposed use as a home occupation business will not cause a demand for public utilities in excess of that necessarily and customarily provided for residential uses.



DAVID WILLIAMSON

WILLIAMSON RESIDENCE
156 SOUTH 200 EAST
CENTERVILLE, UTAH

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

**STAFF REPORT
AGENDA: ITEM 2**

APPLICANT: FRED HALE / CHAD SALMON
C/O H&S LLC
1778 WEST 1180 SOUTH
WOODS CROSS, UTAH 84087
chad@salmonelectric.com
fredh@colonialbuilding.com

PROPERTY: SOUTHWEST CORNER OF PARRISH LANE & 1250 WEST

ACREAGE: 12.15 ACRES

ZONING: COMMERCIAL-VERY HIGH/PLANNED DEVELOPMENT
(C-VH/PD)

APPLICATION: LEGACY TRAIL CONCEPTUAL SUBDIVISION (4 LOTS)

CODE REVIEW SUMMARY: CONCEPTUAL SUBDIVISION REGULATIONS
PDO APPROVAL FOR THE LEGACY TRAIL
DEVELOPMENT

STAFF RECOMMENDATION: ACCEPT CONCEPTUAL SUBDIVISION PLANS

BACKGROUND

The applicants desire to move forward with subdividing the land associated with the Legacy Trail Development. This planned development project was approved earlier this year by the City. The Legacy Trail Development contains a non-traditional land use pattern involving an integrated mixture of uses. Thus, the subdivision will require a cohesive review and approval approach to ensure that the subdivision addresses the needs of the entire project.

In summary, the conceptual subdivision plan depicts four (4) lots with a notation where land has been or will be dedicated for roadway right-of-way expansion. Additionally, easements are being provided for the various utility service needs and for the common access drives provided internally to the development. Furthermore, there are project shared improvement issues that include cross-access and internal circulation, a master trail/pathway system, and additional public roadway enhancements for traffic circulation that are part of the necessary considerations for subdividing the land.

CONCEPTUAL SUBDIVISION PROCESS

Planned Development Overlay Approval

The Legacy Trail PDO Master Conceptual Site Plan depicts a mixture of retail/fuel, office, and apartments. The needed subdivision elements to consider for supporting the approved PDO plan's implementation are:

- Cross-Access & Internal Circulation - Establishing needed cross-access between all the lots and the construction of the planned internal and common circulation network system that will be privately maintained.

Staff comment: The conceptual subdivision plans propose to create lot lines down the approximate centerlines of the required internal circulation system (*see applicable PDO master conceptual plan*). Thus, it is not clear to staff how and when the needed circulation system will be built and/or whether there is an initial master lot responsibility to construct and maintain the system. However, it is of most importance that when there is development of a particular lot, it must be able to function in its entirety without the need to rely on another lot to complete associated improvements.

- Trail/Pathways with Connection to Legacy Trail System - The associated master conceptual plan approval includes a public trail/pathway system connecting Parrish/1250 West Intersection to the Birnam Woods Trail Head located further southwest of the development.

Staff Comment: The submitted plans address needed on and off-site connections for the trail/pathway. However, a landscaping design component for this master system has not been submitted. This needs to be completed in order for such improvements to be installed as part of the public improvements related to the subdivision. Additionally, UDOT, the City, and applicable off-site owners need come to a written agreement about the design, funding, construction, and maintenance of this system improvement.

- Public Right-of-Way & Roadway Improvements - The submitted plans depict the expected improvements for both Parrish Lane and 1250 West, as defined in the associated PDO approval.

Staff Comment: A small parcel, along Parrish Lane, is noted for dedication to UDOT. It is not clear if this is being done prior to or as part of the subdivision plat.

Additionally, the right turn pocket for 1250 West is being provided, however, it appears that it comes at the consequence of eliminating a standard park-strip. This was not approved in the original terms and conditions of the associated PDO approval (*see PDO Approval Condition #4*). Thus, there is a need to amend the PDO approval or correct the plans. The City Engineer needs to weigh in on this issue.

Lastly, the PDO approval requires the use of "stamped designed pedestrian" crossing for all pathways intersecting drive approaches or circulation lanes (*see PDO Approval*

Condition #7 and Parrish Lane Gateway Design Standards, Section 12-63-060.3). For the subdivision component, there are three (3) locations that need to be addressed:

1. The access at Parrish Lane for Lots 1 & 4
2. The north access for Lots 1 & 2
3. 1250 West roundabout between Lots 2 & 3

A discussion needs to occur as to whether all or part of the crossings should be done now with the subdivision improvements or later with each site plan approval. Again, the City Engineer needs to weigh in on this issue.

General Subdivision Standards (Chapter 15-5) and Zoning Ordinance Requirements (Chapter 12-34)

Each lot must meet the zoning requirements for the Commercial-Very High (C-VH) Zone concerning frontage and width. The table below addresses the applicable zoning requirements regarding lots in the C-VH Zone.

Applicable Development Standards for the Residential Low (R-L) Zone (Table 12-31-1)

Legacy Trail Apartments (Subdivision Lot Review Only)			
Development Standards	Required	Actual	Comply
Lot and Parcel Standards			
Minimum Area	None	N/A	
Minimum Lot Frontage & Width	80 Feet	>80 Feet	Yes
Site Standards			
Buildable Area	None	N/A	

Improvements and Utilities for Subdivisions (Chapter 15-2)

All regular utilities are available to provide needed services to the proposed lots. However, there are major utility and sewer service improvements required to serve the subdivision. Thus, there will need to be coordinated efforts with the various utility service entities to establish correct service lines and to provide the proper easements.

As required by Ordinance, a 10-foot easement is being provided along the front lot lines of each lot. However due to the integrated design, other similar side and rear yard easements are custom located for providing utility services. These placements will need to be confirmed with the City Engineer and applicable agencies regarding utility service line placement, storm drainage lines, fire service/protection issues, and other related improvements. Nevertheless, in addition to these other custom utility lines, the Subdivision Ordinance requires a seven-foot (7') easement on all rear lot lines and on one (1) of side lot lines.

Layout, Lots, Streets (Chapter 15-2)

Generally, the subdivision lots meet the Ordinance expectations, with the acknowledgment that there are specific street related improvements required as part of the PDO approval of this particular development.

Existing Sensitive Site Conditions (i.e. other relevant subdivision issues)

After receiving the associated PDO approval for the project, the developers moved forward with a general grading permit to clean up the debris and unconsolidated fills around the property. This action led to the discovery that there are significant amounts of debris and fills on the related properties. As a result, a soils engineer has made several recommendations regarding the fill and compaction needs for the entire site. These discoveries and recommendations need to be checked and coordinated with the construction improvements for subdivision approval. Once again, the City Engineer needs to weigh in on this issue as the subdivision construction documents are prepared and submitted for preliminary and final subdivision approvals.

Property Title & Ownership (i.e. other relevant subdivision issues) – Although the PDO approval was granted with the understanding that the applicants secured an offer to purchase all of the lands associated with the project, the property still remains in multiple ownership. Thus, the current request is absent of the necessary permissions to move forward with subdivision approval. Since the conceptual subdivision is only an “acceptance” review and does not render any type of approval (*see 15-2-105.3*), the Commission may allow the subdivision process to proceed to the next level. However, the applicants need to secure permission and/or authorization from all legal owners of property within the proposed subdivision or have executed purchase and ownership of the properties. Additionally, the preliminary and final subdivision submittals require the submittal of title reports for review by the City (*see Section 15-3-21.c*).

PLANNING STAFF RECOMMENDATION

Motion: Suggested Motion for conceptual subdivision acceptance for the Legacy Trail Subdivision. I hereby make a motion for the Planning Commission to accept the conceptual subdivision plans for the Legacy Trail Subdivision, with the following directives to be completed or submitted for further consideration, as part of the next subdivision application:

1. In accordance with the City's Subdivision Ordinance, the applicant must prepare and submit an application for preliminary subdivision approval.
2. In accordance with the City's Subdivision Ordinance, the applicant must prepare and submit a preliminary subdivision plans, as outlined in the City's Subdivision Ordinance.
3. The preliminary subdivision plan submittal must address the design and construction of the required internal cross-access and circulation system. Such design and construction plan needs to ensure that each phase or lot to be developed can function in its entirety without the need to rely on an adjacent or other phase to be developed within project.
4. For the master trail/pathway system, UDOT, the City, and applicable off-site owners need come to a written agreement about the design, funding, construction, and maintenance of this system improvement. Such agreement is to be submitted with the preliminary subdivision plans and may include a memorandum of understanding or other written method deemed acceptable to the City and the related parties.

5. As part of the master trail/pathway system (*being a public improvement*), a landscaping design component must be prepared and submitted. This needs to be completed in order for such improvements to be installed as part of the subdivision improvements.
6. The small parcel along Parrish Lane that is being dedicated to UDOT, must be addressed with the preliminary plans. It is not clear if this is being done prior to or as part of the subdivision plat.
7. The right turn pocket for 1250 West is depicted, however, it appears that it comes at the consequence of eliminating a standard park-strip. This was not approved in the original terms and conditions of the PDO approval (*see PDO Approval Condition #4*). Thus, there is a need to amend the PDO approval or correct the plans. The City Engineer needs to weigh in on this issue.
8. The PDO approval requires the use of "stamped designed pedestrian" crossing for all pathways intersecting drive approaches or circulation lanes (*see PDO Approval Condition #7 and Parrish Lane Gateway Design Standards, 12-63-060.3*). There are three (3) locations to be addressed: (1) the access at Parrish Lane for Lots 1 & 4; (2) the north access for Lots 1 & 2; (3) and the 1250 West roundabout between Lots 2 & 3. The discussion needs to occur as to whether all or part of the crossings should be done now with the subdivision improvements or later with each site plan approval. In addition, the City Engineer needs to weigh in on this issue.
9. The applicant will need to coordinate the proposed subdivision construction plans with the City Engineer and applicable agencies to confirm utility service line placement, storm drainage lines, fire service/protection issues, and other related improvements. In addition to these other custom utility lines, the Subdivision Ordinance requires a seven-foot (7') easement on all rear lot lines and on one (1) of side lot lines.
10. As it has been discovered, there are significant amounts of debris and fill. These discoveries and soil engineering recommendations need to be checked and coordinated with the construction improvements for subdivision approval. The City Engineer needs to weigh in on this issue as the subdivision construction documents are prepared and submitted for preliminary and final subdivision approvals.
11. As part of the preliminary subdivision plan submittal, the applicants need to secure permission or authorization from all legal owners of property within the proposed subdivision or have executed purchase and ownership of the properties.
12. As part of the preliminary subdivision plan submittal, the applicants will need to provide the required title reports for review by the City.

Suggested Reasons for the Action (Findings):

- a. The Commission finds that the proposed subdivision is subject to the terms and conditions of the PDO approval for the Legacy Trail Apartments Project.
- b. The Commission finds that the submitted conceptual plans are sufficient in scope to access the subdivision's probable compliance with the City's General Plan, Zoning, Subdivision, and other applicable regulations adopted by the City.
- c. The Commission finds that the directives provided address the adequacy for probable compliance with the adopted regulations and provide needed feedback for preparing and submitting a preliminary subdivision application.

