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4 **PLANNING COMMISSION MINUTES OF MEETING**

5 **Wednesday, September 25, 2013**

6 **7:00 p.m.**
7

8 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville,
9 Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.
10

11 **MEMBERS PRESENT**

12 Tamilyn Fillmore

13 Brian Holman

14 Kevin Merrill, Chair

15 Debra Randall

16 Steven Markham
17

18 **MEMBERS ABSENT**

19 David Hirschi

20 Scott Kjar
21

22 **STAFF PRESENT**

23 Brandon Toponce, Assistant Planner

24 Lisa Romney, City Attorney

25 Kathy Streadbeck, Recording Secretary
26

27 **PLEDGE OF ALLEGIANCE**

28
29 **OPENING COMMENT/LEGISLATIVE PRAYER**

Commissioner Fillmore

30
31 **MINUTES REVIEW AND APPROVAL**
32

33 Minutes of the Planning Commission meeting held August 28, 2013 were reviewed.
34 Commissioner Randall made a **motion** to approve the minutes as amended. The motion was
35 seconded by Commissioner Fillmore and passed by unanimous vote (5-0).
36

37 **PUBLIC HEARING | DOUG COONS BLDG LOT | 82 WEST WALTON LANE**

38 **Consideration of a conceptual site plan for an un-platted residential building lot, located at**
39 **approximately 82 West Walton Lane (280 South), for the purpose of constructing a new**
40 **dwelling, in the R-L Zone. Douglas Coons, Property Owner & Applicant.**
41

42 Brandon Toponce, Assistant Planner, reported the applicant desires to build a single-
43 family home. The property is located within the Residential-Low (R-L) Zone in which a single-

1 family dwelling is permitted. The proposed use is consistent with the General Plan for the
2 Walton Lane Neighborhood area in which it is located. The proposed site is .35 of an acre, with
3 the plans indicating the proposed new home being 4,430 square feet. The proposed site plan and
4 building plans appear to meet all applicable development standards. At final site plan approval
5 the applicant will be required to show public utility easements on three sides of the property,
6 show all utilities have been properly stubbed to the property, and submit all applicable utility
7 provider sheets. All utility easements must be submitted to the City Engineer for review. In
8 addition, all public utilities will need to be approved by the City Council. The applicant will also
9 be required to pay any development fees including his share of a special improvement district
10 that was created for Walton Lane several years ago prior to receiving a building permit. Staff
11 believes the applicant has clearly shown how the property may be developed and recommends
12 approval of the conceptual site plan.
13

14 Mr. Toponce explained that staff has received a verbal concern from a neighbor to the
15 west in regard to a tree planted on her property close to the property line. The citizen is
16 concerned that construction on the lot will disturb the tree and cause it to die. She stated the tree
17 is of an historic nature and should be preserved. Ordinances do not clearly identify preservation
18 of trees; therefore, staff cannot require the applicant to ensure the tree is protected. However,
19 staff strongly encourages the applicant to address the neighbors concerns in protecting the tree.
20 Staff would also suggest consulting an arborist to determine a safety zone around the tree, so
21 there is no damage to the root system.
22

23 Lisa Romney, City Attorney, distributed a copy of suggested changes to the proposed
24 conditions of approval. She also stated the issue regarding the tree is a private issue and not
25 regulated by the City. Staff has brought the issue to attention and included a condition regarding
26 the tree so as to put the applicant on notice. This issue should not hold up the site plan or
27 building permit processes.
28

29 Doug Coons, applicant, said where a tree hangs over the property line it will be cut back
30 to allow for the home. He explained there are two trees along the property line, one tree will not
31 be significantly cut back but the other may need to be removed in order to allow for construction.
32 He said most property owners would want the ability to plant their own new trees not inherit
33 neighboring trees.
34

35 Chair Merrill opened the public hearing.
36

37 Jason Channell said it will be nice to have a home built on this unkempt vacant property,
38 but he is concerned there may be a property line issue. He said the plans show this property to be

1 70 feet wide, but according to his measurement it is only 68 feet wide. This may put the property
2 under the minimum allowed for a building lot. It would also affect the tree issue. He does not
3 have a problem with the smaller tree being removed, but the larger tree is a flowering chestnut
4 which has been on his property for many years. His home is on the National Historic Registry
5 and it would be sad to see this large tree die. He said if the proposed house plan were flipped
6 then the tree would be over the driveway and not the home. He suggested recent surveys be
7 checked to ensure the property lines are correct.

8
9 Chair Merrill closed the public hearing.

10
11 Mr. Coons said the property has been surveyed and the property is 70 feet wide. There
12 are survey pins in place. He said the stake that Mr. Channell is measuring from is probably an
13 old stake and is not the correct property line.

14
15 Mr. Toponce said staff will verify the survey before the building permit is issued.
16 However, the minimum width for a building lot is 60 feet, so 68 feet would still be permitted
17 under the current ordinances. He also mentioned that only the home falls under the National
18 Historic Register not landscaping.

19
20 Commissioner Fillmore made a **motion** for the Planning Commission to accept the
21 conceptual site plan for the Doug Coons residential lot, located at 82 West Walton Lane, with the
22 following conditions:

23
24 ***Conditions:***

- 25 1. All fees shall be paid; including all related development fees.
- 26 2. All outstanding fees concerning the Walton Lane Special Improvement District shall
27 be paid prior to receiving a building permit.
- 28 3. The applicant shall submit a final site plan application meeting the standards found in
29 Section 12-21-110(e) of the Zoning Ordinance.
- 30 4. All utilities shall be indicated on the final site plan.
- 31 5. All utility provider sheets shall be submitted to City staff at the time of the final site
32 plan application.
- 33 6. Three (3) public utility easements shall be drawn on the site plan with a 10-foot
34 easement along the front property line adjacent to Walton Lane, and two (2)
35 additional easements measured at 7 feet.
- 36 7. Legal descriptions of the public utility easements shall be prepared and reviewed by
37 the City Engineer. The public utility easements must be approved by the City Council
38 and recorded against the property prior to building permit issuance.

- 1 8. The applicant should meet with the western neighbor to come up with a solution
- 2 concerning the historic tree planted adjacent to the project property.
- 3 9. Applicant shall work with City Engineer and Public Works Director to address
- 4 potential ground water issues and to determine lowest floor elevation for future
- 5 construction.

6
7 ***Reasons for Action (findings):***

- 8 1. The applicant has clearly shown how the property may be developed [Section 12-21-
- 9 110(d)(2)].
- 10 2. The applicant has submitted a full application [Section 12-21-110(d)(1)].
- 11 3. Proposed utility easements are required on all developed lots [Section 12-21-
- 12 110(e)(2)(iii)(d), 15-5-106(8)].
- 13 4. A final site plan application shall be required for submittal [Section 12-21-110(e)].

14
15 The motion was seconded by Commissioner Holman and passed by unanimous roll-call
16 vote (5-0).

17
18 **PUBLIC HEARING | PINE HILLS SUBDIVISION | 712 SOUTH 300 EAST**
19 **Consideration of a conceptual subdivision/small subdivision waiver with flag lot for**
20 **property located at 712 South 300 East, in the R-L Zone. Joan Evans, Applicant**
21

22 Brandon Toponce, Assistant Planner, reported the applicant received a final subdivision
23 approval for the Pine Hills Subdivision in 2012. Since that time the approval has expired. The
24 applicant is now seeking a small subdivision waiver with a flag lot request. The applicant
25 believes this is a better option for the property. The proposed subdivision is located within the
26 Residential-Low (R-L) Zone and appears to be in harmony with the General Plan. The proposed
27 plan appears to meet the requirements of a small subdivision waiver. There is no land associated
28 with this proposed subdivision that would require a dedication for the use of a public street. 300
29 East is already a dedicated public right-of-way with a paved street and a constructed sidewalk.
30 However, the applicant has indicated the sidewalk is in bad condition and will be replaced. It
31 does not appear that 300 East will be widened in the near future and the Master Street Plan does
32 not indicate any new roads being proposed through any portion of this property. In addition, the
33 proposed lots are not part of any previous subdivision. The proposed lots that face 300 East have
34 adequate street frontage and Lot 1 has an adequate stem width of 25 feet. According to the
35 proposed site plan it appears all applicable development standards have been satisfied. The
36 applicant will be required to submit all necessary utility provider sheets and show all public
37 utility easements prior to recordation. The City Engineer has indicated that a new fire hydrant
38 must be located adjacent to the driveway into the flag lot.

1 Mr. Toponce reviewed the proposed flag lot. The property is not part of any previous
2 subdivision approvals and does qualify for a small subdivision waiver. It is the opinion of staff
3 that in order for this lot to be developed, a flag lot is the best solution. No streets could be
4 stubbed to the property to allow for proper street frontage or to create a conventional subdivision
5 lot. The proposed flag lot meets all applicable building standards, including stem pole width and
6 length. The stem/pole will be required to have an addressing sign or marker along the street
7 frontage. This will be verified at the time the dwelling receives a final inspection following
8 construction. The applicant will be required to meet all utility easement and fire protection
9 standards as previously mentioned. The proposed flag lot may include a basement with a
10 maximum depth of 6.5 feet, which is above ground water level, in order to maintain proper storm
11 water drainage and control.

12
13 Lisa Romney, City Attorney, distributed a copy of suggested changes to the proposed
14 conditions of approval. She explained the flag lot/small subdivision waiver changes the standard
15 subdivision approval process from five steps to one. The suggested changes clarify additional
16 conditions required for approval of the flag lot/small subdivision waiver and required conditions
17 for preparation of the final plat.

18
19 Commissioner Fillmore said the flag lot ordinance states "the property involved was and
20 is not a part of a previous subdivision plat approval by the City." She said this property was
21 previously approved as a traditional subdivision. She said the flag lot ordinance was intended to
22 be used as a last resort. Is it correct to say this is a last resort? She said if this flag lot is approved
23 it will limit future options for the back property which is significant in size. She said if the flag
24 lot ordinance is truly intended as a last resort it may be necessary to tighten the language of the
25 ordinance.

26
27 Ms. Romney said the previous subdivision plan for this property expired and was never
28 officially recorded. Therefore, the previous subdivision plan is null and void. There is no right to
29 that previous subdivision approval. Ms. Romney agreed it may be beneficial to tighten the
30 language in the flag lot ordinance for clarification, but it is not required. She said the traditional
31 subdivision, which has expired, was not the best use of land because it required a 60-foot right-
32 of-way to one lot. The flag lot option has provided a better use for this property.

33
34 Bill Evans, applicant, said he is not a fan of flag lots but in this case the flag lot option
35 has provided a better use of land by allowing for two street front traditional lots within the city. It
36 is his existing home that will become the flag lot which has been in existence since 1965. He said
37 if it were opposite and his home fronted the street, he would agree a flag lot is not acceptable. He
38 said he was never comfortable with the previous plan because it did not allow for the best public

1 and private use of the land. Dedicating a 60-foot right-of-way in order to access one property
2 was not practical. He said the flag lot ordinance has been created to help with these types of
3 difficult situations. He also said he will comply with all requirements including drainage and fire
4 protection.

5
6 Chair Merrill opened the public hearing. There was no comment; he closed the public
7 hearing.

8
9 Commissioner Fillmore said this is a tricky situation. There are pros and cons to both the
10 traditional subdivision and the flag lot option. In this case, it is reasonable to favor the desires of
11 the property owner and allow the existing home to become a flag lot. She suggested an additional
12 finding be added explaining why this is considered a "last resort" and how this situation is
13 distinguished because there is already an existing structure on the proposed flag lot. Ms. Romney
14 agreed. She also suggested adding to the additional finding that there are no adjacent streets
15 stubbed to the property or that could eventually be constructed through the area.

16
17 Commissioner Fillmore made a **motion** for the Planning Commission to approve the
18 small subdivision waiver/flag lot for the project located at 712 South 300 East, with the
19 following conditions:

20
21 ***Conditions:***

- 22 1. The flag lot approval shall be for the property located at 712 South 300 East.
- 23 2. All professional services fees shall be paid and a bond for any on or off-site
24 improvements shall be posted.
- 25 3. The applicant shall finalize the location of the fire hydrant with the City Engineer and
26 the Fire Marshal prior to the final plat being recorded.
- 27 4. On the final plat to be recorded, the applicant shall make sure the correct addressing,
28 signature blocks, legal descriptions, plat notes, easements for both lots and all other
29 required information is indicated. This information shall then be reviewed by City
30 staff before the recording is to take place.
- 31 5. The plat shall indicate three easements on each lot, all front easement are to be 10 feet
32 and all other sides shall be 7 feet.
- 33 6. All easements shall be accepted by the City Council and recorded, along with the plat
34 at the Davis County Recorder's Office.
- 35 7. A building permit application and plans shall be submitted to the City, reviewed by
36 staff and approved before any construction may begin.
- 37 8. Applicant shall provide the City with current title report (current within 30 days) with
38 submission of final mylar.

9. Additional plat notes shall be added to final plat as required by City Engineer and/or City Attorney; including, but not limited to plat notes regarding ground water disclaimer and lowest floor elevation restrictions.
10. Final Plat is subject to review and approval by City Engineer and City Attorney regarding plat notes, easements, drainage, title issues, etc.

Reasons for Action (findings):

1. The applicant has submitted a completed application for a small subdivision waiver/lot split [Section 15-2-107].
2. A small subdivision for two single-family dwellings match the goals of the Centerville City General Plan in regard to development within Neighborhood 1, Southeast Centerville [Section 12-480-(c)1].
3. The property is currently zoned Residential-Low (R-L) and has met all the applicable development standards found in Chapter 12-32 of the Zoning Ordinance.
4. The general requirements for all subdivisions appear to have been addressed and fulfilled [Chapter 15-5].
5. The flag lot has met all applicable standards found in Section 15-5-102(9)-(10) of the Subdivision Ordinance.
6. The flag lot ordinance leaves room for interpretation with the language "last resort." The Planning Commission finds that this flag lot application meets the criteria because the location of the existing house and the desire of the property owner to save the existing home and also because no street can be stubbed into the property to allow for a proper street frontage or to create a conventional subdivision.

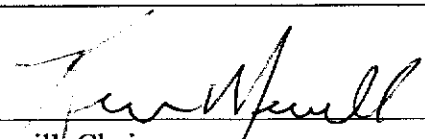
The motion was seconded by Commissioner Holman and passed by unanimous roll-call vote (5-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

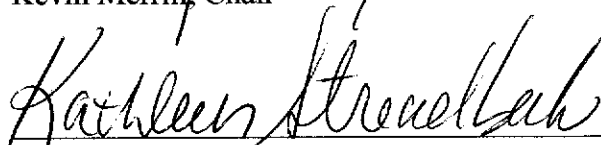
1. The next Planning Commission meeting will be Wednesday, October 9, 2013.
2. Upcoming Agenda Items
 - Brighton Homes Utah LLC, Residential Building Lot, Final Site plan
 - Doug Coons, Residential Building Lot, Final Site Plan
3. Landmark Register Social, Friday, September 27, 2013 at 7:00 p.m.

The meeting was adjourned at 8:16 p.m.

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Kevin Merrill, Chair



Kathleen Streadbeck, Recording Secretary

10-9-13
Date Approved

