

ATTN: MARSHA

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, SEPTEMBER 9, 2015, 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 and on NovusAgenda at the following link: <http://centerville.novusagenda.com/agendapublic>

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 – Chair, David Hirschi
 D. MINUTES REVIEW AND ACCEPTANCE – August 26, 2015
 E. COMMISSION BUSINESS
- 7:10 1. PUBLIC HEARING | ELYSIAN AUTO SALES LLC | 1140 WEST 725 NORTH
 Consider proposed Conditional Use Permit for used car sales in the I-H Zone, for property located at 1140 West 725 North. James Romer, Applicant
- 7:25 2. PUBLIC HEARING | HUFFAKER DENTAL DUPLEX | 134 SOUTH MAIN ST
 Consider the following proposed items:
 1. Zone Map Amendment for the rear portion of the Huffaker Dental property located at 134 South Main Street from C-M (Commercial-Medium/SMSC Overlay) to R-M (Residential-Medium) Zone, and
 2. Small Subdivision Waiver/Lot Split for the purpose of creating a flag lot
 Jeff Cook, Cook Builders, Applicant
- 7:45 3. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT
 • PC Meeting September 23, 2015:
 Porter Walton Townhomes Preliminary Subdivision,
 South Main Street Corridor Edits and Amendments
- 7:50 F. ADJOURNMENT

Posted September 4, 2015 by Community Development



PLANNING COMMISSION MINUTES OF MEETING

Wednesday, August 26, 2015

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 7:15 p.m.

MEMBERS PRESENT

Cheylynn Hayman
David Hirschi, Chair
Gina Hirst
William Ince
Logan Johnson
Scott Kjar
Kevin Merrill

STAFF PRESENT

Corvin Snyder, Community Development Director
Brandon Toponce, Assistant Planner
Lisa Romney, City Attorney
Kathy Streadbeck, Recording Secretary

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER Commissioner Kjar

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meeting held July 8, 2015 were reviewed and amended. Commissioner Ince made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Hirst and passed by unanimous vote (6-0). Commissioner Kjar abstained as he was not present at this meeting.

The minutes of the Planning Commission meeting held July 22, 2015 were reviewed and amended. Commissioner Johnson made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Hirst and passed by unanimous vote (4-0). Commissioners Hirst, Kjar, and Merrill abstained as they were not present at this meeting.

PUBLIC HEARING | MARK L. NELSON DENTAL BLDG | 782 W. PARRISH LN
- Consider proposed Conceptual Site Plan for the Mark L. Nelson Dental Building on property located at 782 West Parrish Lane (Island Parcel - North of Iggy's), for the purpose of constructing a new office building. Brett Kearney, JZW Architects, Agent.

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1 Brandon Toponce, Assistant Planner, reported the applicant desires to build a new office
2 building, to be used as a dental office, on the island parcel adjacent to Iggy's Sports Grill. The
3 applicant has submitted an application for a conceptual site plan approval. The proposed use is
4 permitted in the Commercial-Very High Zone and the proposed use and layout are supported by
5 the General Plan.

6
7 Mr. Toponce reviewed the site plan explaining the unique aspects of this site. The
8 proposed building meets the necessary development standards including setbacks and street
9 frontage requirements. The applicant proposes a 2-story building with a maximum 5,000 square
10 foot total (will require an amendment to the Development Agreement). This drop in square
11 footage will allow for additional parking, which is already tight on the lot. The parking
12 requirements can be met with the already established shared parking with Iggy's and the MTC
13 across the street. The applicant will be required to submit a final landscaping plan, a final
14 screening plan, and all necessary signage applications. The proposed site is located within the
15 Parrish Lane Gateway and design standards are applicable. The proposed site plan includes the
16 necessary architecture, articulation, and public amenities. Staff strongly encourages the applicant
17 to emphasize any area that may attract pedestrians to their establishment by using stamped-
18 colored concrete, enhanced landscaping, and benches. The applicant will be required to properly
19 grade and drain the site per the City Engineer's approval. The proposed water feature is an
20 appropriate enhancement to the site and additional details will be required during the final site
21 plan approval process. The City Engineer is requesting curbing as part of the parking
22 configuration to ensure parking stalls are appropriately designated. The applicant will be
23 required to submit a lighting plan including parking lot lights, and a streetscape plan including an
24 undulating berm along Market Place Drive.

25
26 The Commission discussed the parking arrangements including the shared parking
27 agreement and concerns regarding parking stops to ensure there is no thru traffic. Concerns were
28 also raised about cars backing into drive lanes. The Commission also discussed the possibility of
29 including additional landscaping instead of parking stops. Mr. Snyder explained the proposed
30 parking configuration is different than what currently exists. The applicant is leasing these
31 parking spaces from Iggy's and will need to request any changes from Iggy's. He said the
32 parking stops will control thru traffic and that additional landscaping is not likely. He also said
33 the proposed configuration will provide a greater backing distance for vehicles than what
34 currently exists.

35
36 Lisa Romney, City Attorney, explained the island parcel was originally part of a
37 Redevelopment Agency (RDA) project and there are several governing documents that apply to
38 this site. This applicant will be required to seek approval from the RDA and the City Council for
39 this proposed development. In addition, all governing documents will need to be amended and

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1 agreed upon. She said the RDA will also complete the necessary steps to review and approve the
2 applicants request to diminish the maximum square footage for the building from 6,000 to 5,000.

3
4 Brett Kearney, applicant, parking back into traffic. This design actually reduces that from
5 what the agreed parking is.

6
7 Chair Hirschi opened the public hearing. Seeing no one wishing to speak; he closed the
8 public hearing.

9
10 Commissioner Merrill made a **motion** for the Planning Commission to accept the
11 conceptual site plan for the Mark L. Nelson Dental Office, to be located at 782 West Parrish
12 Lane, and render the following directives:

Conditions:

- 13
14 1. A final site plan application shall be submitted following the criteria found in Section
15 12-21-110(e)(2) of the Zoning Ordinance.
- 16 2. A storyboard depicting the final colors and materials shall be submitted with the final
17 site plan application.
- 18 3. Clarification on the structures total height shall be identified on the final sketches.
- 19 4. Proposed sign locations on the final plans shall be indicated.
- 20 5. A lighting plan shall be submitted indicating all parking lot and wall-mounted
21 lighting.
- 22 6. All easements and utilities shall be shown on the final site plan.
- 23 7. The applicant shall work with the City Engineer and Public Works Director
24 concerning curbing or other device within the southeast parking lot.
- 25 8. A final landscaping plan shall be submitted following all applicable standards found
26 in Chapter 12-51 and 12-63 of the Zoning Ordinance and shall address the following:
 - 27 a. Location and type of all vegetation
 - 28 b. The total number of trees and shrubs
 - 29 c. An irrigation plan
 - 30 d. Depiction of a landscaping theme throughout the site that may include, rock
31 features, types of gravel, or specific shape of planting beds. This theme shall
32 have similarities to Iggy's, so it will blend with the rest of the island parcel
 - 33 e. Vegetation around all walkways should be emphasized
 - 34 f. Streetscape Standards such as street trees, pedestrian lighting and berming
35 features shall be depicted on the final site plan
- 36 9. The dumpster screening and any wall-mounted equipment shall be indicated on the
37 final site plans.
- 38 10. The design of the water feature shall be submitted for final review.
- 39

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11. The applicant shall work with the City Engineer and Public Works Director to establish what development fees may still be required.
12. A bond must be established for all on-site improvements by the City Engineer and posted by the applicant prior to receiving a building permit.
13. The RDA must review the conceptual design to approve a change in "use" on the island parcel.
14. Developer and the development shall comply with all governing documents for the Island Parcel, including but not limited to: (1) the Parrish Lane Gateway Neighborhood Development Plan, as amended; and (2) the Agreement for Disposition of Land, as amended.

Reasons for the Action:

1. A complete conceptual site plan application has been submitted [Section 12-21-110(d)(1)].
2. A conceptual site plan is not intended to permit actual development of property, merely to represent how the property may be developed and does not create any vested rights to develop [Section 12-21-110(d)(5)].
3. The use of "Medical Services" is allowed within the C-VH Zone [Chapter 12-36].
4. This location is found within the Parrish Lane Gateway and must address all applicable standards of Chapter Section 12-63 of the Zoning Ordinance.
5. The proposed location is part of the island parcel and an RDA designated area, which may be subject to additional governing documents.

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

PUBLIC HEARING | LEGACY TRAIL APARTMENTS | 1250 W & PARRISH - **Consider amending the Planned Development Overlay Approval and Conceptual Plan for** **the Legacy Trail Apartments Development on property located at 1250 West & Parrish** **Lane, for the purpose of allowing an alternative commercial architectural design. Fred** **Hale, Applicant.**

Cory Snyder, Community Development Director, reported the applicant desires to amend the approved project's architectural design scheme and add an alternative commercial design for the Legacy Trail PDO Master Conceptual Plan. The proposed design change would allow the commercial buildings to utilize a flat-roof design to accommodate roof-mounted equipment and to allow the use of heavy timber design features. Lot 1 previously received conceptual plan acceptance with a directive to apply for an amendment to allow for the proposed building design

(i.e. flat roof and heavy timber elements) for the Maverik Store. If the amendment is approved, such design would also be available for commercial buildings on Lots 2 & 3.

Mr. Snyder reviewed the originally approved Planned Development Overlay (PDO) architectural design and the proposed amendments. The proposed amendments allow for a flat roof design, heavy timber features, hanging awnings, stucco-style materials, and increased use of colors. Overall, staff is comfortable with the proposed changes.

Fred Hale, applicant, said the pitched roof design will remain for all residential buildings. He said Maverik proposed the flat roof in order to allow for equipment storage. He said the proposed building design for the Maverik is very nice and includes the pitched roof design for the entry and eyebrows of the building.

The Commission discussed the pros and cons of a pitched-roof vs. flat-roof design. The Commission discussed that the birds-eye view from the Parrish Lane overpass will be able to see the roof-mounted equipment but agreed this may be better than equipment placed around the building where cars and pedestrians also share space. Some Commissioners agreed that both designs are acceptable and therefore flexibility is the best option.

Chair Hirschi opened the public hearing. Seeing no one wishing to speak; he closed the public hearing.

Chair Hirschi made a **motion** for the Planning Commission to recommend to the City Council, to approve the petition to amend the Legacy Trails Development's PDO Approval, as follows:

1. The Alternative Commercial Design Plan Concepts are:
 - a. The building design shall consist of a flat roof design with parapets to screen roof-mounted equipment.
 - b. Provision of heavy timber and/or hanging awning features for building entry points.
 - c. The use of colors and materials shall be consistent with the development's originally approved Architectural Conceptual Design Plan, and may also include colors or materials compatible with the Legacy Crossing Development or from the template of the Shorelands Commerce Park Design Guidelines.
 - d. All buildings to have a substantial architectural material base using rock, brick, or other similar maintenance free design material (see provision Section 12-63-040.c.2).
 - e. All other related or associated conditions of the Legacy Trail Development PDO Approval remain in effect with this amendment.

Reasons for the Action:

- a) The Commission finds that amendments to a PDO approval are subject to the original procedure used for obtaining a preliminary approval.
- b) The Commission finds that according to Section 12-41-010, the purpose of the PDO provisions is to allow: "mixed residential/commercial projects to be developed in a manner that allows design flexibility, integration of mutually compatible uses, integration of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional zone regulations."
- c) The Commission finds that Section 12-41-070 allows for "variations from development standards" from both the Subdivision and Zoning Ordinances.
- d) The Commission finds that allowing an alternative commercial design plan facilitates the screening of needed utility and equipment for service to buildings.
- e) The Commission finds that the conditions of approval of the Alternative Commercial Design Plan are consistent and compatible with the originally approved Architectural Design Plan of the Legacy Trails Development.

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

TRI-CITY POLARIS | 461 SOUTH FRONTAGE ROAD - Consider proposed Final Site Plan amending the site plan approval for Tri-City Polaris on property located at 461 South 800 West, for the purpose of a new fenced yard. Bob Mason, Mason Family Partnership, Applicant.

Brandon Toponce, Assistant Planner, reported the applicant previously received conceptual site plan acceptance from the Planning Commission. The proposed project includes an amendment of the Tri-City parcel for an off-road vehicle display just east of the existing building. Approval of this amendment will end an enforcement found on the unapproved parcel south of the existing building. The lot with the existing structure and the lot to the east for the new display area will be combined to have one parcel ID number. Mr. Toponce reviewed the conceptual site plan conditions of approval. It appears all zoning standards for development have been addressed and satisfied. The applicant will be responsible for any future public improvements. The applicant is required to post a bond for all public improvements, storm drainage, and landscaping. A deferral agreement will be created in order to allow the completion of the required landscaping and the curb and gutter after the culvert has been constructed. This agreement shall be created by the City Attorney, with a time frame determined by the City Engineer and Public Works Director of the culvert construction.

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1
2 Lisa Romney, City Attorney, suggested a 30-day time frame for combining and recording
3 the two (2) lots. She explained the deferral agreement will be reviewed and approved by the City
4 Council and said it may be a good idea to have this agreement recorded also.

5
6 Bob Mason, applicant, said current storage will be cleared and this portion of the site will
7 be used for display of product.

8
9 Commissioner Johnson made a **motion** for the Planning Commission approve the
10 amended final site plan for the Tri-City property located at 461 South 800 West, with the
11 following conditions:

12
13 ***Conditions:***

- 14 1. The amended site plan shall be for a display area on the east portion of the lot only.
15 This display area shall not include the storage of machinery, parts, equipment or
16 storage containers of any kind.
17 2. The applicant shall combine the east and west lot at the Davis County Recorder's
18 Office to create one parcel. This information shall be submitted to City staff as part of
19 the final amended site plan application.
20 3. A bond shall be posted by the applicant for all public improvements including; curb
21 gutter and landscaping.
22 4. A deferral agreement for all related public improvements along Porter Lane shall be
23 created and recorded and approved by the City Council with the assistance of the City
24 Attorney with the time period being determined by the City Engineer and Public
25 Works Director in relation to the culvert construction taking place.
26 5. All equipment, storage and other material shall be removed from the south portion of
27 the unauthorized property, so as to close all previous enforcement matters and as part
28 of the final approval for the east display area.

29
30 ***Reasons for Action:***

- 31 a. An amended final site plan requires the applicant to go through the same procedural
32 requirements as the original approval [Section 12-21-110(i)(2)].
33 b. The applicant has clearly shown how the property may be developed [Section 12-21-
34 110(d)(2)].
35 c. Complies with all applicable Ordinances for development found within the
36 Commercial-High Zone [Chapter 12-34].

37
38 The motion was seconded by Commissioner Kjar and passed by unanimous roll-call vote
39 (7-0).

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Chair Hirschi made a **motion to amend** condition #2 as follows:

2. The applicant shall combine the east and west lot at the Davis County Recorder's Office to create one parcel. This information shall be submitted to City staff within 30 days of this approval.

The motion to amend was seconded by Commissioner Hirst and passed by unanimous vote (7-0).

Chair Hirschi called for a vote on the motion as amended. The motion passed with a unanimous roll-call vote (7-0).

PUBLIC HEARING | PORTER WALTON TOWNHOMES | 564 W PORTER LN -
Consider proposed Conceptual Subdivision for the Porter Walton Townhomes Planned
Residential Unit Development on property located at 564 West Porter Lane, for the
purpose of platting the approved multi-family project. Taylor Spendlove, Applicant

Cory Snyder, Community Development Director, reported the City recently approved a 46-unit multi-family townhome style community with one (1) existing single-family home. The applicant is now seeking a conversion of the project into a Planned Unit Development (PUD) subdivision to allow each dwelling unit to be purchased and owned by future residents of this community. The applicant has submitted a "Conceptual Subdivision" application for review by the Planning Commission. This conceptual review is the first step of a three-phase process. Mr. Snyder reviewed the proposed subdivision layout explaining the private space, common spaces, driveways, roadways, and private use areas. The proposed subdivision plan is consistent with the expectation of the General Plan for this neighborhood. A PUD is to be in harmony with the applicable neighborhood plan and with applicable design standards. The applicant will be required to prepare and record related conditions, covenants, and restrictions (i.e., CC&Rs).

The Commission raised some ownership and maintenance concerns. Chair Hirschi said it seems each unit can be individually owned but there is a common wall between units. He questioned how this is resolved. He also asked how the front yard and driveway areas will be maintained as they are listed as limited common space. Commissioner Johnson said the rear yards are listed as limited common space and are fully fenced. He questioned if these spaces are maintained by the individual homeowner or the Homeowner Association.

Mr. Snyder said when the units are constructed the building inspector will likely require a fire wall construction on both sides of the common wall since they will be individually owned

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1 units. This is a higher standard because of the individual ownership. He said all maintenance
2 concerns will be called out in the CC&Rs.

3
4 Taylor Spendlove, applicant, said all landscaping will be maintained by the Homeowners
5 Association including all limited common space. The maintenance crews will have gate access to
6 all rear yards.

7
8 Chair Hirschi opened the public hearing.

9
10 Heather Strasser said the single-family home is still a problem for this development as it
11 does not fit. This home should be dealt with the same as the entire development and should be
12 limited common space. She said the neighborhood is frustrated because this was rezoned for an
13 assisted living center and not for a multi-family development.

14
15 Marti Money said the property for the single-family home is so large it could be
16 converted or subdivided in the future to create additional units. This would raise the density for
17 the development and decrease common open space. She said there needs to be a contingency
18 plan for this property. She said the single-family home should be eliminated and the common
19 open space increased. She said the "mansion" is a misfit and will be a burden to the Homeowners
20 Association and the development as a whole. She also expressed concerns with the road access to
21 the single-family home. She said it is as if the "mansion" is marooned behind the development
22 and has more than its fair share.

23
24 Laura Dudley agreed the "mansion" needs a contingency plan. She said it is not likely
25 this site will ever sale and the developer will be looking to use that space differently in the
26 future. She does not want to see additional units built that will raise the already high density
27 level. She asked for clarification on the gate between this property and the Home Depot property
28 to the north. Will residents be allowed to use the gate? She also raised concern with the lack of
29 guest parking within the development.

30
31 Charles Granere said he rents a nearby home on Mr. David Bell's property to the west of
32 this site. He has two (2) special needs children and is concerned for their safety during
33 construction. He said he is also concerned the property on which he resides is part of this
34 development. He said he has not been properly informed. He is concerned with the amount of
35 traffic and the intensity of this development. He said he moved to this particular location because
36 it was rural nature which is the best fit for his children. He said he has an access road to his home
37 and is concerned it could be cut off during construction.

38
39 Chair Hirschi closed the public hearing.

1
2 Mr. Snyder explained this property was rezoned to Residential-Medium (R-M) and with
3 that zone comes several use options including both an assisted living center and multi-family
4 development, among others. The City debated all these issues during the rezone and was aware
5 of the possible uses within the R-M Zone. He said the City prefers single-family development
6 whether it is a misfit or mistake. The City's legislative body has always favored single-family
7 development and many of the Zoning Code and the General Plan policies are written in favor of
8 such development, no matter the location. He explained the site plan represents limited common
9 space in two (2) different ways on the site map. There is limited common and limited common
10 with public utilities. This is why the driveway space appears different on the site plan (driveways
11 have utilities within them), but both are limited common. Mr. Snyder also said Mr. David Bell's
12 property is not part of this development but that Mr. Bell has been actively discussing future
13 options for his property with the City.

14
15 Taylor Spendlove said the rear yard of the existing single-family home is private, will be
16 maintained by that private property owner and is not calculated into the common open space
17 requirement for the development as a whole. If the single-family rear yard were calculated into
18 the common open space then the development would exceed the 40% open space requirement.
19 He said the fence and gate located between this development and the Home Depot belongs to the
20 Home Depot. In fact, the Home Depot owns an additional 50-feet beyond the gate to the property
21 line for this development. He said they have no ability to move or change the gate and fence. It is
22 not on Brighton Homes Property. He said the single-family home will be part of the
23 Homeowners Association and will be assessed fees accordingly. He too explained Mr. Bell's
24 property to the west is not part of this project and Brighton Homes has no intention of purchasing
25 Mr. Bells property now or in the future. He said it is not likely the single-family home could ever
26 be subdivide because the underlying zone would not allow it.

27
28 Commissioner Merrill made a **motion** for the Planning Commission to accept the
29 Conceptual Subdivision Plat for the proposed Porter Walton Townhomes Development, located
30 at approximately 564 West Porter Lane, subject to the following:

- 31
32 1. The applicant shall prepare and submit a preliminary subdivision plat and associated
33 construction drawings, as outlined in Chapter 15-3, Preliminary Plat of the Municipal
34 Code.
35 2. The layout and design of the preliminary plat submittal must be consistent with the
36 related City approved Final Site Plan and Conditional Use Permit.
37 3. The applicant shall prepare and submit plat related conditions, covenant, and
38 restrictions (i.e. CC&Rs) that address matters regarding PUD Subdivisions, as
39 outlined in Chapter 15-6 of the Municipal Code.

Reasons for the Action:

- a) The conceptual subdivision is in harmony with the relevant provisions of the General Plan [Section 12-480-1(a)].
- b) The new subdivision is in harmony with the provisions of the Residential-Medium Zone, as approved by the City for the related Final Site Plan and Conditional Use Permit.
- c) With the directives listed, the acceptance is consistent with the expectations for PUD subdivisions, as outlined in Section 15-6, Planned Unit Development.

The motion was seconded by Chair Hirschi and passed by unanimous roll-call vote (6-0). Commissioner Ince abstained from voting.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. The next Planning Commission meeting will be Wednesday, September 9, 2015.
2. Upcoming Agenda Items:
 - Elysian Auto CUP for Used Car Sales in I-H Zone
 - Huffaker Dental Duplex Rezone & Lot Split at 134 S Main Street
3. Mr. Snyder reviewed recently adopted Resolution No. 2015-15 approving compensation in the amount of \$35 for any Commissioner that attends land use (or other applicable training) of a least 2 hours.

The meeting was adjourned at 9:07 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**

APPLICANT: JAMES ROMER
1252 WEST 2850 SOUTH
SYRACUSE, UT 84075
(elysian.auto@gmail.com)

PROPERTY OWNER: MERRIL SHERIFF
707 NORTH 1000 WEST SUITE #1
CENTERVILLE, UT 84014
(msci@readytek.net)

PROPERTY: 1140 WEST 725 NORTH, UNIT "C"

ZONING: INDUSTRIAL-HIGH (I-H)

APPLICATION: CONDITIONAL USE PERMIT – VEHICLE SALES
USED, LIMITED

BACKGROUND

The applicant, Mr. James Romer, has submitted an application for a Conditional Use Permit for the vehicle sales to be located in the West Centerville Neighborhood, as referenced above. The applicant desires to operate a business consisting of vehicle sales and detailing in one of the warehouse suites owned by Mr. Merrill Sheriff. The application indicates the following:

- Vehicle inventory for sale will be a maximum of seven (7) cars
- Parking of inventory will be three (3) in warehouse area with two (2) using outside (common use) stalls, and two (2) for business owner use
- Customer parking will be by appointment only
- Exterior cleanings generating wastewater will be performed at off-site car wash facilities

ZONING ORDINANCE ALLOWANCE

Table of Uses Allowed Chapter 12-36

The Ordinance's "Table of Uses Allowed," specifies that vehicle sales, limited is allowed in the Industrial-High Zone with an approval of a Conditional Use Permit. This specific use is defined in the Zoning Ordinance as, "An establishment engaged in the retail, sale or rental,

from the premises, of used motorcycles, automobiles, and/or light trucks, along with incidental service or maintenance" [Chapter 12-12].

CONDITIONAL USE PERMIT

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

The City's General Plan states that in order for the City to generate revenue for local services "...Centerville City should provide for the establishment and viability of commercial and industrial services in designated areas of the community" [Section 12-430-1]."

Furthermore, the West Centerville Neighborhood Plan states that "*preserving the economic viability is critical to the success of the neighborhood*" (see *Future Land Use, Goal 1, 12-480-6*). However, staff recognizes that language of Objective 1.H, largely focuses on manufacturing, professional services, and specialty retail types of uses for the City's Business Park.

Notwithstanding, the proposed use is to be located in an existing office/warehouse complex and appears to be limited in nature. Thus, staff believes that the proposed use could be deemed consistent with the goals and objectives of the General Plan. Finally, in the past, the City has approved several comparable vehicle sales uses in this same neighborhood.

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 use will be located within an industrial area, which over the years has had several limited use auto dealerships very similar to what is being proposed. Other businesses within the area include; warehousing, car repair, manufacturing, and other like uses. Given the proposed use will be occupying an already existing building; the use will not incur additional impact on the built environment by way of added utility services or supportive infrastructure. Staff believes that the use and the site could be adequate for operating a small dealership, as evidenced by other similar circumstances.

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

It appears that the proposed use will not likely be creating a large amount of noise, or other harmful irritants to the surrounding community. Since the auto dealership will only receive a small number of customers, they will not likely be increasing the amount of traffic within the area.

Additionally from review of the application, the accessory uses proposed consist of, and limited to, interior detailing of the vehicles. Staff is assuming that this means the cleaning of the vehicles. A concern of staff is to ensure that "interior detailing" does not mean engine and/or transmission repair or other like major repairs. Such use would need additional review and consideration with approving a Conditional Use Permit.

Lastly, it is anticipated that since the vehicles are being marketed for purchase, the vehicles on display will likely be operable and in good aesthetic condition, meaning, that no junk vehicles, vehicles in need of repair, or wrecked vehicles would be stored on site. Staff believes that this issue can be mitigated with applying an approval condition to prevent such a problem.

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

A common recurring concern with auto sales, even more in this particular case, is how vehicles are delivered to the site. Every so often, vehicles can come by way of transport truck. This can become a problem when a loading and off-loading area is not provided. Due to the use is part of a larger shared complex of uses and without a full understanding of the proposed business operation, this could become problematic. Deliveries can block other user parking and access, or trucks may stay on the public roads and create a hazard or block other traffic. To mitigate such concerns, staff would recommend some of the following measures:

- Prohibit deliveries by transport truck
- Prohibit the use of public streets for unloading/loading operations
- Require applicant to provide an acceptable logistical plan for the unloading/loading of vehicles before approving the permit
- If deliveries by transport truck are allowed, City Ordinances require that all deliveries must take place between 6:00 a.m. to 9:00 p.m. to ensure compliance with the Noise Ordinance found in Title 07-09-020 of the Municipal Code.

Another concern of staff is the planned parking of inventory vehicles. The business operation is part of an existing complex of office/warehouse suites. The parking stalls for the complex are shared in common or all users of the site. Although a private lease agreement might spell out rights to a certain numbers of stalls, the City approved site plan was calculated to provide a minimum number for employees and customers. Thus, unless there is an excess number of parking stalls for the entire site, staff is not supportive of approving inventory parking that uses the common parking stalls for the complex.

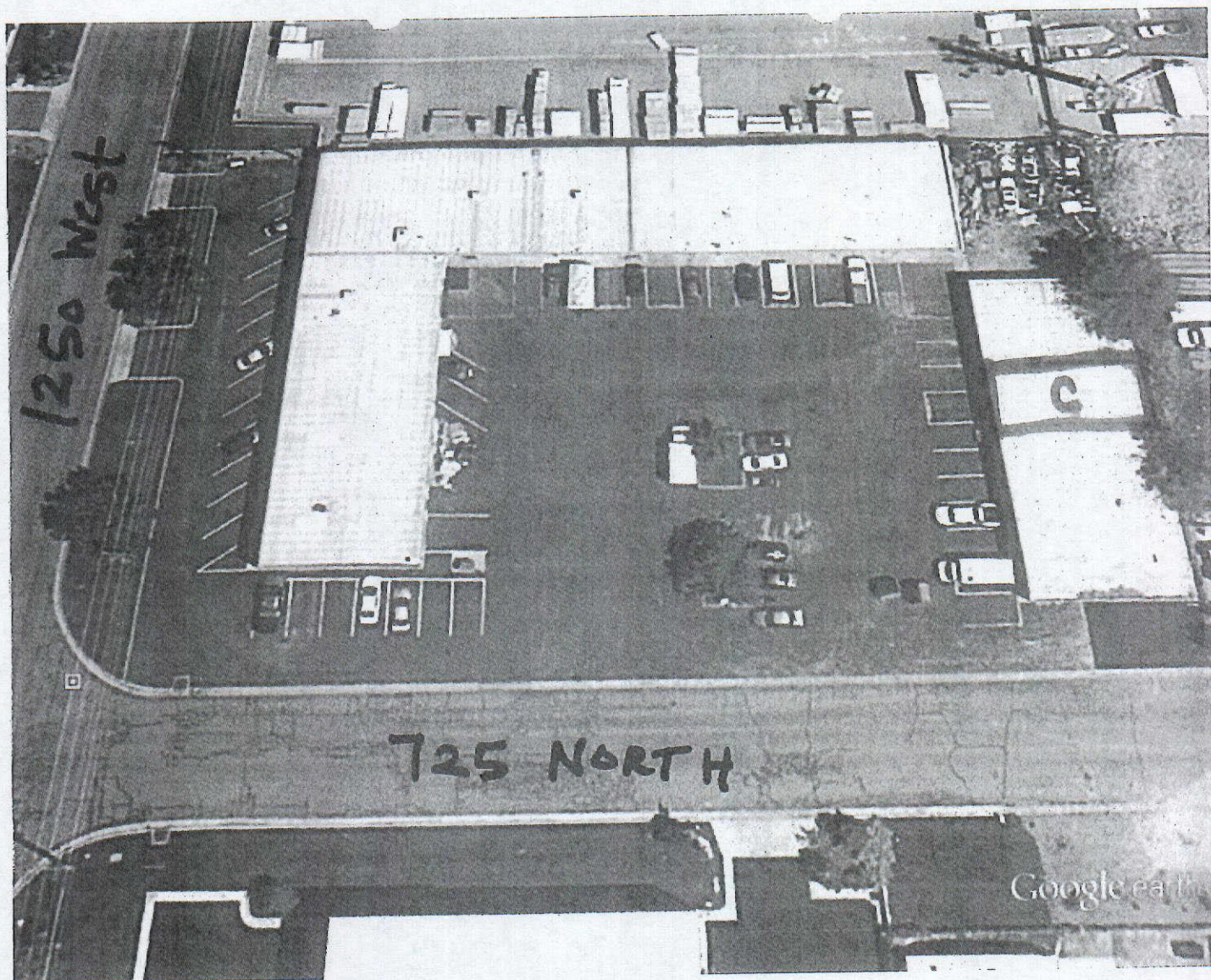
PLANNING STAFF RECOMMENDATION

Suggested motion for a Conditional Use Permit - I hereby make a motion for the Planning Commission to approve the Conditional Use Permit for Elysian Auto Sales LLC, located at 1140 West 725 North, Unit "C", with the following conditions:

1. This Conditional Use Permit shall apply only to the user space located at 1140 West 725 North, Unit "C."
2. This CUP approval is for vehicle sales, limited for the suite.
3. The accessory uses proposed shall consist of, and be limited to, interior detailing of the vehicles. "Interior detailing" does not mean the washing of vehicles or engine and/or transmission repair or other like major repairs.
4. All display vehicles shall be operable and in good condition, and the display of vehicles shall be limited to no more than three (3) vehicles and are to be located within the warehouse space for Unit "C."
5. All deliveries and transporting of vehicles shall occur between the hours of 6:00 a.m. to 9:00 p.m.
6. The delivery of inventory vehicles by transport truck is prohibited.
7. The applicant shall submit an Automobile Dealer License from the State of Utah to the Business License Coordinator and obtain a City Business License prior to occupying or operation of the business.
8. A sign permit application shall be submitted to City staff for approval of any proposed signage relating to the business.
9. All applicable application and professional service fees shall be paid.

Suggested Reasons for the Action (Findings):

1. The applicant has submitted a complete application for a Conditional Use Permit [Section 12-21-100.d.1].
2. The use of vehicle and equipment rental or sales is a permitted use within the Industrial-High Zone with a Conditional Use Permit [Chapter 12-36].
3. The use is consistent with the expectation of the City's General Plan [Section 12-430-1 & Future Land Use, Goal 1, 12-480-6].
4. The use does not appear to have any negative impacts to the existing property and the surrounding community that have not been mitigated by the conditions of approval [Section 12-21-100(e)(3)(A-D), 12-21-100(e)(5)(A-K)].



Google earth

feet
meters

100

50



PLOT PLAN:

d. LAYOUT OF EXISTING BLDG

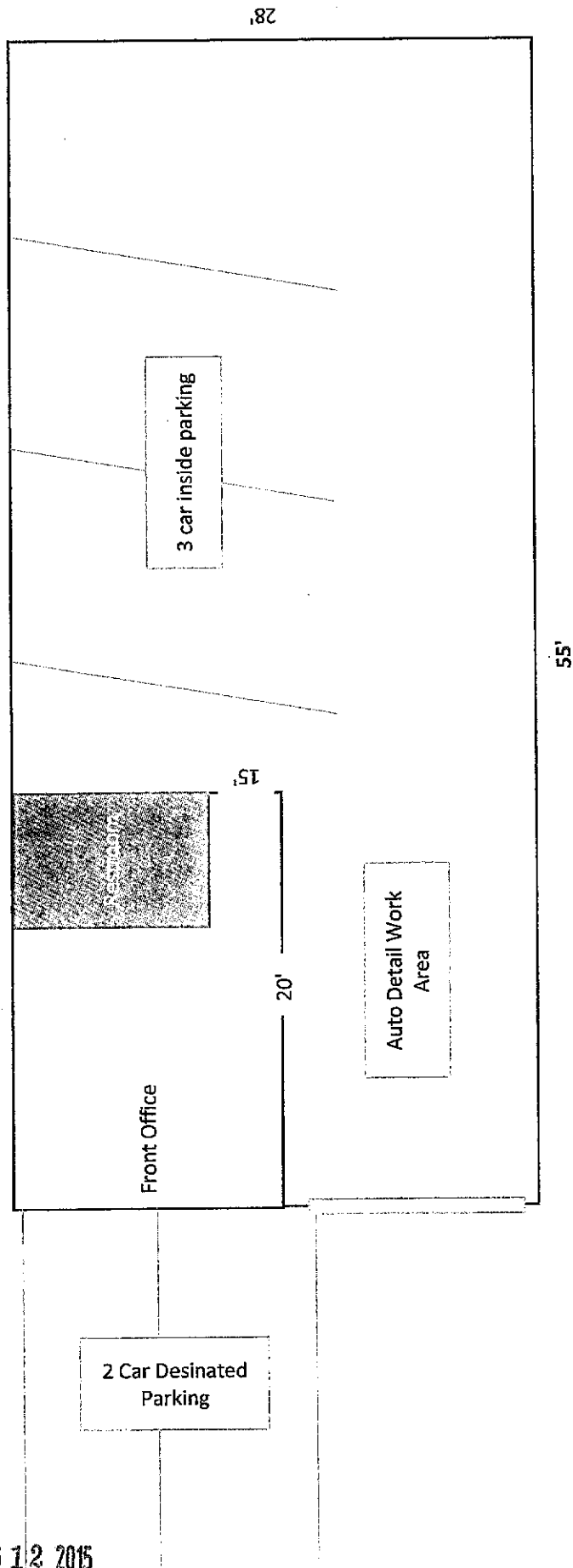
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2 of 3

Plot Map: (1 of 3)

- a. James Romer
- b. 1140 W. 725 N. Centerville Utah
- c. Office/Warehouse (with suggested auto parking/display layout)

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James Romer (1140 W. 725 N Unit C)

12-21-100(e)

The zoning for this business location (I-H) requires a conditional use permit due to the desire to obtain a MVED license and sale a limited number of used autos from the location. The business is a part time side business doing interior auto detailing and auto sales by appointment.

The following are proposed safeguards to minimize any adverse effects on the area.

- Exterior auto cleaning that produces waste water will be done off site at commercial car wash facilities.
- Vehicles being marketed for sale will be stored inside the properties private warehouse or in 2 dedicated parking spots directly in front of unit.
- Inventory of auto available for sale will be kept to a maximum of 7 vehicles, with a max of 5 being kept at the property and 2 for owner's personal use.
- Properties common area parking will only be utilized for customer parking during appointments to show vehicles.

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

**STAFF REPORT
AGENDA: ITEM 2**

APPLICANT:	JEFFERY D. COOK 380 SOUTH MAIN STREET CENTERVILLE, UT 84014
EMAIL:	jeff@cookbuilder.com
PROPERTY OWNER:	LIAHONA ONE, LLC 577 NORTH 100 EAST CENTERVILLE, UT 84014
PROPERTY:	134 SOUTH MAIN STREET
ACREAGE:	0.9 ACRES
ZONING:	COMMERCIAL-MEDIUM (C-M)/SOUTH MAIN STREET CORRIDOR OVERLAY ZONE – TRADITIONAL MAIN STREET DISTRICT
APPLICATION:	SMALL SUBDIVISION WAIVER/LOT SPLIT – FLAG LOT REZONE WEST LOT TO RESIDENTIAL- MEDIUM (R-M)
RECOMMENDATION:	APPROVE THE SMALL SUBDIVISION WAIVER/LOT SPLIT – FLAG LOT AND RECOMMEND APPROVAL FOR THE REZONE OF THE WEST LOT TO R-M

BACKGROUND

The Huffaker Dental property has an excess of land on the northwest portion of the lot, which the applicant desires to utilize for development. The proposal is to construct a duplex on the northwest corner, and divide the property to create two lots. The new lot would need to be rezoned to R-M (Residential-Medium) to allow for a residential use. This staff report will address the division of land and the rezone of the proposed lot to R-M. This rezone request will need to go before the City Council for final approval and finally, the applicant will need to receive an amended final site plan approval for the dental office lot.

SMALL SUBDIVISION PROCESS, SECTION 15-2-107

General Plan

According to the Centerville City Zoning Map, the location of the Huffaker Dental Office is found within the Commercial-Medium (C-M) Zone. The General Plan calls out this location as Neighborhood 2, Southwest Centerville and within the Main Street Transitional Fringe [Section

12-480-3(1)(d)1]. The goal for this area indicates that medium to high density uses may be appropriately developed as long as the use is compatible with the surrounding neighborhood. In addition to residential policies, this section also refers to commercial policies that encourage the use of convenience and specialty shopping areas. It appears the dental office and the proposed duplex will conform to the goals of the General Plan.

Small Subdivision Waiver, Section 15-2-106

A small subdivision is defined as a subdivision of not more than two (2) lots or when the subdivision includes the use of a flag lot [Section 15-1-104(45)]. Since the property located at 134 South Main Street is being divided into a flag lot, it qualifies for the Small Subdivision Waiver, as long as it meets the criteria found in Section 15-2-107 of the Subdivision Ordinance.

Criteria

(a) The small subdivision does not require dedication of land for a street or other public purpose;

➤ **Staff Response:** No land in association with the division will require the dedication of any property to be used for a street. The two lots facing Bamberger Way will have adequate street frontage, and Lot A has an adequate stem width of 25.5 feet. Bamberger Way is already a dedicated public right-of-way with a paved street and a constructed sidewalk.

(b) The small subdivision is not traversed by the mapped lines of a proposed street or a street to be widened, as shown on the master street plan;

➤ **Staff Response:** According to the Master Street Plan, Bamberger Way is considered a minor local street [Section 12-450-1], and will not require any widening in the near future. Additionally, the Master Street Plan does not indicate any new roads being proposed to run through any portion of the proposed lots.

(c) The lots are not part of a small subdivision approved less than three years earlier.

➤ **Staff Response:** The proposed lot is not part of any previous subdivision and with the approval of a Small Subdivision Waiver/Lot Split, the properties will be legal according to Centerville City's Ordinance.

Zoning Ordinance Requirements, Section 15-2-107(2)

This project is unique in the fact that currently the lot is found to be zoned Commercial-Medium, however, with subdividing the property, Lot A will be rezoned to Residential-Medium. Lot A will need to meet the requirements for development within the R-M Zone as a flag lot, yet this would be contingent on receiving approval for a rezone. The dental office was constructed prior to the South Main Street Corridor and would not currently meet the development standards found within the overlay zone. However, no changes are taking place on the dental office property and would, therefore, be considered legally nonconforming.

Applicable Development Standards for the (R-M) Zone (Table 12-31-1)

Lot A			
Development Standards	Required	Actual	Comply
Building Standards			
Distance Between Buildings	6 Feet	65 Feet	
Maximum Height	35 Feet	Unavailable	
Lot and Parcel Standards			
Minimum Area	10,800	14,810.4 Square Feet	Yes
Minimum Frontage	25 Feet	25.5 Feet	Yes
Setbacks			
Front	16 Feet	72 Feet	Yes
Rear	16 Feet	20 Feet	Yes
Side Yard	16 Feet	78 Feet, East 20 Feet, West	Yes

Improvements or Utility Easements, Section 15-2-107(3)

The existing dental office property has all the necessary improvements, while the plans indicate additional utilities for the proposed duplex on Lot A. All utility provider sheets must be submitted prior to the subdivision being recorded. Staff has already received one letter from Questar Gas indicating they can service the new duplex. The plans indicate 3 public utility easements on each lot.

General Requirements for all Subdivisions, Chapter 15-5

It appears the new residential lot has been designed to meet the standards for development within the R-M Zone. The new proposed lot will be developable and able to be built upon and adequately meets the criteria for flag lots concerning configuration and area requirements. Finally, as stated earlier, both lots are in harmony with the goals and objectives of the General Plan.

FLAG LOT REVIEW, SECTION 15-5-102 (9) – (10)**Creation, Section 15-5-102(9)(a)-(e)**

The proposed new flag lot was not part of a previous subdivision plat approval by the City. From the above review, the property also qualifies for approval of the Small Subdivision Waiver/Lot Split. The area within the northwest corner of the Huffaker Dental property is an ideal location for a residential duplex, since no roads are being stubbed into the property and a conventional subdivision would not work behind the commercial offices facing Main Street. Directly west of the proposed duplex is found condominiums and directly south are town homes, therefore the proposed development would be in harmony with the surrounding neighborhood.

Standards and Regulations, Section 15-2-102(10)(a)-(d)

(a) Flag Lot Configuration:

- **Staff Response:** This has been reviewed as part of the development standards.

(b) Flag Lot Yard Area Requirements:

- **Staff Response:** This has been reviewed as part of the development standards on page 3.

(c) Stem Pole Use and Maintenance:

- i. Driveway Access, Minimum Width: Stem/pole driveway must be in cement or asphalt pavement and be a width of 10 feet, intersect a public street and meet the City Standards for a drive approach. If a fire lane is required, it must have necessary pavement and shoulders with an unobstructed minimum width of 20 feet, as required by the fire code.

- **Staff Response:** The stem has been measured at 25 feet, with a shared pavement driveway measured at 22 feet (8 feet of pavement is found on Lot A).

- ii. Stem/Pole, Multiple Use (sharing):

- **Staff Response:** Both Lots A and B will share the existing drive-isle. The combined project area has a total of .90 acres.

- iii. Stem/Pole Addressing Area: An area fronting the public street is required to have a permanent address sign or marker. The sign may not be higher than 3 feet and no larger than 12 square feet. It must be visible, yet still meet the standards found in Section 12-55-230, Visual Obstruction Standards.

- **Staff Response:** This will still be required and be verified at the time the dwelling receives a final inspection after construction.

(d) Utilities and Related Services:

- i. Utilities and other services: All utilities, related services and easements must be provided in accordance to City Ordinances and any requirements recommended by the City Engineer.

- **Staff Response:** The site plan indicates all proposed utilities and easements.

- ii. Fire Access Protection: Fire hydrants, emergency access and turn-a-rounds shall be provided in accordance with the applicable fire code regulations, and other applicable Regulations and Ordinances adopted by the City, State, and any requirements recommended by the City Engineer, upon consultation with the Fire Marshal and the Police Chief.

- **Staff Response:** The property has been found to have adequate fire protection.

- iii. Storm Water Drainage and Control: Flag lots must comply with Section 15-5-105 in regard to storm water, or provide an alternative method of a storm drainage management system acceptable to the City Engineer.
 - **Staff Response:** All grading and drainage will be addressed prior to receiving a building permit.

CONCLUSION

Staff has concluded that the applicant has met all the requirements found within the Subdivision Ordinance in relation to a Small Subdivision Waiver/Lot Split and flag lot. On the final plat to be recorded, the applicant must make sure the correct addressing, signature blocks, legal descriptions and all other required information is indicated. City staff will then review this information before the recording is to take place. The lot split and easements must be recorded before any building permit may be issued. This approval for a flag lot is contingent on the rezone of Lot A from Commercial-Medium to Residential-Medium by the City Council. The applicant will then be required to receive an amended final site plan for the Huffaker Dental building for the configuration of the new lot. This final site plan must address the required landscaping buffer between the commercially zoned property and the residential property. Since, the property is being separated by a common driveway, this most likely is not possible. Therefore, the applicant may need to petition for a Waiver of Strict Compliance as found in Section 12-51-050 of the Zoning Ordinance.

PLANNING STAFF RECOMMENDATIONS

Staff Suggested Action: I hereby make a motion for the Planning Commission to approve the Small Subdivision Waiver/Lot Split – flag lot for Huffaker Dental Property Duplex, located at 134 South Main Street, with the following conditions:

1. The property shall receive a rezone approved by the City Council in relation to Lot A from C-M (Commercial-Medium) to R-M (Residential-Medium).
2. A final amended site plan for the Huffaker Dental Building on Lot B shall be obtained prior to any improvements to Lot A.
3. The required landscaping buffer between Lots A and B shall be addressed as part of the amended final site plan with the petition for the Waiver of Strict Compliance concerning such buffer.
4. A current Title Report shall be submitted with the final site plan application.
5. The small subdivision shall be recorded at the Davis County Recorder's Office prior to receiving a building permit.
6. A bond shall be posted for any on and off-site improvements prior to receiving a building permit.
7. All grading and drainage shall be reviewed by the City Engineer as part of the building permit process.
8. Prior to final occupancy of the duplex, proper stem pole addressing shall be indicated along Bamberger Way.

Suggested Reasons for the Action (Findings):

- a) The proposed Small Subdivision Waiver/Lot Split meets the review requirements for approval found in Section 15-2-106 and 15-2-107.

- b) After the Lot A has received a rezone from Commercial-Medium to Residential-Medium, a flag lot will be an allowable use on the property [Chapter 12-36].
- c) The proposed flag lot meets all applicable criteria for approval [Section 15-5-102(9)(a)-(e)].
- d) The division of land and uses are consistent with the goals and objectives of the General Plan [Section 12-480-3(1)(d)1].

REVIEW AND ANALYSIS OF THE REQUEST FOR R-M ZONING

Factors to be considered, Section 12-21-080(e)

1. Is the proposed amendment consistent with the goals, objectives and policies of the City's General Plan?

- **Staff Response:** As discussed on pages 1 and , the proposed changes are consistent with the General Plan by allowing flexible residential development in an appropriate area, while the commercial is left untouched along Main Street.

2. Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?

- **Staff Response:** This was also previously addressed on page 3, stating that directly west of the proposed duplex is a condominium complex and south are town homes. Lot A being rezoned as R-M, would allow an unutilized piece of land to be developed in a way that is harmonious with the surrounding neighborhood.

3. What is the extent to which the proposed amendment may adversely affect adjacent property?

- **Staff's Response:** Two negative impacts may be found with the rezone and subsequent duplex. First, the isolation of the duplex from the rest of the neighborhood and placed at the back of a parking lot may create an unmaintained property. Next, the creation of a residential zone adjacent to a commercial zone will require a landscape buffer to be created by Huffaker Dental. However, the required amount of 15 feet is not obtainable. Therefore, the buffer may need to be waived as allowed within Section 12-51-050 of the Zoning Ordinance.

4. What is the adequacy of facilities and services intended to serve the subject property?

- **Staff Response:** The properties have access to all facilities and services that are currently available to the area. The applicant will need to address all drainage for the new duplex site to insure that water is not being drained on adjacent parcels. This will need to be review by the City Engineer prior to any building permit being issued.

CONCLUSION

This rezone is conditioned upon the lot being divided and a flag lot being approved on site. The rezone will only apply to the Lot A as indicated on the proposed submitted plat.

PLANNING STAFF RECOMMENDATION

Suggested Motion for an amendment to the Centerville City Zoning Map – I hereby make a motion for the Planning Commission to recommend to the City Council the following amendment to the Centerville City Zoning Map:

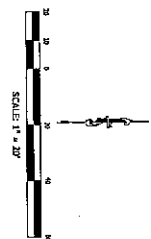
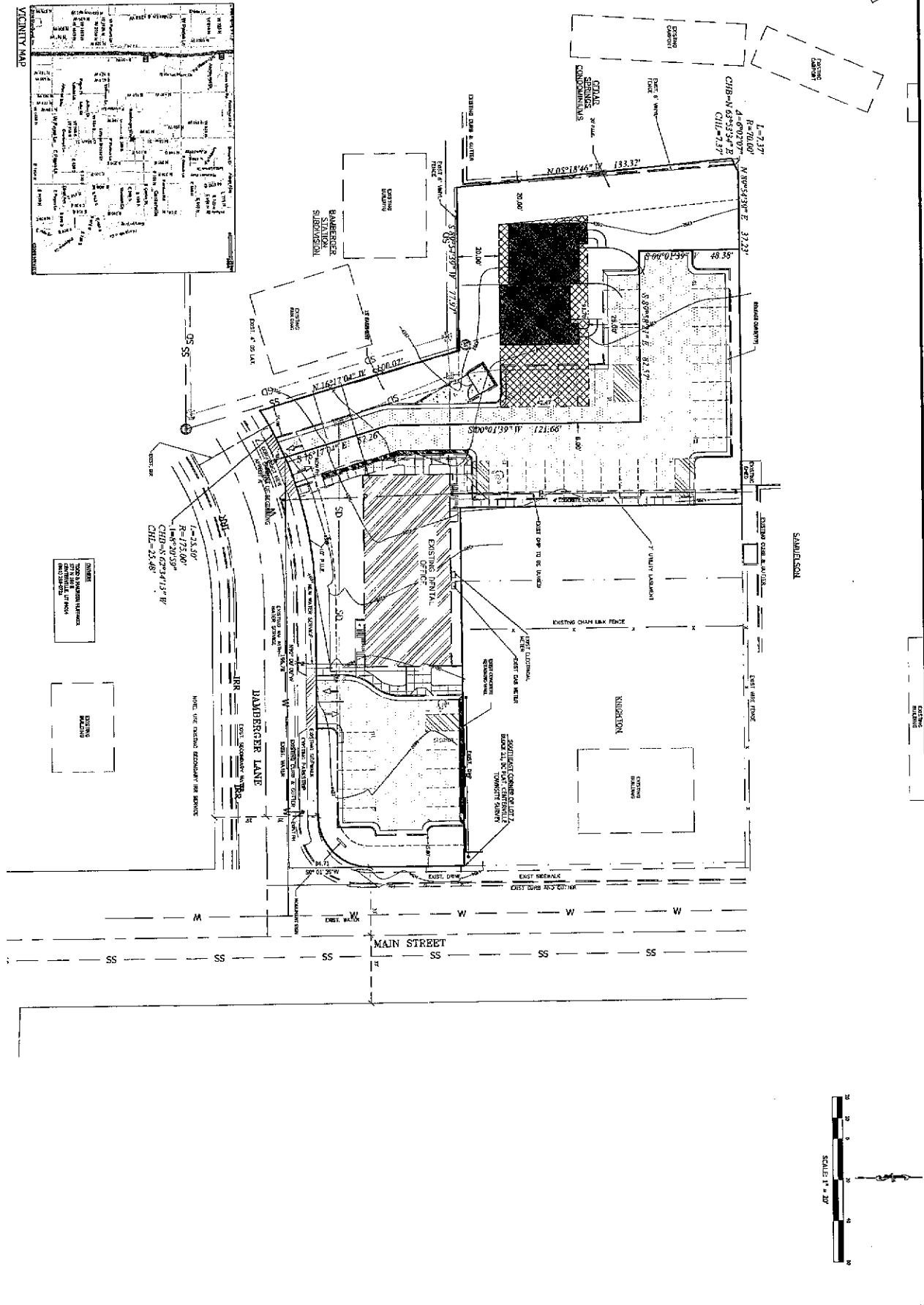
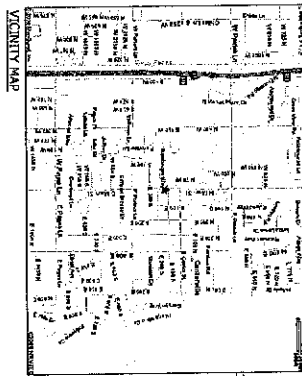
Lot A of the Huffaker Dental Subdivision (.34 acres) shall be rezoned from Commercial-Medium (C-M) to Residential-Medium (R-M). Lot B of the Huffaker Dental Subdivision (.56 acres) shall remain in its current zoning as Commercial-Medium (C-M).

Condition

1. The rezone shall only be executed upon the recording of the flag lot with the Davis County Recorder's Office.

Suggested Reasons for the Action (Findings):

- a) The proposed amendment is contingent on the approval of a Small Subdivision Waiver/Lot Split – flag lot approval by the Planning Commission.
- b) The proposed zoning changes are consistent with the goals and objectives of the General Plan [Section 12-480-3(1)(d)(1)].
- c) The proposed zoning changes are in harmony with the surrounding neighborhood [Current Centerville City Zoning Map, 12-21-080(e)(2)].
- d) If the required landscaping buffer may not be satisfied, a Waiver of Strict Compliance must be obtained [Section 12-51-050].

[illegible]

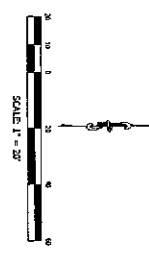
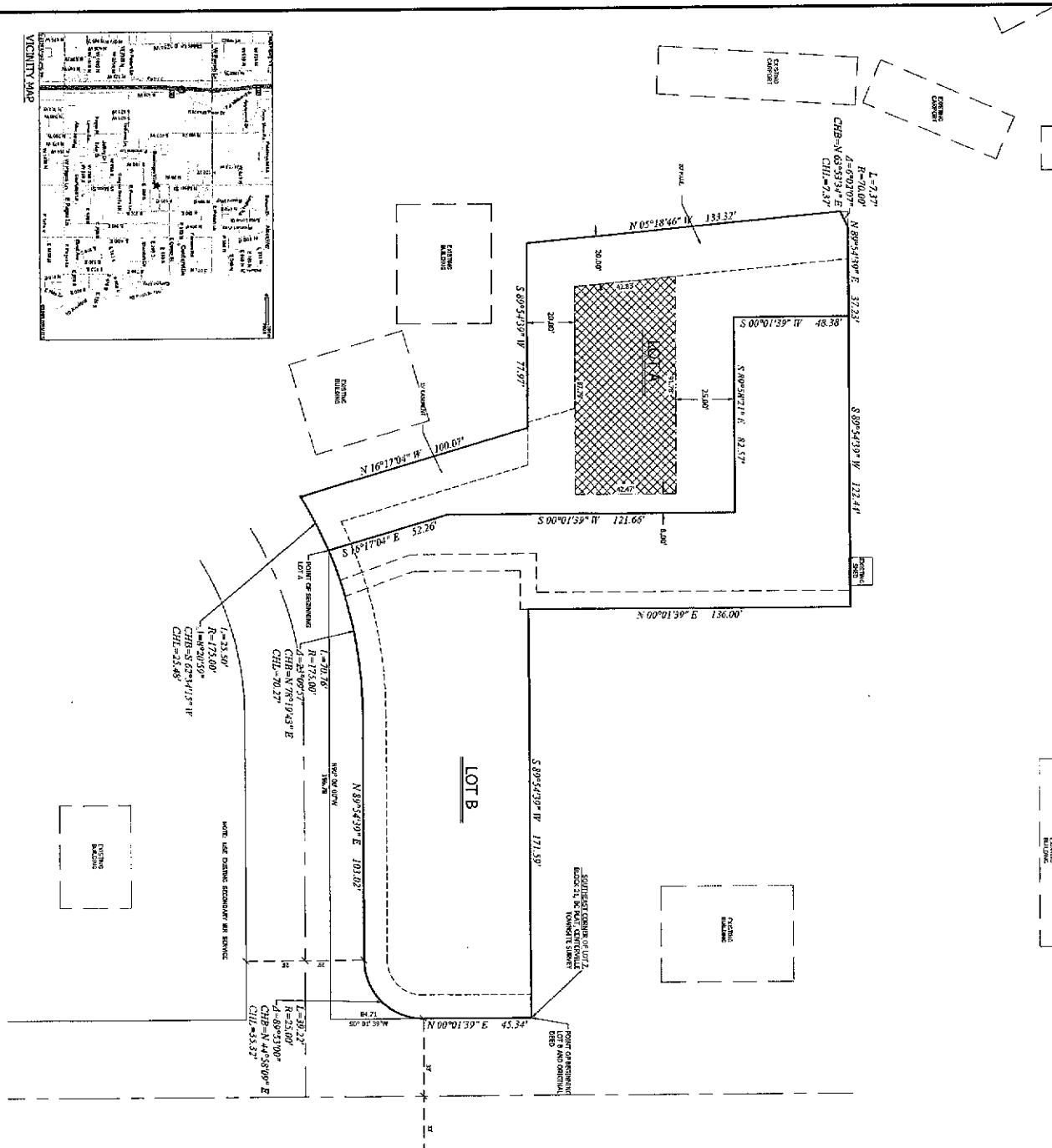
SITE PLAN

HUFFAKER LOT SPLIT

134 SOUTH MAIN STREET
LOCATED IN THE XX 1/4 OF SECTION XX, T.30N., R.3E., S.1.B.8M.
CENTERVILLE CITY, DAVIS COUNTY, UTAH



181 North 200 West, Suite #4
Bountiful, Utah 84010
Phone 801-298-2236
Fax 801-298-5983

[illegible]

						LOT SP-LIT	
HUFFAKER LOT SPLIT							
134 SOUTH MAIN STREET							
LOCATED IN THE XX 3/4 OF SECTION XX, T ₈ N., R ₉ E., S ₁ L.B.M.							
CENTREVILLE CITY, DAVIS COUNTY, UTAH							
SUBM - C DATE 7/20/2000 APPROVED _____ BYL 2Y DATE _____ C-LOT SPLIT STRT PLAN MAP NO. 134/0001.DWG PROJECT NO. 04-2832							

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