

CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON SEPTEMBER 28, 2016 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 Planning Commission 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 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: and at <http://centerville.novusagenda.com/agendapublic>.

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

7:00 PM **A. WELCOME AND ROLL CALL**

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Commission Vice-Chair Logan Johnson

D. MINUTES REVIEW and ACCEPTANCE

September 7, 2016 Joint CC/PC Work Session, September 14, 2016 Planning Commission

E. COMMISSION BUSINESS

- | | |
|------|--|
| 7:10 | 1. Public Hearing - Sal Birnam Woods 100-FT Monopole Tower, 1100 West Porter Lane

Consider the proposed Conditional Use Permit and Conceptual Site Plan for a 100-foot Monopole Tower (wireless telecommunications facility) to be located at approximately 1100 West Porter Lane (400 South) |
| 7:30 | 2. Public Hearing - Code Text Amendment to Prohibit Flag Lot Development

Consider the proposed Zoning Code Text Amendment to prohibit flag lot development in various sections of the Zoning Code and repeal various sections in the Municipal Code, Title 15, Subdivision Ordinance, regarding flag lot provisions |
| 7:50 | 3. Training - Role of Planning Commission

Training by City Attorney Lisa Romney regarding the role of the Planning Commission |

- 8:10 4. Community Development Director's Report 092816
 Items scheduled for October 12, 2016 meeting:
 Code Text Amendment, allow Reception Center in I-H Zone
- 8:15 5. City Council Actions Reports 092816
 Minutes not available for this agenda

F. ADJOURNMENT

CENTERVILLE

Staff Backup Report 9/28/2016

Item No.

Short Title: September 7, 2016 Joint CC/PC Work Session, September 14, 2016 Planning Commission

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ▣ 09-07-2016 Preliminary Draft CC/PC Work Session
- ▣ 09-14-2016 Preliminary Draft Planning Commission
- ▣ Scott Balling Handout for 09-14-2016 PC

Minutes of the Centerville City Council and Planning Commission joint **work session** held Wednesday, September 7, 2016 at 7:00 p.m. in the Centerville City Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Tamilyn Fillmore William Ince Stephanie Ivie George McEwan Robyn Mecham

PLANNING COMMISSIONERS PRESENT

Chair	David P. Hirschi
Commissioners	Cheylynn Hayman Logan Johnson Scott Kjar Becki Wright

COMMISSIONERS ABSENT Kevin Daly
Gina Hirst

STAFF PRESENT Steve Thacker, City Manager
Lisa Romney, City Attorney
Cory Snyder, Community Development Director
Katie Rust, Recording Secretary

STAFF ABSENT Blaine Lutz, Finance Director/Assistant City Manager

PLEDGE OF ALLEGIANCE

PRAYER/THOUGHT Councilman Ince

SOUTH MAIN STREET CORRIDOR PUBLIC SPACE PLAN

Mayor Cutler welcomed the property owners in attendance and emphasized that specific suggestions regarding the South Main Street Corridor (SMSC) Public Space Plan would be most helpful to the Council and Planning Commission. He explained that staff is researching additional options, including the possibility of a revolving loan fund, and the possibility of incentivizing improvement with grants. Councilwoman Fillmore pointed out that proposed changes would happen over time as major redevelopment occurs. The Public Space Plan adopted in November of last year includes the following elements:

1. Wider sidewalks (6' instead of 4' or 5')
2. Park strip on both sides of Main Street
3. Periodic hardscape materials like pavers or colored concrete in the park strip and the 10' behind the sidewalk
4. Decorative elements like planter boxes, benches
5. Decorative pedestrian lighting
6. Enhanced landscaping for 10' behind the sidewalk: (such as trees, shrubs, pavers/patios, hiding of utility boxes, etc.)

1 Councilman Ince pointed out that the current Plan places the financial obligation of the
2 improvements on the owner/developer, and recognized that asking property owners to maintain
3 elements in front of their property would not be sustainable in the long run. The Planning
4 Commission has recommended the City pay for maintenance of elements in the public space.
5 The current requirements apply to new development and redevelopment expanding a structure
6 by more than 30%, or increasing value by more than 50%. The Mayor opened the meeting to
7 public comment at 7:20 p.m.
8

9 Gary O'Brien – Mr. O'Brien owns the O'Brien Glass property and neighboring properties
10 on Main Street between 300 and 400 South. Mr. O'Brien expressed disappointment that he was
11 not aware of the Plan when it passed last November. He asked if the City has any idea what
12 the required improvements would cost property owners. Mr. Thacker presented cost estimates
13 prepared by Dan Sonntag, the landscape engineer under contract with the City, for two
14 scenarios: (1) one cycle of the A&B design pattern (80 feet); and (2) 80 feet of sidewalk and
15 park strip. A copy of the estimates is attached. Mr. O'Brien pointed out that, in his opinion, only
16 the property owners would be impacted by the Plan. He agreed that something needs to be
17 done, and said he was previously trying to do get something done with a developer. Mr. O'Brien
18 said he knows he will have to pay for the improvements one way or another. He said that, since
19 neighbors of his property are not in favor of town homes, he is not sure what he could build on
20 his property; he is not sure he can sell the property and break even with the current Plan. Mr.
21 O'Brien asked if the City will require others to tear down their buildings to have everything
22 matching. Mayor Cutler responded the City will absolutely not require that. The Plan does not
23 affect property owners who do not redevelop.
24

25 Ann Fadel – Ms. Fadel pointed out that from the sidewalk to the road is public space,
26 and everything behind the sidewalk is private property. She referred to a survey question that
27 asked if citizens would want Main Street improved, and stated that of course citizens want it
28 improved, but the property owners are the ones who would have to pay for it. She commented
29 that the requirements would take some of her front property, and added that space for snow
30 storage needs to be considered. Ms. Fadel said she loves the idea of beautification of
31 Centerville, but Main Street does not need any of the elements of the Plan. She said she loves
32 the idea of uniform pedestrian lighting.
33

34 Spencer Summerhays – Mr. Summerhays said it would be helpful to have clarification
35 regarding whether the City would use eminent domain to get the necessary square footage.
36 Mayor Cutler responded there are no plans to take any property, and no plans for the City to
37 force these improvements. Improvements would happen when redevelopment occurs.
38

39 Ms. Fadel said she would love to improve her property, but she does not get business
40 from people just driving down Main Street. Councilman McEwan said he does not see this Plan
41 surviving in its current form. The question is what it needs to look like. Ms. Fadel said she
42 would love to see benches and garbage cans at bus stops, and she would be willing to pay for a
43 light structure, but she expressed concern over liability.
44

45 K. Knighton – Mr. Knighton said he thinks Main Street looks fine the way it is and should
46 be left alone. Improvements would not attract business to Main Street. He expressed the
47 opinion that property owners already lost out when Walmart went in. Mr. Snyder commented
48 that in the past some property owners in the city participated in an SID to help pay for existing
49 infrastructure.
50

51 Councilman McEwan asked Ms. Romney about liability with the hardscape A/B model.
52 Ms. Romney responded that staff is recommending an offset model with hardscape only in the

1 public right-of-way, which is different from the Planning Commission recommendation. The City
2 is typically responsible to ensure sidewalk is maintained in good condition. Mr. Snyder
3 commented that Main Street is a UDOT owned facility, and discussions of liability would need to
4 include UDOT. The public right-of-way is generally eight feet on both sides of the roadway, but
5 varies some. Councilman McEwan stated he is uncomfortable with the number of unknowns
6 related to maintenance and liability.

7
8 Maureen Huffaker – Ms. Huffaker stated her family owns the Huffaker dental office on
9 Main Street. She pointed out that Centerville is not Park City. She would like to see the City
10 help Main Street businesses be successful, and not place additional burdens on the property
11 owners. She commented that inconsistent sidewalk widths as different property owners make
12 changes would look ridiculous. She referred to undeveloped land behind the dental office and
13 asked if development of the land would trigger the requirements. The loss of front property
14 would result in loss of important parking space.

15
16 Bruce Pitt – Mr. Pitt commented that the loss of parking space would reduce property
17 value.

18
19 Mr. Snyder responded to Ms. Huffaker that multiple options are available. If the land
20 were developed commercially which increased the gross floor area greater than 30%, the
21 property would be subject to the six requirements. Mr. Snyder also reference an earlier request
22 to subdivide the property and develop the back area as residential. Mayor Cutler emphasized
23 the need to look to the future and have standards in place. Ms. Huffaker responded that there
24 were standards in place when they built the building eight years ago. Councilman McEwan
25 commented that bike lanes and on-street parking cannot coexist. Mr. Snyder agreed it is
26 difficult to have both.

27
28 Jeff Cook – Mr. Cook said he has been attending Council and Planning Commission
29 meetings in Centerville for 40 years, and he feels things have gotten dramatically better. He
30 expressed appreciation for excellent City staff, particularly Cory Snyder and the Planning
31 Department staff. He said he helped the Huffaker family with construction of the dental office,
32 which conformed to City regulations when it was built. Mr. Cook expressed the opinion that it
33 would be unfair to change things to the point that the Huffakers could not build as originally
34 planned. He said Centerville is a small enough city that properties should be considered
35 individually, one at a time. He said he would love to beautify Main Street, but not with property
36 owners paying a majority of the cost. If extra land is needed, compensation should be given.
37 He emphasized the need to make sure all properties on Main Street have space for snow
38 removal. Mr. Cook said he feels benches only work in specific areas like bus stops. He said he
39 thinks wider sidewalks would be sufficient for snow removal on the west side on Main Street;
40 park strips may not be necessary. Mr. Cook said the city needs to have something in place that
41 will work in front of all properties, not just some of them.

42
43 Mr. Pitt pointed out that right now his property has a three-foot park strip and four-foot
44 sidewalk. As he understands it, the current Plan would require him to surrender 11-feet. The
45 Council and Planning Commission discussed whether or not water-wise plants could survive in
46 the park strips with the volume of snow removed on Main Street every winter. Mr. Pitt
47 suggested that flower pots hanging from existing infrastructure and the flags along Main Street
48 would create a feeling of continuity. Mr. Cook said he hopes the city can work with existing
49 public space. Mr. Snyder commented that retaining walls will be an issue for several properties
50 on the west side of Main Street if redevelopment occurs. Mr. Cook responded that he will build
51 up his property rather than use retaining walls. Every property has inherent issues to deal with.

1 Mr. Cook expressed confidence that nice things can be accomplished if the city is conservative
2 and does not get carried away.
3

4 Jennifer Turnblom – Ms. Turnblom said she owns property on the east side of Main
5 Street. She said she has a major problem with tall elements in the mow strip that would block
6 driver visibility. She said she does not think wider sidewalks make sense for just a few blocks of
7 the street. She said she has heard people comment that they are moving to Centerville
8 because of the lack of sidewalks. Ms. Turnblom said she feels property owners will do what
9 they can to make their properties look nice. As a property owner, she does not want to be told
10 what improvements to make. She said she would love to see the Christmas lights turned on
11 along Main Street. She said she agrees with removing benches from the Plan, and said she
12 does not know how the city would get approval for removing or replacing existing light poles.
13 She commented that adding new, lower lights to existing poles would be nice. She
14 acknowledged that tree roots pushing up portions of sidewalk is a problem. Requiring specific
15 elements would be too much government regulation. Ms. Turnblom suggested the city put
16 together a list of trees that grow well in Centerville for citizens to refer to. She commented that
17 the east side of the area in question is part of Centerville's historic district, and said she would
18 like to see it stay looking like a historic Main Street. She said she feels tall grasses would
19 worsen the mosquito problem, and would be in the way for viewing the 4th of July parade. She
20 suggested the city consider using a drip system rather than a sprinkler system in the park strips.
21

22 Lynette Ricks – Ms. Ricks said she owns the car wash on Main Street. She said she
23 feels the current plan is anti-business. She would not be able to expand without losing business
24 space. She said she does not mind the hanging pots idea, and does not mind a little
25 landscaping, but she would not want to put in anything that blocks a driver's line of sight. She
26 said she could not widen the sidewalk on her property without impacting her business.
27

28 Mr. Pitt suggested that the current Plan would work if all of Main Street were
29 redeveloped by the same developer. On an individual basis, he feels it is taking away property
30 rights. Property values go down when owners cannot do anything with their property. He said
31 he feels continuity could be achieved all along Main Street without unreasonable requirements.
32 Mr. Pitt said he feels the city should scrap the current Plan and enhance the elements and
33 infrastructure already in place, looking at each property individually. He said he feels the
34 current Plan is flamboyant and will not help the property owners. Commissioner Wright said she
35 likes Mr. Pitt's hanging planter idea. Mayor Cutler confirmed that a majority of the cost of
36 extending the flags and brackets along Main Street in 2015 was donated by citizens. Mr. Pitt
37 suggested the design work for the Plan could have been donated by someone who loves
38 Centerville. He suggested the community would come together and beautify Main Street in little
39 ways if given the opportunity. Mr. Pitt said he is saddened that it takes so long to put together
40 and agree on a plan.
41

42 Mr. Summerhays provided a rough drawing of a suggestion. He commented that people
43 are not going to walk on Main Street to accomplish errands. Looking at safety issues, he
44 suggested flashing crosswalk lights on Main Street at Porter Lane, Center Street, and 200
45 North. He suggested symmetry with park strips both east/west and north/south. Mr.
46 Summerhays said he feels all of Centerville would benefit from a cohesive plan. For funding, he
47 suggested a two-pronged approach: a small city-wide development fee for the public space
48 improvements, with property owners contributing a small portion when development occurs. He
49 added that drought-tolerant low grasses do survive Utah winters.
50

51 Kim Samuelson – Mr. Samuelson said he has property on Main Street. He expressed
52 appreciation for all the work that has been done by the Council and Planning Commission. He

1 said he feels it should be law that those who would be affected by change should be notified.
2 He said he feels it is wrong that the Plan passed last November without the property owners
3 knowing about it. Mr. Samuelson said he does not think it would be fair for the city to take up to
4 18 feet and dictate what can be done. He insisted that practicality should be considered. He
5 said he has been maintaining snow removal on the west side with five-foot sidewalks and no
6 park strip. He stated that the telephone poles are ugly and should be taken out and replaced
7 with cement for uniformity.
8

9 Mr. Cook said he feels Centerville needs more crosswalks on Main Street. Mayor Cutler
10 commented that City Council agendas are available on the City website, and citizens can sign
11 up for email delivery to stay informed. Mr. Snyder clarified that a notice was sent to every
12 property owner about the Public Space Plan. He said he thinks there has been confusion
13 between the notice sent for the Public Space Plan and the process that also resulted in
14 amendments because of the TZRO. Councilman McEwan asked what would happen if the
15 Council were to repeal the Plan and revert to previous regulations. Mr. Snyder responded that
16 edits made as a result of the TZRO would remain - reduced density and changed setbacks, with
17 standard UDOT specs for sidewalk and park strip. Councilwoman Mecham asked if the Public
18 Space Plan was originally tied to density. Mr. Snyder explained that the Main Street study done
19 in 2007 included suggestions for ordinances and street-scape that included the idea of re-
20 development with residential mixed use. The Main Street General Plan adopted in 2008
21 included zoning ordinances regulating setbacks and density, with the intention to adopt a public
22 space plan. The public space plan was not tied to density, but the assumption was that the
23 SMSC would have more residential uses and would need more walkability. Councilwoman
24 Fillmore commented that there are a lot of small towns in Utah with historic main streets without
25 a residential element that have still done some level of beautification to help revitalize.
26

27 Councilman McEwan expressed the opinion that the current plan is overreach,
28 disincentivizing redevelopment. Centerville has multi-generational property ownership on Main
29 Street. Councilman McEwan said he does not think symmetry could be developed with the
30 current Plan structure in this environment. Commissioner Wright suggested Centerville start
31 with hanging flower pots and go to the citizens for further support. Councilman McEwan
32 agreed, and mentioned Cedar City as an example. Councilwoman Mecham commented that
33 east winds should be remembered when talking about hanging flower pots, but she thinks flags
34 would be great. Commissioner Kjar pointed out that flowers have to be watered every day or
35 they die. Councilwoman Fillmore added that a lot of things can beautify a property and cost the
36 property owners less in the long run than having to mow and water lawn. Councilman McEwan
37 said he thinks it is important to trust property owners with the beautification of their own
38 property. Chair Hirschi responded that beautification and upkeep on Main Street has been
39 inconsistent, and he feels it is important to present the idea of making improvements and gently
40 encourage change over time. Councilman McEwan agreed, but pointed out that the current
41 Plan does not include enough incentive for the property owners. Councilman Ince commented
42 that he thinks newness drives the feel of an area.
43

44 Responding to a question from Mr. O'Brien, Mayor Cutler explained that UDOT tries to
45 minimize the number of outlets onto a street. Mr. Snyder agreed that UDOT has a policy to
46 reduce the number of curb cuts. UDOT will reconsider right-of-way if a substantial change or
47 redevelopment occurs.
48

49 Eileen Turnblom – Ms. Turnblom said she is sure Mr. Pitt and Mr. O'Brien could put in
50 nice single-family houses on their properties to have residential and business together for a nice
51 neighborhood.

1 Mayor Cutler said he heard mixed responses regarding wider sidewalks and mixed
2 responses regarding park strips and symmetry on both sides of Main Street. He heard some
3 support for decorative pedestrian lighting, if funding is found.
4

5 Ms. Huffaker asked why the city would need decorative lighting for a business area
6 where the businesses are not open at night. Mayor Cutler responded that safety for pedestrians
7 is one reason, but the bigger reason is to achieve a decorative, cohesive feel. Councilman Ince
8 added that lighting becomes a significant safety issue for pedestrians in the evening.
9

10 Mr. Snyder presented an alternative design option that capitalizes on the existing fabric
11 of the SMSC, with elements to mark the north and south boundaries of the area, and continuity
12 with banner poles on both east and west sides. He suggested more decorative street signs at
13 corners to unify the corridor. Councilwoman Fillmore asked about the suggestion to bury power
14 lines. Mr. Thacker responded that a high-level analysis was done in 2015 that showed the cost
15 would be several million dollars to bury the power lines.
16

17 Council members Mecham and Ivie pointed out that some of the property owners have
18 been on hold waiting for a decision to be made. Councilwoman Ivie said she has listened to the
19 input and heard the property owners say they do not want the Plan. Councilwoman Fillmore
20 commented that, compared to the TZRO, the Public Space Plan is a small property right
21 infringement. Councilman McEwan said he is inclined to repeal and revert, and look at
22 properties on a more individual basis. Mr. Thacker encouraged property owners to keep an
23 open mind regarding property lines and easements, and not limit opportunities by refusing to
24 allow any easements to accommodate improvements. It was explained that a setback is still
25 measured from the property line, not from an easement.
26

27 Mr. Pitt said he has hired someone to make drawings for his property, but he is waiting
28 for the Council's decision to know how to move forward.
29

30 Michael Randall – Mr. Randall said he owns the Main Street Garage. Mr. Randall said
31 he has serious questions about the Plan, but there does not seem to be much he can do to
32 control it.
33

34 Chair Hirschi said that, as citizen planners, the Planning Commission tried to really study
35 the issue and spark interest in making Main Street more beautiful. More could be done in the
36 public space, and he suggested the property owners talk together and put together ideas to
37 present to the Planning Commission and Council. Commissioner Wright pointed out that the
38 Centerville Walmart looks and feels nicer than other Walmarts because a strong Public Space
39 Plan was in place for that area. A plan needs to be in place for the SMSC. Councilwoman
40 Fillmore said that, if decisions are going to be made based on cost, a cost benefit analysis
41 would be helpful. She emphasized that the quality of Main Street speaks to the quality of the
42 entire community, and the Council has received a lot of feedback that citizens would like the
43 appearance of Main Street improved. Ms. O'Brien asked the Council and Planning Commission
44 to remember that simplicity is beautiful.
45

46 Councilman McEwan said he would like to ask staff to prepare for the Council to repeal
47 the ordinance at the next Council meeting, with the assumption that quick action will be taken to
48 implement a simpler plan. He said he is willing to take the risk that development will occur
49 during the transition. Mr. Snyder reminded the Council that a recommendation has been made
50 by the Planning Commission that will require action. Councilwoman Fillmore said she feels it
51 would be easier to modify the existing structure than repeal and start from scratch. A majority of

the Council appeared to be in favor of taking action on the Planning Commission recommendation at the next meeting.

ADJOURNMENT

Mayor Cutler adjourned the meeting at 9:54 p.m.

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, September 14, 2016

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

Kevin Daly

David Hirschi, Chair

Logan Johnson

Cheylynn Hayman

Scott Kjar

MEMBERS ABSENT

Gina Hirst

Becki Wright

STAFF PRESENT

Cory Snyder, Community Development Director

Lisa Romney, City Attorney

Marsha L. Morrow, City Recorder

VISITORS

Interested citizens

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Chair Hirschi

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meeting held August 24, 2016 were reviewed and amended. Commissioner Johnson made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Hayman and passed by unanimous roll-call vote (5-0).

PUBLIC HEARING – BALLING TOWNHOMES, 323 EAST PAGES LANE - Consider the proposed Zone Map Amendment for property located at 323 East Pages Lane from C-H (Commercial-High) to R-H (Residential-High) - Scott Balling, Balling Engineering, Property Owner & Applicant.

Cory Snyder, Community Development Director, explained this report was originally prepared by the Assistant Planner, who as of Monday has taken a job as a planner in Amherst, Massachusetts. Mr. Snyder said this is a request for a rezone and is a legislative decision, so the

Planning Commission will make a recommendation to the City Council. The subject property is owned by Mr. Balling and located east of his business located on the corner of Pages Lane and 300 East. Mr. Balling has submitted an application to rezone his property from Commercial-High (C-H) to Residential-High (R-H). He believes his property will be more compatible with adjacent properties if it is amended to allow for multi-family development. The property east of the Balling lot is zoned Residential-High (R-H) and the property to the north, owned by the LDS Church is zoned Residential-Low (R-L). To the west, adjacent to 300 East is the J.A. Taylor Elementary School zoned as Public Facility-Medium (PF-M). Across Pages Lane to the south is the old Dick's Market site, zoned Commercial-High (C-H).

Mr. Snyder explained the criteria review for a zone map amendment, as explained in the staff report.

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

Mr. Snyder said the location of the proposed rezone is within the Neighborhood 1, Southeast Centerville, Section 12-480-2(2), and further divided into other subareas. The subject property is part of the Pages Lane Commercial Area. He explained the general goals and policies of the neighborhood plan address the specific areas around Centerville Elementary and Centerville Junior High, but do not specifically address the area around or near J. A. Taylor Elementary. However, in the "Pages Lane Commercial Area" J. A. Taylor Elementary is referenced in relation to the use and development of commercial sites and detrimental impacts of commercial uses on the school are to be avoided. The debate for the Commission and the City is whether rezoning is: 1) equal to the commercial development concerns; and 2) is the request potentially detrimental to the elementary school?

Mr. Snyder said previous concerns when the applicant tried to rezone this property had to do with access off 300 East adjacent to the loading area of J.A. Taylor. He said the access issue will certainly be something that will need to be dealt with in regards to the impact on the school, whether the property remains Commercial-High or is rezoned to Residential-High. Staff's position is that R-H would be a compatible zone and still maintain the spirit of the City's General Plan.

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

Mr. Snyder stated that commercial potentially does have an impact because it is uniquely different than the residential uses. Historically, in the past the main concern has been vehicular access and will mostly likely be a main concern whether commercial or residential. Residential would bring family and children to the school area, where as commercial uses would not.

Whether that is good or bad, it could be looked at either way. He said, in his opinion, commercial is an oddity on that corner as all the other commercial is on the south side of Pages Lane. Except for the school, all the other property is zoned residential. Therefore staff does not think it would be disharmony to move it to Residential-High Zone.

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

Mr. Snyder stated that as indicated before, access is probably historically been the main concern. Whether commercial or residential, access off of Pages Lane or 300 East each introduce a different set of impacts. Commercial does have some conditional uses i.e. car wash, car lot, fast food, etc. that the Planning Commission can use as mitigation. However, this site is probably not feasible for some of those types of conditional uses. Residential-High you have conditional use on density—anything greater than 8 units an acre, that has ability to mitigate impact, but there is a permitted allowance of up to 8 units an acre. He further explained the parking issues depending on the density. This property is almost ½ acre in net density. Gross density is what our ordinance is and that would make this property nearly ¾ acre. Physically the site might be limited on the number of dwellings that could actually be put on this site due to the number of parking stalls that would be required per unit, depending on the size.

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

Mr. Snyder said the site would have adequate facilities and uses to serve the development. Staff is of the opinion that the request for R-H is not out of character with the criteria for the rezone and support the idea of moving it from commercial to a multi-family zoning.

Chair Hirschi asked for clarification on the number of dwelling units that would be permitted on this site without a conditional use and with a conditional use. Mr. Snyder said with residential-high the number of units allowed would be 8 units per acre. With a conditional use it could be upwards of 9-12 units. With the size of the property you could probably be looking at 6 on the low end and 9 on the high end, or again 6-9 with a conditional use.

Commissioner Johnson asked about the current access points on the property and if they would be grandfathered in. Mr. Snyder said Centerville is different than UDOT. UDOT controlled roads have very stringent access standards. Both Pages and 300 East are Centerville controlled roads. The engineer would look at distances from corners, i.e. the offset of left turns.

Scott Balling, applicant, distributed a handout to the Planning Commission (attached). Mr. Balling informed the Commissioners that he tried to deliver this to every neighbor within 500 feet of the property. He said they own two parcels of land on the corner of 300 East and

Pages Lane. Each parcel was purchased separately at different times. The parcel on the south contains the office building currently occupied by Balling Engineering. The south parcel has access off Pages Lane. The north parcel has a sole access from the frontage on 300 East Street. He explained that about 10 years ago, he submitted a request to rezone the north property from C-H to R-H with the intention of developing a triplex on the property. This request was approved by the Planning Commission. However, there was substantial opposition to the plan at the City Council level due to the vehicular access off of 300 East because of the loading and unloading at the elementary school across the street on 300 East. At our recommendation, the City Council tabled it for that reason and requested we meet with the adjacent property owners in hopes of reaching an agreement. They met with several of the adjacent owners, but could not see a viable way of continuing their engineering business and also provide an access to the residential property to the north. Because of economic reasons and their desire to meet these wishes, they decided to hold off on this request until the commercial uses to the south were changed or discontinued.

Mr. Balling said at this time their request is to rezone both parcels with a plan of a sole access to a multi-unit development on Pages Lane. They would discontinue all the commercial uses of the property and remove all existing access and curb cuts from 300 East Street. The existing “No Parking” restrictions along the frontage of this property are in agreement with his proposed plans and would remain.

As stated before, Mr. Balling said this is the only commercial property on the north side of Pages Lane and, therefore, is probably not in harmony with the adjacent areas. The property was originally built as a banking facility with a drive-through teller window that exits onto 300 East Street. That curb cut has remained as commercial access to 300 East Street. As commercially zoned property, there are permitted uses that are readily viable such as a bed and breakfast, rental services, child care facilities, laundry and dry cleaning services, printing and copying services, general retail and second-hand stores. Many of these uses are less than desirable, particularly adjacent to the loading area at the elementary school. He said the demand for commercial property along Pages Lane has been diminished substantially the last 5 to 10 years, which is evident by the excessive vacancies. These vacancies have a tendency to diminish and destroy property values, leave properties in disrepair and neglect and increase crime and loitering. In the last year they have had a masonry wall on the site tagged with graffiti and substantial theft on the property. They anticipate that this will increase. For these reasons they feel it best they move forward with a rejuvenating plan and discontinue commercial uses. Their request for R-H zoning would be an up-zone from its current usage and is the only option which is compatible with the area. This is the same zoning as the two properties to the east. The nearest single-family residence is over 300 feet from this property and within that same distances there are 12 multi-family apartment or townhome dwellings. To mandate this property be zoned an R-M or R-L Zone would allow only single-family homes or lesser density and would not be in harmony with the adjacent properties. It would be spot zoning, arbitrary and capricious. It would

1 place an unjustifiable and damaging burden on this property, which is not required on adjacent
2 properties.

3
4 Mr. Balling said should the R-H Zone be approved, the property would be granted a
5 permitted use of up to 8 units per acre and a conditional use of up to 12 units per acre. The site
6 has an attributed area of 0.73 acres, therefore the permitted use would be granted up to 5.7 units
7 per acres and the conditional use up to 8.7 units. He is only proposing to have 6 units, as shown
8 on the plans in the handout.

9
10 Mr. Balling said he wants to be upfront with his intentions of what they want to construct
11 on this property from the beginning. Therefore, the site plan has been provided (sheet 3 of the
12 handout), along with floor and elevation plans for the proposed townhomes. All the townhomes
13 would be developed in a PUD type format so that each unit can be individually and separately
14 owned. These townhomes would be similar to the townhomes found on the corner of Pages and
15 400 East Street. They will include 2-car enclosed garages, three or more bedrooms, three or more
16 bathrooms, master bedroom suites and large family and gathering rooms. It is their desire to
17 have most of the master bedroom suites (4) on the main floor. The finished floor area of all units
18 would be from 1,700 to 2,400 square feet (excludes the garage area). The expected value of all
19 units will exceed \$300,000.

20
21 Mr. Balling explained the elevation, heights and setbacks of the townhomes as shown in
22 the handout. He said in all cases the height of the townhomes would be less than the height of
23 the existing commercial building. The setbacks would be equal to or less than the setbacks with
24 the existing commercial building. He explained the exterior design and materials style
25 architecture, the grade of asphalt shingles, pop-out supports, columns, and corbels as shown on
26 the elevation views of the handout.

27
28 Mr. Balling said he just completed a traditional style 10-plex townhome development in
29 Farmington. As designed, this proposed project would contain many extras that exceed the
30 quality of this recent project. He attached a picture in the handout.

31
32 Mr. Balling said that as property owners on Pages Lane, they can see that something
33 needs to be done to revitalize this area and stimulate some attractive and updated uses. He
34 believes this project may be the first and set a beautiful precedence in the area, which they hope
35 will be extended and followed. He thanked the Planning Commission for their consideration.

36
37 Commissioner Kjar asked if these units would be for rental or sold units. Mr. Balling
38 responded they are hoping to be sold units. Whether they retain ownership he can't say for sure.
39

1 Chair Hirschi asked about his Farmington project. Mr. Balling responded that they retain
2 ownership, rented all out within a month's time and they receive \$1,700 per unit. He said these
3 units are two story, so mostly are occupied by young families.
4

5 Commissioner Hayman, asked staff if this project were to move forward with the density
6 of 6 units on the $\frac{3}{4}$ acres, how does this compare with the Shaela Park density? Mr. Snyder
7 responded that the Shaela Park was about 6.5 units per acre. It was less than the Hafoka property.
8 That was approximately 7.7 or 7.8 units per acre.
9

10 Chair Hirschi opened the public hearing.
11

12 Marti Money, Centerville, thanked the Planning Commission for all the work they do.
13 She commented on all the work that has been done by the property owner. However, she feels
14 medium density would be enough for neighborhoods such as this neighborhood. The higher
15 density, permitted use density seems to be a mistake. She appreciated the comment regarding
16 the Hafoka property. Certainly, there were a lot of lessons learned with that development. She
17 said as a community we are still trying to learn those lessons, and it is her hope that the
18 legislative body will see the merits in controlling the density. As Centerville continues to be built
19 out, medium density should be the highest density that is permitted.
20

21 Richard Ryan, indicated that he lived in Centerville when Mr. Balling tried to get the
22 previous building going and trying to get the access onto 300 East Street. He said the biggest
23 concern about 300 East was the wideness of the road. It is not a typically wide road and with the
24 school it makes it pretty difficulty to maneuver. He would prefer that there not be an access off
25 300 East. He is not necessarily for high density and would rather see it as medium density, but
26 would not really oppose it if the density was kept at 6 units per acre. He likes what Mr. Balling
27 does and appreciates what he has done with the property the past few years. Mr. Ryan said, he
28 would much rather see it residential than commercial, however, he would prefer it be medium
29 density.
30

31 Shauna Chumakov, reiterated what had already been said. She appreciated residential
32 coming in rather than staying commercial. She does not agree with the fact that it be high-
33 density. She would prefer it be more of a medium-density, but understands the need to get what
34 you want out of your property. Centerville is a great place to live and is a very family-centered
35 community. She would prefer the units be owner-based and not rental units because of the
36 transient factor. Ms. Chumakov said she would like to have a statute that makes it so the highest
37 density allowed or permitted would be medium-density. She doesn't want Centerville to become
38 like Salt Lake.
39

40 Dale Engberson, asked the Commission what the difference was between high density
41 and medium density. He said he knows that Mr. Balling has invested a lot of money in the

1 property over the years. He said something less desirable could be developed if it were to remain
2 zoned commercial-high. He thinks the rights of the property owner should be taken into
3 consideration in the decision to rezone the property to residential-high.
4

5 Garth Heer, said he and his wife own the property to the east of Mr. Balling's property.
6 He said Mr. Balling's arrangement looks to him to be a very nice arrangement. His concern is
7 that the units have the back facing onto 300 East. He would like to see this addressed so as not
8 to have garbage cans or parking on 300 East to have a better curb appeal. Mr. Heer said his units
9 have some renters that have lived in his units for 20 years and are solid citizens. He said Mr.
10 Balling with his business next door has been very good neighbors.
11

12 Chair Hirschi thanked the citizens for their comments. He said he had a letter submitted
13 for the record from Heather Strasser and Marti Money because they were not able to attend the
14 meeting tonight. However, Marti Money was present and presented her views. The letter states
15 they are essentially opposed to high density for a variety of reasons outlined in the letter. Chair
16 Hirschi said one of the reasons in the letter that hasn't already been stated by others tonight is the
17 potential precedence that would be set for changing the zoning here and what affect it might have
18 on other areas, such as across the street, or other areas in south Centerville.
19

20 Seeing no one else wishing to speak, Chair Hirschi closed the public hearing.
21

22 Chair Hirschi invited the applicant to respond to what has been said. Cory Snyder, said
23 he would like to respond to Mr. Engbersen's question regarding the difference between high
24 density and medium density before the applicant responds. Mr. Snyder said the density for R-H
25 is up to 8 units an acre for permitted use and 9-12 for conditional use. He said the permitted use
26 in the R-M is 1-4 units an acre and conditional use is 5-8. Chair Hirschi stated that even with a
27 conditional use the R-M could still have 5-8 units per acre. Mr. Snyder concurred.
28

29 Mr. Snyder said he would also like to address the relation to surrounding properties, the
30 commercial high is the predominant zoning in the area. Over the past few years, this has
31 deteriorated. The goal is to look at redevelopment of this property. It may or may not be related
32 to the site being considered tonight, but the Planning Commission should at least keep that in
33 mind. In discussions that have taken place, there has been mentioned the possibility of replacing
34 the commercial to residential. The absorption rate for redevelopment would create a high-
35 density neighborhood here. Whether that would be in a year or 15 years, there is that possibility
36 that if this property doesn't remain commercial, it could be a high-density neighborhood area.
37 The Planning Commission needs to look at weighing the balance with the surrounding
38 properties.
39
40

1 Scott Balling, applicant, said he agrees with Mr. Snyder that the “details are in the
2 design” of this. They have put a lot of thought and design in this proposed project. He said their
3 intentions are to maximize the value of what they build on this site. They are shooting for the
4 high-end townhome. He feels quality is important and they are aiming for the highest quality
5 with this project. He reiterated their intentions to record these individually so they have the
6 potential to sell each unit.

7
8 Mr. Balling responded to the comment regarding the view from the west. He said they
9 also think that is very critical. He said all garbage facilities would be inside the courtyard
10 (Section C of the handout shows the view from the west). However, they are opened to
11 suggestions to make it look nicer.

12
13 Chair Hirschi asked Mr. Balling if he had any anticipation of privacy fencing along 300
14 East. Mr. Balling said he has thought about putting a nice wall of some kind, similar to the
15 masonry wall they put in with the neighbors to the east. They would certainly have to have
16 approval from the LDS church. He said he would rather make the units look nicer that put a
17 privacy fence on 300 East.

18
19 Commissioner Hayman asked about the backyards and how they would be cared for. Mr.
20 Balling responded they are wanting to record this as a PUD, with each unit privately owned and
21 all the yards are commonly owned, with a homeowners association being responsible for the
22 maintenance of the grass areas. Commissioner Hayman commended Mr. Balling for all the work
23 he has put into this and for the handout which has been very helpful for them to see what his
24 intentions are for developing his property.

25
26 Chair Hirschi made a **motion** for the Planning Commission to accept the Zone Map
27 Amendment for 323 East Pages Lane from Commercial-High (C-H) to Residential-High (R-H),
28 and to recommend approval to the City Council for the following reasons:

29
30 ***Reasons For The Action:***

- 31 a) The proposed amendment meets the requirements found in Section 12.21.080(4)(e).
32 b) The proposed Zone Map Amendment is consistent with the overall intent of the goals
33 and objectives of the General Plan [Section 12.480.2(c)].
34 c) According to the associated Neighborhood Plan, amending the zoning map for this
35 location to Residential-High (R-H) appears to likely have less of a long-term impact
36 on the surrounding neighborhood than the current zoning of Commercial-High (C-H)
37 that is anticipated in the plan.

38
39 Commissioner Johnson seconded the motion.
40

1 Commissioner Johnson stated that when he first came onto the Planning Commission,
2 there was a subject property for rezone and the public concern was the precedence that would be
3 set, which would allow more and more to happen. He didn't think that was the case at the time,
4 but that the Planning Commission considers each rezone request on a case-by-case basis. In his
5 opinion he thinks as a Commission they should look at what's happened in the past as to the
6 surrounding properties and what affect the rezone would have on those surrounding properties.

7
8 Chair Hirschi asked about the 4-plex that was built on the corner of Pages Lane and 400
9 East and if staff knew the zoning of that property before it was rezone R-H. Cory responded that
10 was before his time. Scott Balling said he did the work for Mr. Trump on that property. It was a
11 central PUD, all individually owned. There is a homeowners association maintaining the yards.
12 Mr. Balling, did not, however, remember what the land was zoned prior to that.

13
14 There was further discussion on the density of the property if it were to be zoned R-M.
15 Cory calculated that the R-M caps at 8 so that would allow 5 units under the R-M and R-H is
16 capped at 8 so 6 would be permitted.

17
18 Commissioner Kjar commented that he didn't think the R-H zoning was out of character
19 with the surrounding properties. He thinks it would be a nice addition to the area. He said he is
20 not troubled with the R-H request because that is what the zoning is just to the east and more
21 than likely the reality is that it will be the same across the street.

22
23 Commissioner Daly, said he doesn't live to far from this area and his kids go to J.A.
24 Taylor. He is concerned about what will happen to the Dick's property across the street. He
25 thinks that is very important to consider in their discussions. He said he would be greatly
26 opposed to high-density on the Dick's property and would fight against it. He is also concerned
27 about the precedence that would be set with this rezone request. Centerville is a bedroom
28 community and with all the discussions regarding Main Street he doesn't think Centerville wants
29 higher density. What they are looking for his more R-M.

30
31 Commissioner Daly said he did contact the principal of J.A. Taylor to see how this would
32 affect the school. The principal said J.A. Taylor does have the capacity for additional students, so
33 this particular development would not necessarily overburden the school. The principal was,
34 however, concerned about the timing. With school already started, by adding an additional 20
35 kids could strain things. He said the school cannot turn away any student that lives within the
36 school boundaries. Commissioner Daly said this project wouldn't necessarily be detrimental to
37 the school but he would be very concerned with higher density across the street and what affect
38 that would have on the school. He said he would not object to the R-M Zone in this case and not
39 the higher density because of the precedence that would be set, even though it is zoned higher
40 density to the east.

Chair Hirschi commented that while it is important to look to the future, they have a property owner who is invested in his property, who has been paying commercial taxes on that property for a long period of time. Mr. Balling has presented a plan on how to develop this property in a manner that has been presented, either in a 5 unit or 6 unit format. It is not going to make a detrimental impact to the school or surrounding properties with either case. Chair Hirschi said he would weigh in on approving the zoning as requested because he doesn't see any impacts that this would have that they couldn't address at a future day, especially from the standpoint of precedence.

Commissioner Hayman commented that she came into the meeting thinking that R-M would be sufficient, but the applicant has presented a plan where she has changed her mind and she tends to concur with Chair Hirschi to be in favor of the R-H zoning for this property, especially since the property to the east is zoned R-H.

Commissioner Daly said the property is zoned commercial-high and the property owner has every right to develop his property as commercial-high. He said the Commission can be proactive in their planning to decide what it is they want in the south end of Centerville. He said everything around Dick's, with a few minor exceptions, is residential-low. He thinks it would be a mistake to put more than residential-medium in the neighborhood.

Following further discussion, Commissioner Johnson called the question on the motion. Commissioner Johnson said he tends to agree with Commissioner Daly. He feels whether they zone it R-M or R-H, they are sending two distinct messages that will be sent to the development community.

A roll call vote was taken and the motion passed by a (4-1) vote. Commissioners Kjar, Hayman, Hirschi and Johnson voted in favor of the motion. Commissioner Daly voted against the motion.

PUBLIC HEARING – CHAPEL RIDGE COVE PUD, 2172 N CHAPEL RIDGE CIR - Consider the proposed R-L/PDO amendment for Chapel Ridge Cove P.U.D., which consists of amending use of specific house plans for Lots 5, 6, 8, 9 & 10 - Jacob Toombs, Millcreek Homes, Applicant.

Cory Snyder, Community Development Director explained that this project is on the north end of Centerville by the Park Hills Subdivision east of the LDS Chapel. This is a planned development overlay project with an R-M Zoning. The reason the PDO was put in place was due to the down-hill cul-de-sac and there were a number of problems associated with that. Along with the approval were exceptions, including designs of the homes. There are notes on the plat pertaining to designs and setbacks and how decks are measured. Mr. Snyder said at the time, the developer committed to three elevations. He said they didn't really review the floor plans and approve the floor plans designs per say, but approved the front elevations of the Deuel, Parrish

1 and the Grover plans. A couple of those plans and elevations have been built in the project. The
2 new owner of the project, Millcreek Homes, owns the remaining lots and the petitioner, Mr.
3 Jacob Tombs, desires to amend the architectural house style designs of the PDO Master
4 Conceptual Plan and related approvals for the Chapel Ridge Subdivision. This proposed
5 amendment can be summed up as follows:

- 6 • In addition to the three (3) approved building elevations, known as Deuel, Parrish, and
7 Grover, allow other house styles proposed as Plan 1, Plan 2 and Plan 3 (as shown on
8 attachments in the staff report).
- 9 • However, keep in place the approved architectural theme, materials list, and the 360
10 degree visual requirements of the original approvals.

11
12 Mr. Snyder explained that amendments to a PDO approval are subject to the original
13 procedure used for obtaining a preliminary approval. Thus, the process to amend the Chapel
14 Ridge PDO Master Plan is to review the changes, notice and hold a public hearing, debate the
15 merits of the request, and make a recommendation to the City Council, whom repeats the same
16 decision-making process.

17
18 According to Section 12.41.010, the purpose of the PDO provisions is to allow "...mixed
19 residential/commercial projects to be developed in a manner that allows design flexibility,
20 integration of mutually compatible uses, integration of open spaces, clustering of dwelling units,
21 and optimum land planning with greater efficiency, convenience and amenity than is possible
22 under conventional zone regulations."

23
24 Thus, Section 12.41.070 allows for "variations from development standards" from both the
25 Subdivision and Zoning Ordinances. However, the proposed amendments are not variations from
26 our adopted standards, any such request was already approved. Nonetheless, in the original PDO
27 approval, the developer (originally, Mr. Alan Prince) committed to specific design elevations
28 relating to house plans for the subdivision lots. This request is not to make any other changes,
29 but just adding three additional elevations to the original three elevations to try and market those
30 lots. It is staff's opinion that the amendment request would remain consistent with the intent of
31 the original PDO and Subdivision Plan review and approvals and staff is supportive of the
32 request.

33
34 Jacob Toombs, applicant, explained their desire is to offer different floor plans and not
35 restrict the floor plans to what is currently available. They want to be able to offer more options,
36 yet still follow the design elements on the exterior. They would keep the feel of the
37 neighborhood the same. Mr. Snyder said the elevations drive the floor plan and they have been
38 limited to the three floor plans. Mr. Snyder asked for clarification. He said it was his
39 understanding that they were just wanting to add three additional elevations to the three currently
40 approved. But apparently Mr. Toombs is asking for the ability to be flexible in the floor plans
41 they offer, providing those plans meet all the architectural requirements. Mr. Toombs agreed

1 that was their intention. Mr. Snyder said the Planning Commission can approve the modification
2 without having to be renoticed.

3
4 Commissioner Daly said he wanted to make sure he understood that everything else
5 would remain the same, the developer is just wanting the leeway to change the floor plans. Mr.
6 Toombs agreed. He said they wanted to keep the craftsman style architecture. Mr. Snyder said
7 the plat notes would remain in place for the design and they would still be subject to the 360
8 degree elevation.

9
10 Chair Hirschi asked how many homes were occupied. Mr. Toombs replied there were
11 currently 5 occupied homes and 5 lots to be built on.

12
13 Chair Hirschi opened the public hearing. Seeing no one wishing to comment, he closed
14 the public hearing.

15
16 Cory Snyder reminded the Planning Commissioners that this is a recommendation to the
17 City Council because it involves a PDO approval.

18
19 Commissioner Kjar made a motion for the Planning Commission to recommend to the
20 City Council, to approve the petition to amend the Chapel Ridge Subdivision PDO approval, as
21 follows:

- 22
23 1. In addition to the three (3) approved building elevations, known as Deuel, Parrish
24 and Grover, other house styles are approved and are labeled as Plan 1, Plan 2 and
25 Plan 3, as submitted with the amendment request, dated August 23, 2016.
26 2. However, the amendment shall keep in place the approved architectural theme,
27 materials list, and the 360 degree visual requirements of the original approvals.
28

29 ***Reasons for the Action (Findings):***

- 30 a) The Commission finds that amendments to a PDO approval are subject to the original
31 procedure used for obtaining a preliminary approval.
32 b) The Commission finds that according to Section 12.41.010, the purpose of the PDO
33 provisions is to allow "...mixed residential/commercial projects to be developed in a
34 manner that allows design flexibility, integration of mutually compatible uses,
35 integration of open spaces, clustering of dwelling units, and optimum land planning
36 with greater efficiency, convenience and amenity than is possible under conventional
37 zone regulations."
38 c) The Commission finds that Section 12.41.070 allows for "variations from
39 development standards" from both the Subdivision and Zoning Ordinances.

- 1 d) The Commission finds that the proposed amendments are not variations from our
2 adopted standards, any such request was already approved with the original PDO
3 approval.
4 e) The Commission finds that original design concern seemed to entail the discussions
5 around the setbacks and the house elevation design elements and not particularly
6 focused on actual floor plans for the homes.
7 f) Therefore, the Commission finds that the amendment request would remain consist
8 with the intent of the original PDO and Subdivision Plan review and approvals.
9

10 Commissioner Daly seconded the motion.
11

12 Commissioner Daly made a motion to amend the motion to include other house
13 elevations that are compatible in style, architectural feature and materials and meet all other
14 requirements of the PDO. Chair Hirschi seconded the motion to amend. The motion passed by
15 unanimous roll-call vote (5-0).
16

17 Chair Hirschi asked for a vote on the main motion as amended. The motion passed by
18 unanimous roll-call vote (5-0).
19

20 **PUBLIC HEARING – CODE TEXT AMENDMENT, CLIMATE CONTROLLED**
21 **STORAGE - Consider the proposed Zoning Code Text Amendment to add a new business**
22 **use of “Storage, Climate Controlled” to various sections of the code, in response to the**
23 **application submitted - Steve Tate, Applicant.**
24

25 Commissioner Johnson recused himself from this item because he has significant
26 professional interest in this topic.
27

28 Cory Snyder, Community Development Director, reported this was brought before the
29 Planning Commission in a prior meeting. The request is to add “climate controlled storage” to
30 utilize some space that he feels is currently underutilized or vacant. Mr. Tate has interest in the
31 Parrish Square shopping area just west of Dicks’ Market (where Auto Zone and TonyBurgers are
32 located). Mr. Tate has a building suite (previously a gym) where he would like to establish a
33 “climate controlled storage” type use. Currently, this type of use is not listed in Centerville’s
34 Zoning Ordinance. Therefore, his petition is to create a definition, list the use in the Table of
35 Uses, and allow such use to be located in the C-H Zone.
36

37 Mr. Snyder stated there was some discussion at the August 10, 2016 Planning
38 Commission meeting and the Commission directed staff to re-evaluate the matter and consider
39 options such as an “overlay district, new zoning district, etc.” to allow for the possibility of
40 allowing this specific use within the area of the Parrish Square Shopping Center. Staff have
41 identified the following three options for the Planning Commission to consider:

- 1) **OPTION #1 “ALL C-H ZONES ALLOWANCE”** – Consider allowing “climate controlled storage” in all of the Commercial-High Zones. However, limit the allowable square feet to a maximum of 10,000 square feet to mitigate the over proliferation of this, as previously discussed by the Commission. The amendments would consist of adding the use to the C-H Zone, but restricting the size in the use Table 12.35, shown in the staff report.

Mr. Snyder explained the pros and cons of this option. He said this would eliminate targeting specific location areas. Additionally, the purpose of the C-H Zone is to allow building sizes ranging from 10,000 to 50,000 square feet (see Section 12.30.020.d.2). However, this option allows the subject use in all C-H Zoning Districts. The subject use would be the only listed use to the lower end of the allowable building size range.

- 2) **OPTION #2 “USE THE ZONING OVERLAY ALLOWANCE”** – The subject area and use desired by the applicant is located in the “Parrish Square Shopping Center,” which is already located in an overlay district. It is in the South Main Street Corridor. The South Main Street Corridor has the underlying zone uses and adds other uses that are not in other areas of the city, such as C-M cannot have single-family in all other C-M districts. But in the SMSC there is C-M plus single-family. So the overlay already exists in its framework. However, some alterations and additions would have to be added, as explained in the example amendment in the staff report.

Mr. Snyder explained the pros and cons of this option. This amendment capitalizes on the existing South Main Street Overlay District using the North Gateway Area as distinctly differently than other C-H Districts. The Parrish Square Shopping Area could be used differently and apart from the other C-H Zoning Districts to accomplish the desires of the applicant. He stated the Main Street Overlay is primarily focused on allowing additional uses to incentivize re-development of buildings and uses to create a “gateway identify” for the Main Street Corridor. Adding a secondary or “filler use” could act as a delay to the desire future anticipated by the overlay plan and promote keeping the area in an “as is” condition.

- 3) **OPTION #3 “ESTABLISH A NEW ZONE”** – This would be the most intensive and complex option. As was previously discussed by the Commission, consider creating a new Zoning District just for the Parrish Square Shopping Area. This would take a lot of effort to write up a new zoning district and all the associated language and regulations. A new zone would entail creating and writing up the following:

- Purpose
- Scope
- Definitions
- Uses Allowed
- Development Standards

- General Applicable Regulations
- Regulations for Specific Uses (Optional)
- Special Regulations

Staff's concern is that the existing commercial areas are listed in a sequential use based on intensity, consisting of Medium, High, and Very-High. Is the Parrish Square Shopping Center and its existing uses something really different than one of these classifications? Is there something at this location that calls for a new and specific district unlike or substantially unique from the commercial zones of the city? Staff believes that undertaking such a task for the limited purposed "climate controlled storage" is largely unwarranted if this is the focus for making any amendments.

Mr. Snyder said the Planning Commission should discuss the proposed options and determine if one of the listed options seems viable. The Commission could also provide any additional suggestions and ideas. Staff would then prepare the specific language and related text edits and bring back at a following meeting for the Commission to review, hold a hearing, and forward an official recommendation to the City Council.

Commissioner Kjar said that from his experience this kind of "climate controlled storage" is something that is on the horizon and is not something new. He has seen more and more of it in the industry. He thinks this is something that the Planning Commission needs to look at and consider. He understands the difficulty in finding tenants for this kind of space. Commissioner Kjar said he would prefer Option No. 1 creating a zoning use that can be used everywhere but there is a square foot limitation.

Steve Tate, applicant, said he has reviewed the three options and appreciates all the time and effort that Cory has put into it. He questioned if a radius restriction could be added to Option 1, but was informed that this could not be an option. Mr. Tate said he has continued to try and lease this space without success, but knows they could solve their dilemma if they were able to add the climate controlled storage. He said his concern with Option 2 about being removed from the South Main Street Corridor Overlay, with those requirements to pull buildings out to the street, would be catastrophic to them as a developer if they were subjected to those requirements for redevelopment.

Commissioner Daly asked the applicant the amount of square footage he was dealing with. Mr. Tate responded he has two corner units. One is the dance studio which is approximately 4,400 square feet. The other corner, the one he is dealing with, is about 4,200 square feet with the 36 inches of frontage, which is the door. If this request moved forward and he lost the dance studio in the future, his intent would be to have the same use for that corner. They can be accessed in the back with loading docks. It would be key card access. The doors are

the same size in the back, but he would consider expanding that so as to get a power jack through the door.

Chair Hirschi opened the public hearing. See no one wishing to comment, he closed the public hearing.

Chair Hirschi stated their task is to look at the alternatives and any other alternatives they might come up with and give direction to staff to prepare some specific language for their consideration at another meeting. Chair Hirschi said he liked Option No. 2 for two reasons: 1) it avoids the issue of opening it up to all commercial-high zones, and he would like to avoid the proliferation issue; and 2) it can accomplish more than one thing the way it is structured. He doesn't anticipate it changing anytime soon, but if it did change from a development perspective to make it look nicer, it would be prohibitive if it would have to follow all of the requirements of the SMSC in order to get that kind of redevelopment. Therefore, he would favor Option 2 and direct staff to bring back an ordinance to consider that would support that.

Commissioner Daly said he agreed with Chair Hirschi. He said if they were to go with Option 1, he would recommend a change to limit the square footage on C-H as well to eliminate the possibility of the Walmart and Target areas falling into that possibility in the future. He said Option 2 solves that problem without creating additional problems.

Chair Hirschi made a motion to direct staff to further explore Option No. 2 and bring back a specific ordinance by the first meeting in October. The motion was seconded by Commissioner Daly and passed by unanimous roll-call vote (5-0).

PUBLIC HEARING – CODE TEXT AMENDMENT, SOUTH MAIN STREET CORRIDOR (SMSC) – Scope Correction - Consider the proposed Zoning Code Text Amendment to the South Main Street Corridor (SMSC) Overlay Zone Public Space Plan in Section 12.48.180 - Centerville City, Applicant.

City Attorney Lisa Romney, explained to the Planning Commissioners that when the City readopted the entire Zoning Code there was an unintentional change, an inadvertent correction to the term Residential "Boulevard" Subdistrict changed the intended applicability of the SMSC Public Space Plan. She said adding the term "Boulevard" to the Residential Subdistricts reference unintentionally made the SMSC Public Space Plan applicable to the North Gateway Mixed-Use Subdistrict and the Pages Lane Mixed-Use Subdistrict. This proposed amendment to Subsection 12.48.180(b) is to specifically list the Subdistricts subject to the SMSC Public Space Plan; i.e. the Traditional Main Street and City Center Subdistricts. As these amendments are to correct an inadvertent change to the applicability of the SMSC Public Space Plan, it is being brought back to the Planning Commission approval and recommendation to the City Council.

Chair Hirschi opened the public hearing. Seeing no one wishing to comment, he closed the public hearing.

Commissioner Kjar made a **motion** to recommend approval of Ordinance No. 2016-26 regarding the Zoning Code text amendments as shown in the staff report. Commissioner Hayman seconded the motion and passed by unanimous roll-call vote (5-0).

Ms. Romney informed the Commissioners that this was scheduled for the September 20 Council meeting. The Council will also be addressing the SMSC Public Space Plan. She has prepared three different ordinances because they are looking at several different options. Ms. Romney explained the different ordinances for the Council's consideration.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. Items scheduled to September 28, 2016:

- Sal Barnum 100 ft. cell tower at approximately 1100 West Porter Lane
- Code Text Amendment, Flag Lot Ordinance

Mr. Snyder informed the Commissioners that he would not be at the October 26 meeting as he will be out of the country. He said he will try to lighten the load, noting that they only hold one meeting a month for November and December. Lisa Romney, City Attorney, said she also will not be at the October 26 meeting. There was some discussion on whether to change the night of the meeting. Nothing was determined.

Chair Hirschi said they also have some training scheduled for their next meeting.

CITY COUNCIL ACTIONS REPORT

Cory Snyder, Community Development Director, reported to the Commissioners recent actions taken by the City Council.

- **September 6, 2016:** GP Amendment – Bicycle & Non-Motorized Vehicle Pathways & Trails Map
Motion: Tabled pending revised maps from City staff.
- **September 6, 2016:** Accessory Building Setbacks & Flag Lot Ordinance Amendments.
Motion: Planning Commission to consider removal from Subdivision Ordinance. Planning Commission to revisit accessory building requirements, specifically setbacks and heights.

Chair Hirschi made a motion to adjourn. Commissioner Kjar seconded the motion and passed by unanimous vote (5-0).

The meeting was adjourned at 9:27 p.m.

David Hirschi, Chair

Date Approved

Marsha L. Morrow, City Recorder

Dear Neighboring Property Owner

As you may be aware, the owners of the property, Scott and Angie Balling, on the corner of Pages Lane and 300 East Street have made a request for rezone from a current Commercial C-1 Zone to a Residential R-H Zone. This request is made such that the owner can discontinue the commercial use of the property and replace the existing building with multi-unit residential townhomes. The request will be heard at the planning commission meeting schedule for Wednesday, September 14th at 7:10 pm. at the Centerville City Hall. You have been invited to participate in a public hearing regarding this request at that time.

As you make your decisions concerning this request the owners we would like to answer any questions or concerns about their intentions and provide you with the attached information for your review as follows:

Access to 300 West Street

The current property is divided into two parcels. The north parcel is currently vacant and the south parcel contains the office building currently occupied by Balling Engineering. The current sole access of the north property is from the frontage it maintains on 300 East Street. The south property also maintains a seldom used existing commercial access to 300 East Street. About ten years ago a request to rezone the north property with the intention of developing a trio of townhomes facing 300 West was presented to Centerville City. The request received planning commission approval but there was substantial opposition to the plan from property owners on 300 East with the desire to discontinue any vehicular access to this street. At the City Council meeting the item was tabled for this reason and thereafter for economic reasons the owner has not pursued this plan further.

At this time the owners are now ready to discontinue the commercial use of both properties and therefore are able and willing to meet the requests of the adjacent residents that all vehicular access will be from Pages Lane. I have provided you with a site plan that shows this intended access. As you can see this will provide a courtyard type development with all garages facing the South and East. The owners are agreeable to and prefer the existing "No Curb Parking" that is posted along their frontage on 300 East Street.

Compatibility of this Rezone Request.

This property is currently the only commercially zoned property on the north side of Pages Lane and therefore it is probably out of harmony with the adjacent areas. The property could currently change its commercial uses at any time to any of the uses allowed within a C-1 Zone without city involvement other than obtaining a business license. Many and most of these uses would involve the use of the existing access to 300 East Street. The demand for commercial property on Pages Lane has been declining for several years to the point that we are beginning to experience the downsides of substantial commercial vacancy. This property is no exceptions to these downsides. Within the past year the masonry walls on site have been tagged with graffiti and onsite theft of property has occurred.

The request for an R-H zone is the only option which is compatible with the area. This is the same existing zone as the two properties to the east. The nearest single family residence is over 300 feet from this property and within that same distance there are 12 multi-family apartment or townhome dwellings.

Density

Should the R-H Zone be approved this property would be granted a permitted use of up to 8 units per acre and a conditional use of up to 12 units per acre. The site has an attributed area of 0.73 acres and therefore the permitted use would be up to 5.7 units and the conditional use would be up to 8.7 Units. The attached plans show 6 units.

Description and size of the proposed units.

I have provided you with site, floor, and elevation plans for the proposed townhomes. All of these townhomes will be developed in a P.U.D format such that each unit may be individually and separately owned. These properties will be somewhat similar to the townhomes found on the corner of Pages Lane and 400 East. All of the units will include the following:

- Two car enclosed garages
- Three or more bedrooms
- Three or more bathrooms
- Master bedroom suites
- Large family and gathering rooms.

It is the desire of the owner to provide most (4 of the units) with the Master Bedroom Suite on the Main Floor. With the exclusion of the garages the finished floor area of all units will be from 1,700 to 2,400 square feet. It is expected that the value of all units will exceed \$300,000.00.

Elevations, Heights and Setbacks

The intended setback of the townhomes is 25 feet from Pages Lane and 20 Feet from 300 East Street. This meets the zone requirements. It is also equal or exceeds the setback distance of the existing commercial building. Due to the fact that all sewer lines drain to Pages Lane and the existing Sewer Lines on 300 East fronting this property are less than five feet deep, and that fact that with the courtyard access proposed and the necessity to drain this courtyard towards Pages Lane it will not be possible to provide full depth basements facing 300 East Street. As shown on Elevation Section C-C that is attached the elevation from the West will have all of the basement windows exposed without the need for window wells. There are two middle units proposed with second floor usage. In all cases the height of the building will be less than the height of the existing commercial building.

Exterior Design and Materials

The owners desire to develop these townhomes with a craftsman style architecture. All exterior surfaces, with exception of the soffits and fascia trim, will be of either masonry or a "Hardy Board" type material. The roofs will contain architectural grade asphalt shingles. Many extra pop-outs, supports, columns, and corbels as shown on the elevation views have been added to give this project the true craftsman style.

Past Experience of the Owner/Developer

The Owner just completed a traditional style 10-plex townhome development located at 155 West 620 South in Farmington. As designed, this project will contain many extras that exceed in quality this recent project. We invite you to visit and review this site. I have attached a picture for your review.

As property owners on Pages Lane we can see that something needs to be done to revitalize this area and stimulate some attractive and updated uses. We believe that this project may be the first and set a beautiful precedence in the area that we hope will be extended and followed. If you have any questions of the owners or would like to meet them in person and discuss any additional concerns or possible betterments related to this project please contact us. Thanks for your considerations.

Scott and Angie Balling
801-589-7305
Email: jscottballing@gmail.com

300 East St.

N00°01'41"W 197.70'

24.75'

N00°01'41"W 154.70'

B.M. D.L. = 4328.0
Top D.L. = 4328.0

Main Floor Elev. = 4334.50
Basement Floor Elev. = 4323.08

Main Floor Elev. = 4334.50
Basement Floor Elev. = 4323.08

LDS Church
Property

N89°35'15"E 113.92'

S74°07'20"E N89°43'55"E
5.42' 1.41'

Garth Herr
Property

Pages Lane

N89°36'20"E 159.38'

33.00'

N00°36'27"E 63.01'

Site Summary

Area (sq. ft.) Percent

Building 8,326 37.2

Landscaping 8,961 40.1

Driveway and Walks 5,067 22.7

Total 22,354 100

Area to Centerlines 31,800 0.73 Acres

Number of Units 6 Units

Density 8.2 Units/Acre

Parking 18 Spaces (3 per Unit)

Unit Dimensions

Unit 1 (3 Bedroom, 2.5 Bath)

Basement 913 sq. ft.

Main Floor 894 sq. ft.

Total 1,807 sq. ft.

Unit 2 (4 Bedroom, 3.5 Bath)

Basement 807 sq. ft.

Main Floor 788 sq. ft.

2nd Floor 729 sq. ft.

Total 2,324 sq. ft.

Unit 3 (3 Bedroom, 2.5 Bath)

Basement 1,532 sq. ft.

Main Floor 1,063 sq. ft.

Total 2,595 sq. ft.

Unit 4 (4 Bedroom, 3.5 Bath)

Basement 934 sq. ft.

Main Floor 934 sq. ft.

Total 1,868 sq. ft.

Unit 5 (4 Bedroom, 3.5 Bath)

Basement 827 sq. ft.

Main Floor 799 sq. ft.

2nd Floor 777 sq. ft.

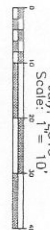
Total 2,403 sq. ft.

Unit 6 (3 Bedroom, 2.5 Bath)

Basement 1,047 sq. ft.

Main Floor 1,017 sq. ft.

Total 2,064 sq. ft.



The Cottages on the Corner

Site Grading Plan

For Kestrel Bay LLC
329 East Page Lane
Centerville, Utah 84014
Phone: 801-589-7305
Email: jacobballing@gmail.com



Balling Engineering

Civil Engineering • Surveying • Planning

323 E. Pages Lane
Centerville, Utah 84014

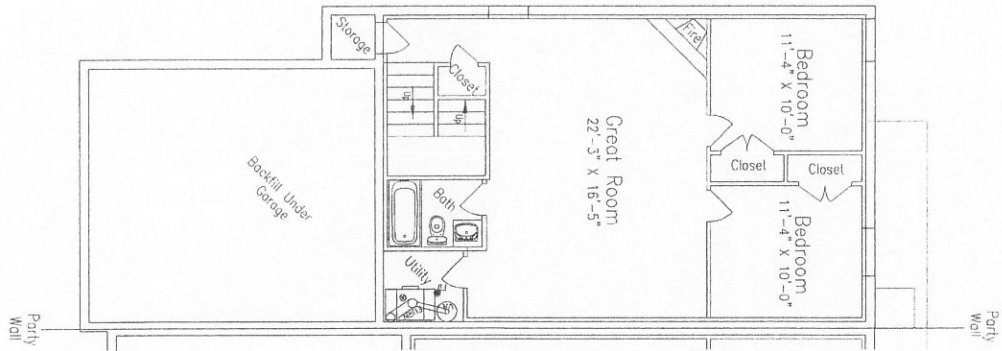
Phone: (801) 295-7237
Fax: (801) 299-0419

Revisions			
Date	Description	By	

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Date Surveyed	
Drafting	
Checked By	
Submit Date	08-12-16
File Number	

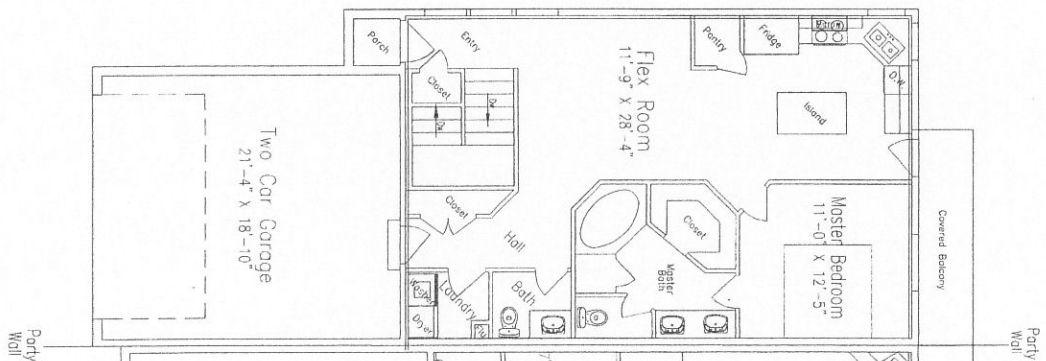
C101

Sheet 1 of 1



Unit 2

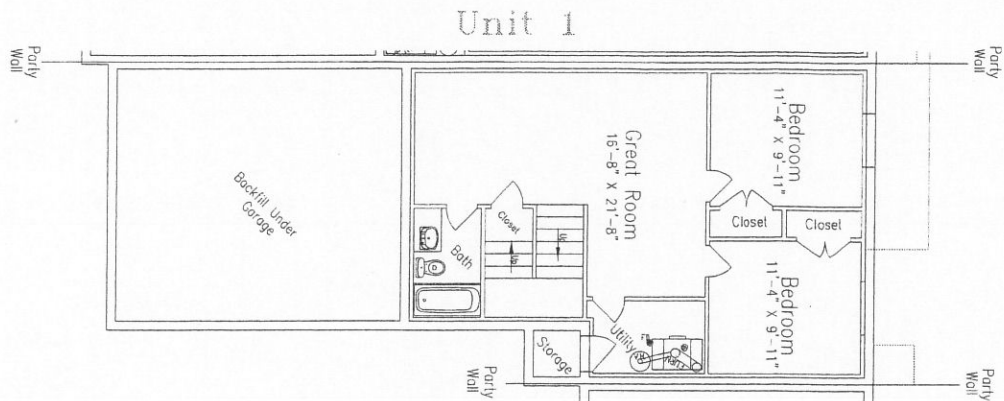
Basement Plan
Scale: 1/4" = 1'-0"



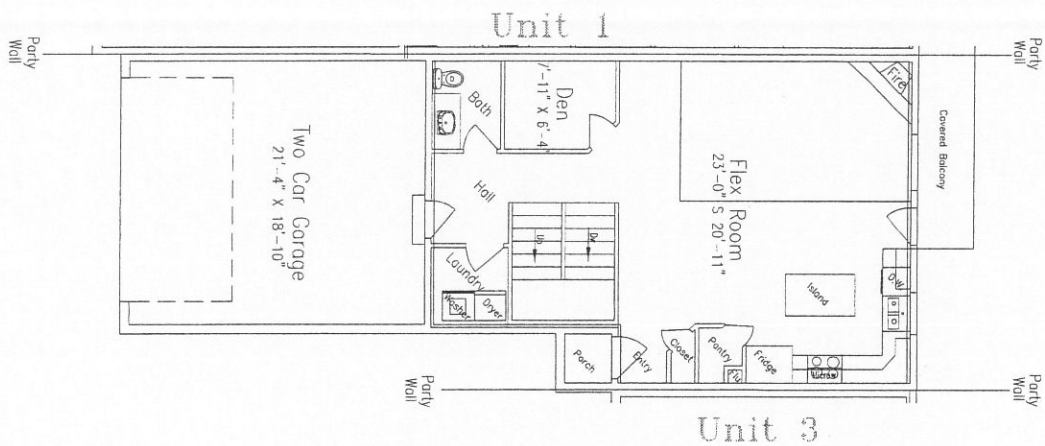
Unit 2

Main Floor Plan
Scale: 1/4" = 1'-0"

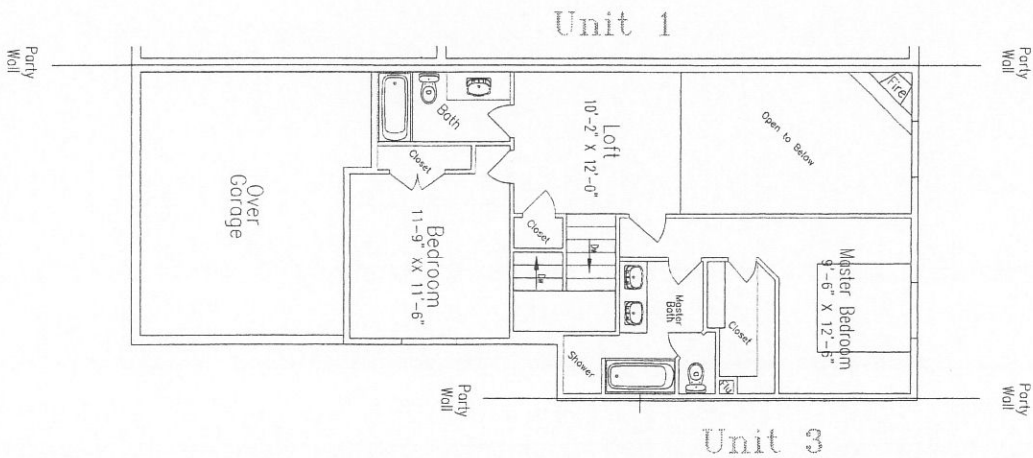
Basement Plan
Scale: 1/4" = 1'-0"



Main Floor Plan
Scale: 1/4" = 1'-0"



Second Floor Plan
Scale: 1/4" = 1'-0"



A102

Surveyor	Scott Belling
Date Surveyed	
Drafting	
Checked By	
Submittal Date	09-12-16
File Number	

Revisions		
Date	Description	By

The Cottages on the Corner Unit 2 Floor Plans

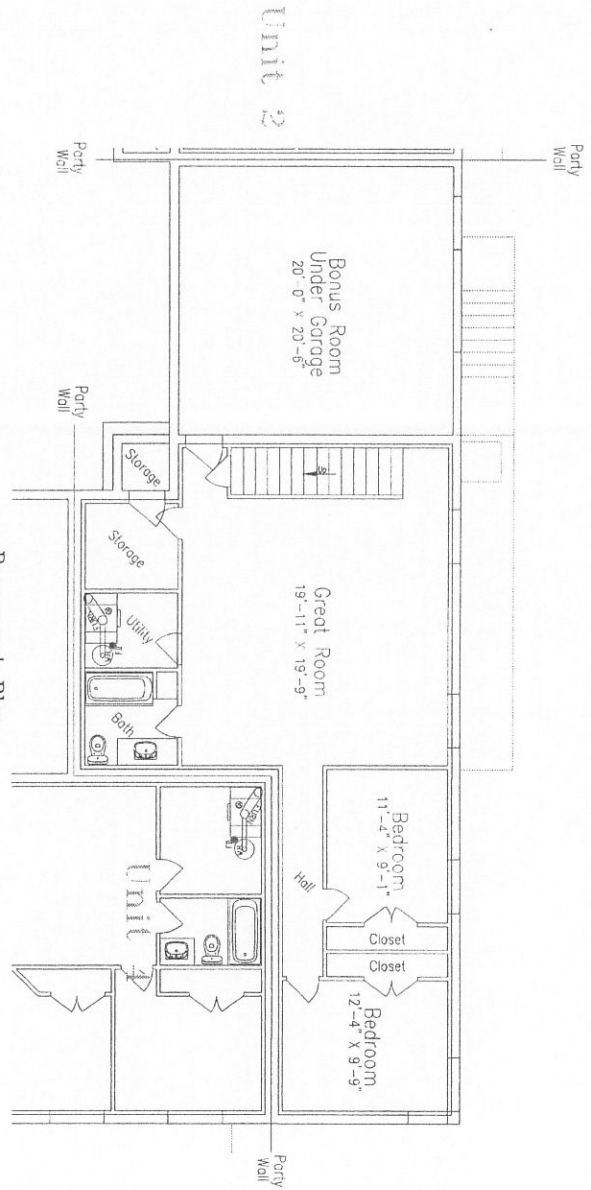
For Kestrel Bay LLC
323 East Page Lane
Centerville, Utah 84014
Phone: 801-589-7305
Email: jscottbelling@gmail.com



Balling Engineering
Civil Engineering • Surveying • Planning

323 E. Page Lane
Centerville, Utah 84014

Phone: (801) 295-7237
Fax: (801) 299-0410



Basement Plan
Scale 1/4" = 1'-0"



Main Floor Plan
Scale 1/4" = 1'-0"

A103
Sheet Y of X

Revisions			
Date	Description	By	

The Cottages on the Corner
Unit 3 Floor Plans

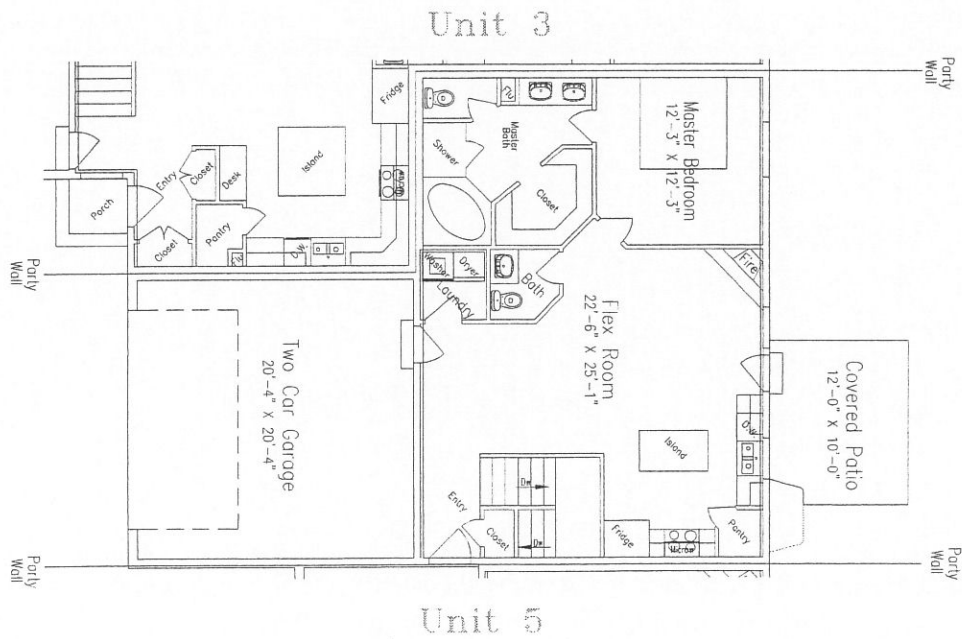
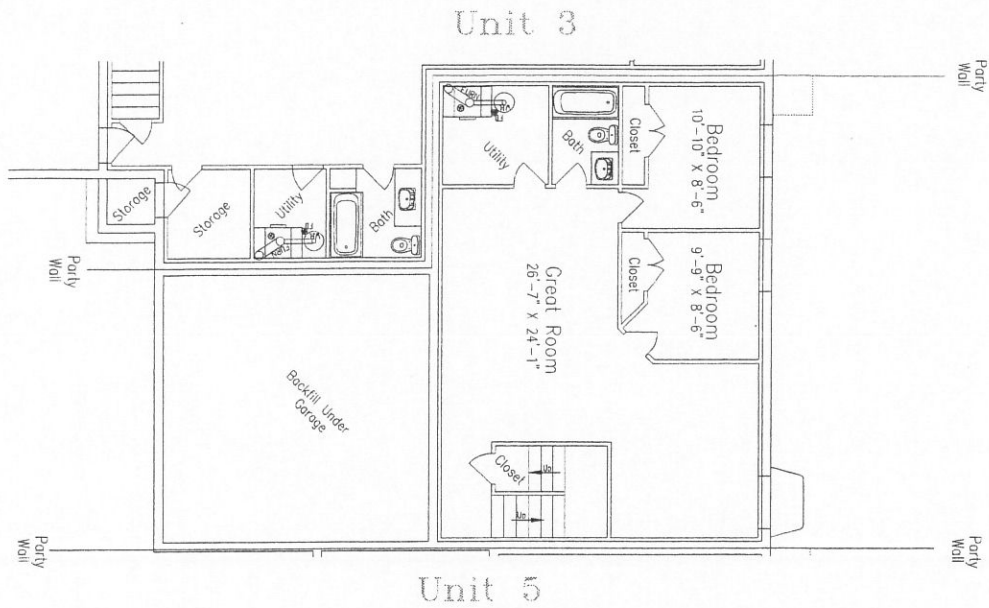
For Kestrel Bay LLC
323 East Page Lane
Centerville, Utah 84014
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Balling Engineering
Civil Engineering • Surveying • Planning

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A104

Surveyor: Scott Balling
 Date Surveyed: _____
 Drafting: _____
 Checked By: _____
 Submittal Date: 09-12-16
 File Number: _____

Revisions

Date	Description	By

The Cottages on the Corner
 Unit 4 Floor Plans

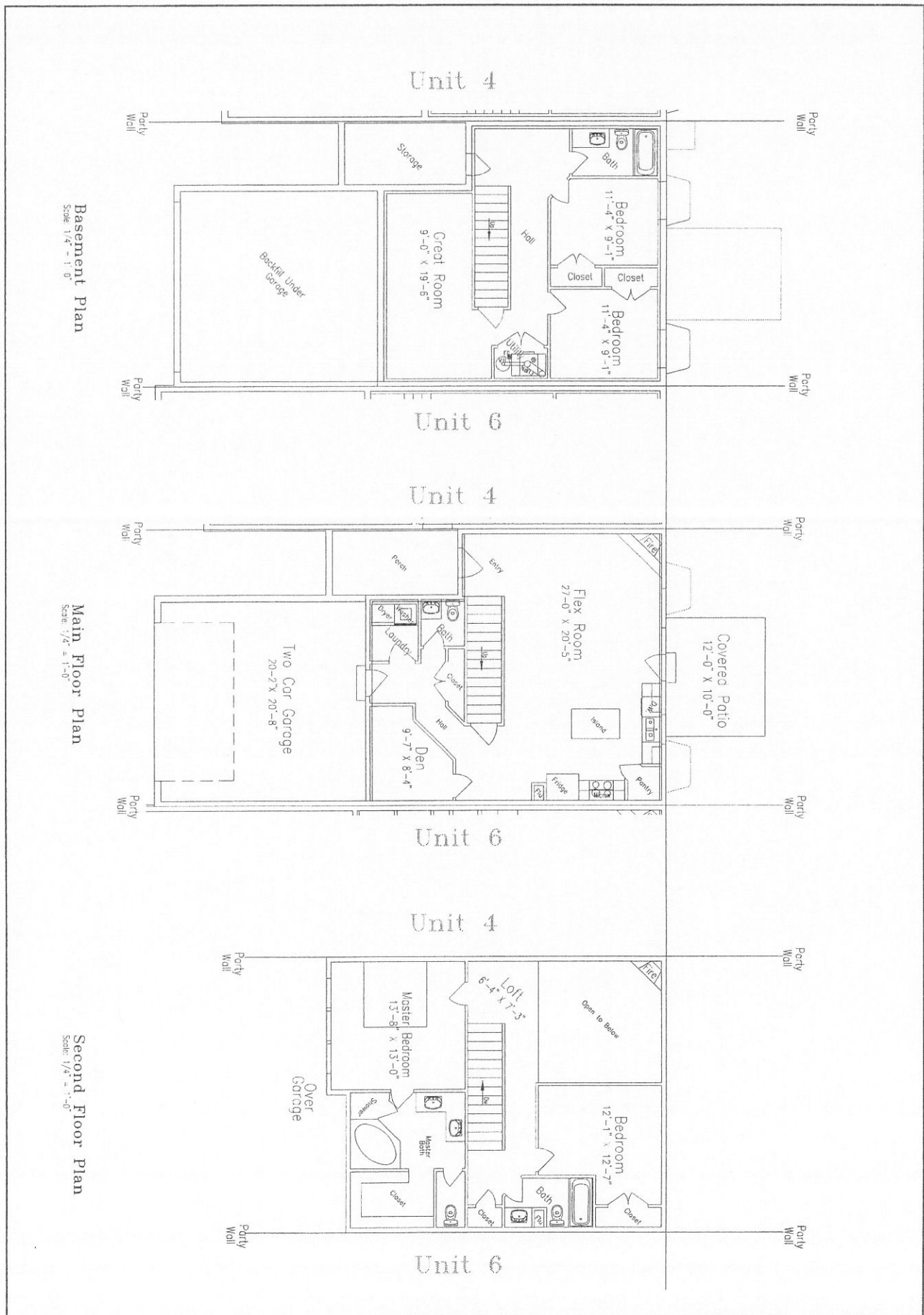
For Kestrel Bay LLC
 323 East Page Lane
 Centerville, Utah 84014
 Phone: 801-689-7305
 Email: jacobballing@gmail.com

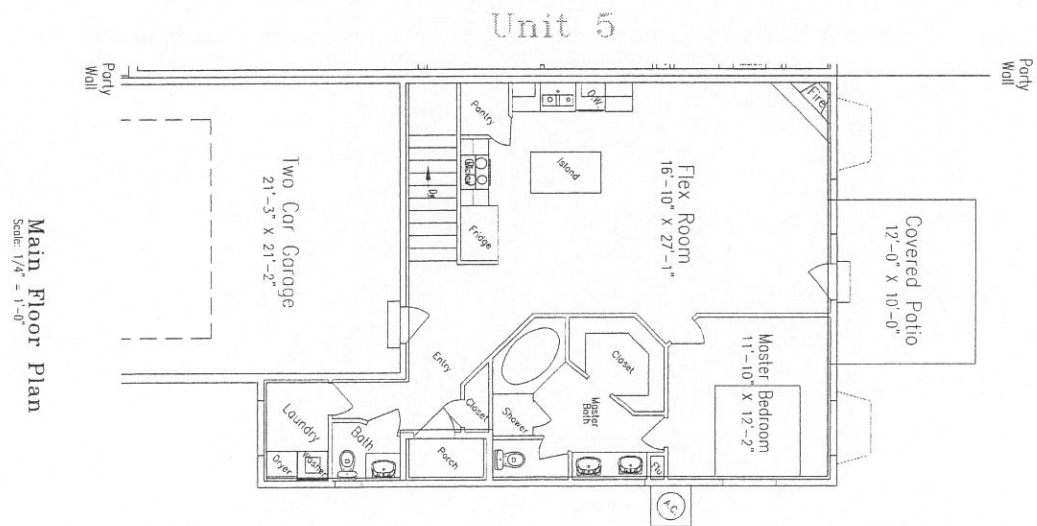
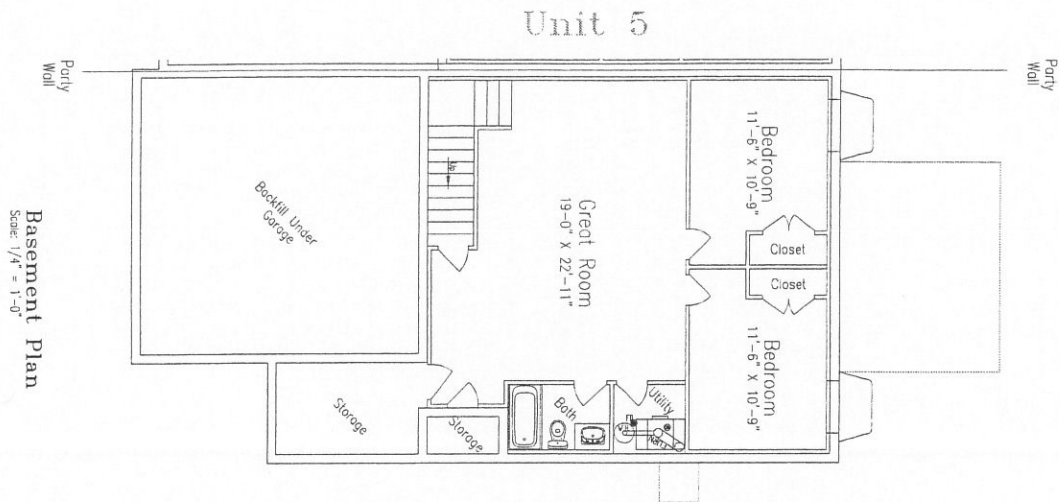


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A106

Surveyor: Scott Basing
Date Surveyed: _____
Drafting: _____
Checked By: _____
Submittal Date: 09-12-16
File Number: _____

Revisions

Date	Description	By

The Cottages on the Corner
Unit 6 Floor Plans

For Kestrel Bay LLC
323 East Page Lane
Centerville, Utah 84014
Phone: 801-589-7305
Email: jscottballing@gmail.com

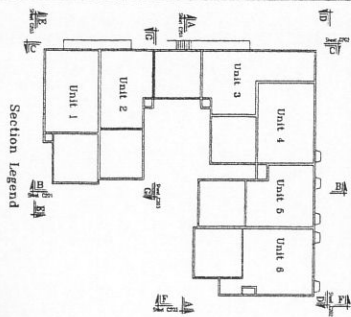


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323 E. Pages Lane
Centerville, Utah 84014

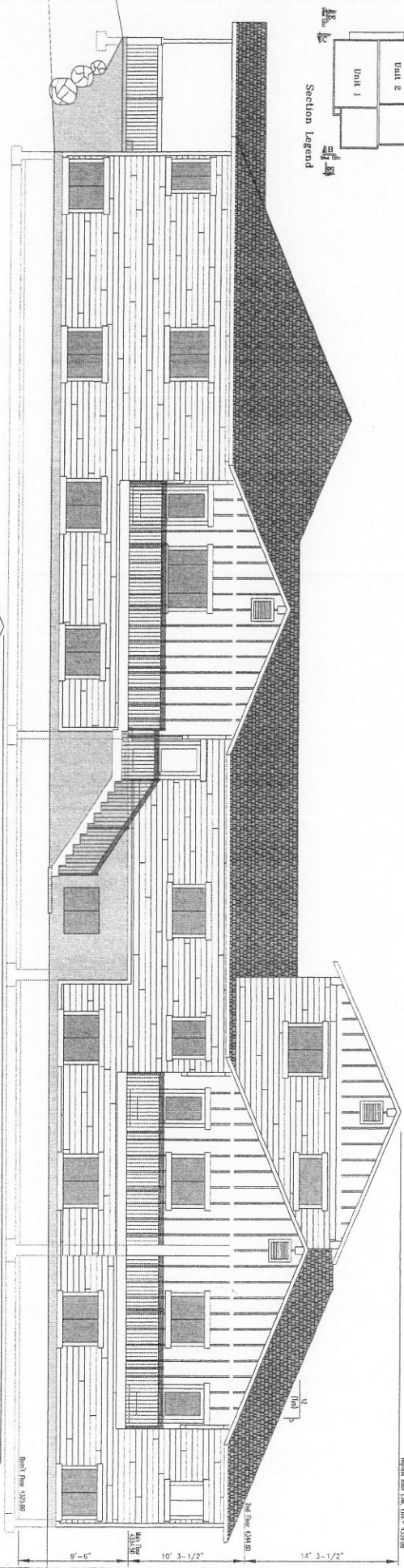
Phone: (801) 295-7237
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Fax: (801) 299-0419

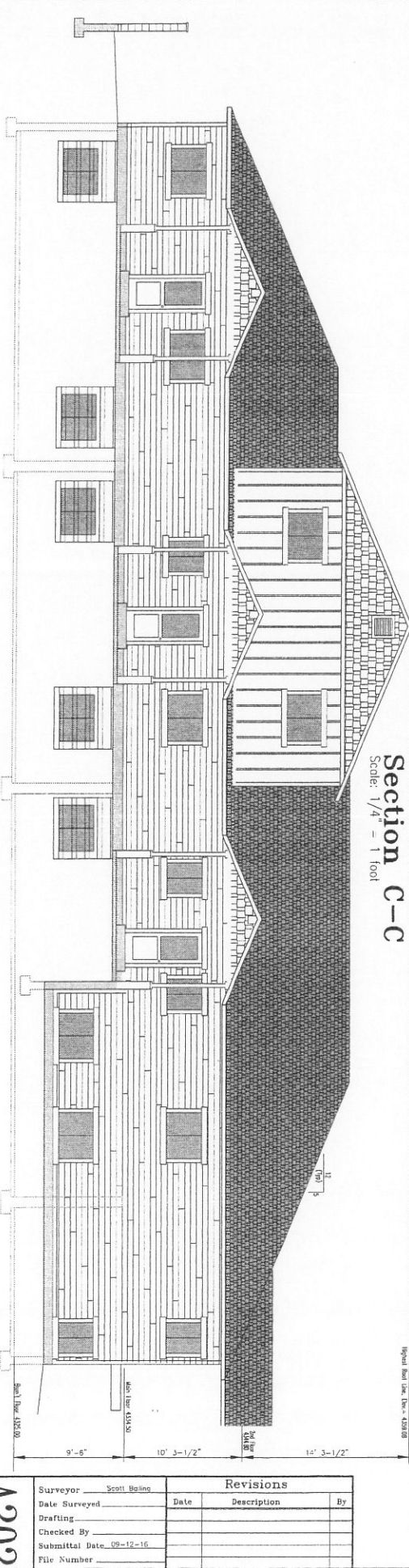


The Cottages on the Corner
 Elevations (Sheet 2)
 For Kestrel Bay LLC
 323 East Page Lane
 Centerville, Utah 84014
 Phone: 801-689-7305
 Email: jrobbins@kbbay.com

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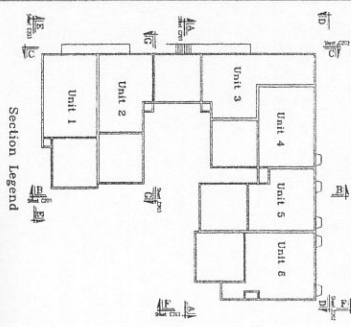


Section C-C
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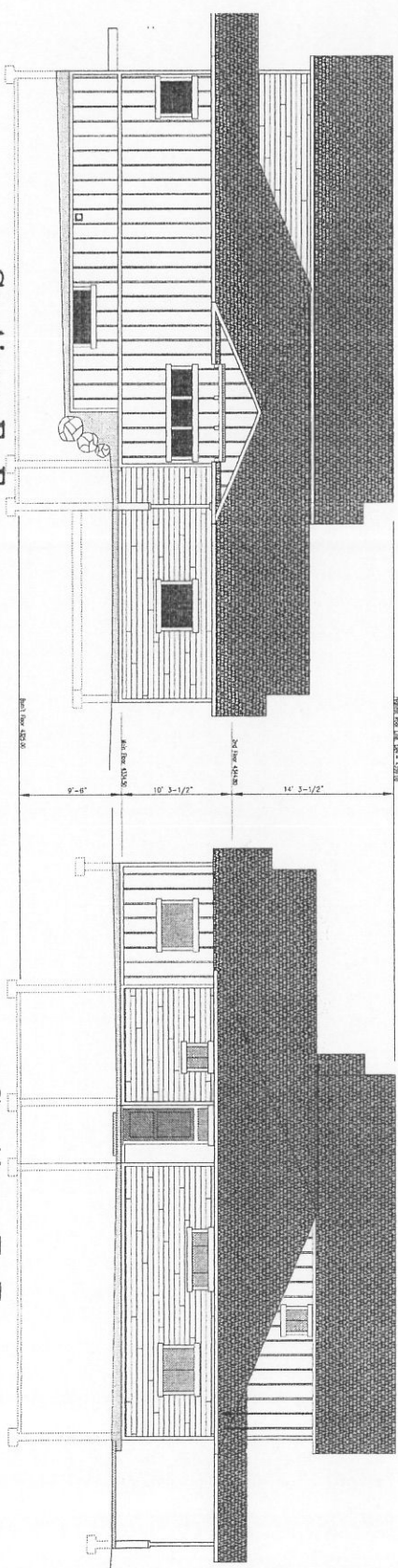
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A202 Sheet v of x	Revisions		
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Date Surveyed			
Drafting			
Checked By			
Submittal Date	09-12-16		
File Number			



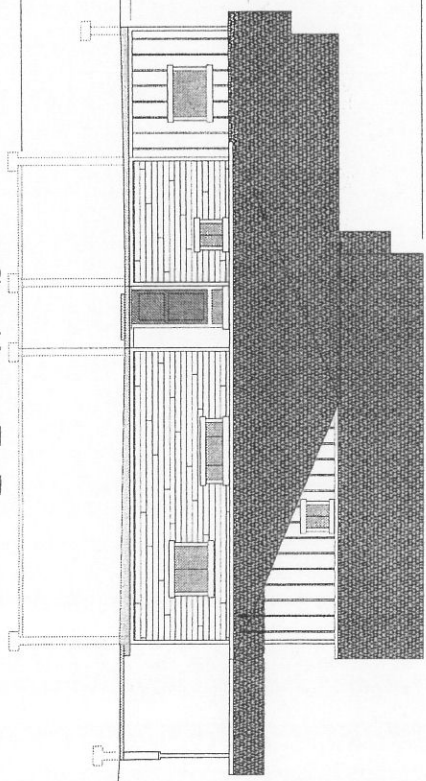
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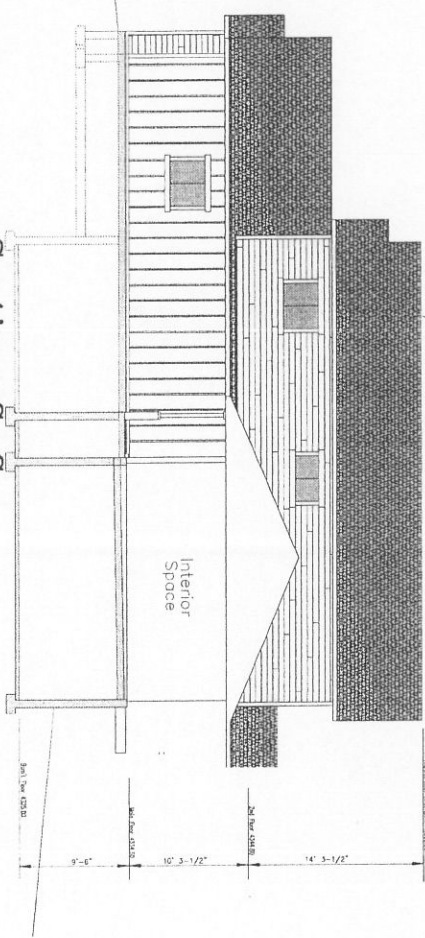
Section F-F

Scale: 1/4" = 1 foot



Section G-G

Scale: 1/4" = 1 foot



A203

Sheet X of X

Revisions		
Date	Description	By

The Cottages on the Corner
Elevations (Sheet 3)

For Kestrel Bay LLC
323 East Page Lane
Centerville, Utah 84014

Phone: 801-589-7305
Email: jee@balling@gmail.com

Balling Engineering
Civil Engineering • Surveying • Planning

323 E. Pages Lane
Centerville, Utah 84014

Phone: (801) 295-7237
Fax: (801) 299-0419



Kestrel Bay Townhomes

155 West 620 South, Farmington, Utah

Designed and Constructed by Scott and Angie Balling

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
9/28/2016**

Item No. 1.

Short Title: Public Hearing - Sal Birnam Woods 100-FT Monopole Tower, 1100 West Porter Lane

Initiated By: Tierney Rowe, Epic Towers, LLC, Applicant

Scheduled Time: 7:10

SUBJECT

Consider the proposed Conditional Use Permit and Conceptual Site Plan for a 100-foot Monopole Tower (wireless telecommunications facility) to be located at approximately 1100 West Porter Lane (400 South)

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- ▣ 09-28-2016 PC Staff Report Sal Birnam Woods 100-ft Monopole Tower
- ▣ Sal Birnam Woods Cell Tower Backup

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

**STAFF REPORT
AGENDA: ITEM 1**

PROPERTY OWNER: RICHARD ROWE
ROWE FAMILY TRUST
692 WEST 2200 NORTH
WEST BOUNTIFUL, UT 84087

APPLICANT: TIERNEY ROWE
EPIC TOWERS, LLC
1451 LANTERN LANE
DRAPER, UT 84020

PROPERTY: 1100 WEST PORTER LANE
APN #06-012-0100

ACREAGE: 0.65 ACRES

ZONING: INDUSTRIAL VERY-HIGH (IV-H)

APPLICATIONS: 1) CONCEPTUAL SITE PLAN – FOR A VERIZON
TELECOMMUNICATIONS FACILITY
2) CONDITIONAL USE PERMIT – 100’ MONOPOLE

BACKGROUND

Verizon desires to construct a telecommunications facility on the property of the Rowe Family Trust, located within the Industrial Very-High (I-VH) Zone (see staff report backup exhibits). The site plan depicts a proposed tower shown with a height of 100 feet and all related support facilities. Additionally, the site plan indicates that the property is to be developed in a phased fashion with the tower site occupying a lesser portion of the property. Furthermore, there are no future indications of any proposed uses for the remaining larger area. The current conditions of the site appear to be gated vehicle storage use, in which there are no City records of approval for this existing situation.



GENERAL DEVELOPMENT REQUIREMENTS SECTION 12.67.060.a(1-6)

The following development standards are applicable to all facilities regardless of the facility type or zone within which the facility is proposed to be located.

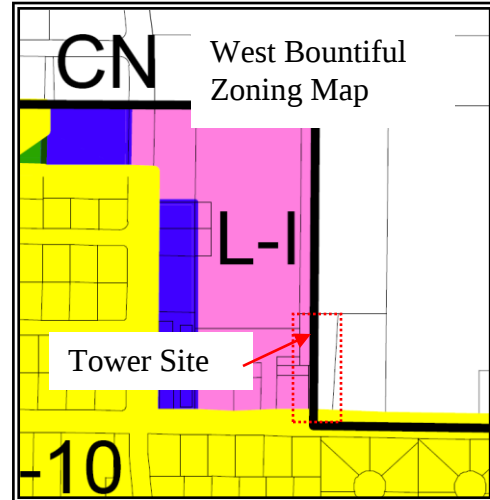
- Approved Structure and Site - In accordance with Section 12.67.050, a telecommunication facility is a “permitted” use in all zones. However, if a monopole exceeds the height of 60 feet, a CUP is required (Section 12.67.070) and an industrial zone property qualifies as an approved area for such heights. Additionally, Section 12.67.060.a.1, requires the other site uses be brought into compliance with the City Code prior to the completion and operation of the proposed telecommunications facility. Furthermore, this provision requires submittal of a plan to resolve any matters as part of the approval process and must be approved by the Zoning Administrator. Lastly, an automobile wrecking yard and other like materials are prohibited uses in the I-VH Zone (Chapter 12.36-Table of Uses & Section 12.55.180). Consequently, all vehicles on the property will need to be removed, along with any other like materials. If these vehicles are not of a salvage nature and the owner desires to maintain them at the site, the remaining phase will need to prepare, submit, and receive a site plan approval to establish an approved site and use of the property.
- Screening - All mechanical equipment must be screened from view. The submitted site plan shows a 6-foot slatted security fence will be placed around the telecommunications facility along with a vinyl fence and gate near the entrance of the property.
- Mechanical Equipment within the Public Right-of-Way - The proposed monopole and associated mechanical equipment are located in the northwest corner of the property and substantially away from the public right-of-way.
- Required Federal Permits - The applicant will need to submit copies of required permits from pertinent federal agencies establishing compliance with applicable federal regulations, prior to the issuance of a building permit.

PROVISIONS FOR MONOPOLES SECTION 12.67.060.e

Since the applicant is proposing to construct a cell tower as part of the communications facility, or by official definition of the Ordinance a monopole, the following provisions apply to all monopoles with antennas and antenna support structures.

- Location & Height - The 100-foot monopole is proposed to be located within the Industrial Very-High (IV-H) Zone and due to its height must be approved with issuance of a conditional use permit (*see Section 12.67.080.d.1*).
- Setbacks - The Zoning Ordinance requires the setback for a monopole to be a minimum of two (2) feet for every foot of pole height from the closest line of any property in an adjacent residential zone. The homes located to the southeast are located within West Bountiful. However, according to the West Bountiful Zoning

Map, these homes are in a light industrial zoning district. Thus, the proposed monopole complies with the requirement. Additionally, the Ordinance states the pole must be 100 feet from any public right-of-way or 1-foot for every foot of pole height. The proposed location has also met this requirement from Porter Lane.



- Antennas - The plans did not indicate an actual size for the antenna, but they will need to be no more than 10 feet high and 15 feet wide. It appears they have future plans for co-location of other antennas on the pole, which is acceptable as long as they comply with the development standards found in Chapter 12.67.
- Climbing Pegs - The pole does not appear to have any climbing pegs, however if it does, the pegs will need begin 20 feet up the pole.
- Accessory Equipment and Underground Lines - Most of the accessory equipment is located within a canopy building. The backup generator is located next to the canopy. It should be noted that the Ordinance requires that all communication and power lines servicing the telecommunications site be placed underground.
- Fencing - All accessory equipment, and the communication tower area shown on the plans are depicted to be screened with a chain link/slatted fence. The Ordinance requires fencing around the facility to be a 6-foot high vinyl coated chain link fence.

OTHE DEVELOPMENT RELATED MATTERS

- Proposed Phasing Plan – According to Section 12.21.110.f, the entire site shall be developed at one time unless a phased development plan is approved by the approving authority. A phased development plan shall show:
 - The planned development of the entire site; and
 - The timing and sequencing of improvements to be completed with each phase, particularly amenities, open space, and public improvements

The proposed plan indicates that only the telecommunications area will be developed in the first phase. Additionally, the front area of the lot will be landscaped and a screening fence with a gate will be installed behind the landscaped area. An internal gravel roadway will be installed in the unused phase leading to the communications facility. There are no current plans for developing the second or remaining phase at this time. As noted earlier, the current use of site is for the storage of vehicles, which has not been approved by the City.

Staff is comfortable with allowing the second “undefined” phase to happen, provided that the final site plan addresses the issue of the unapproved use of vehicle storage and that the entire

required front yard be a 20-foot required setback depth (not the depicted 10-foot) be landscaped and maintained properly. Also, the approach and driveway access to the 20-foot depth must be hard surfaced to keep the public roadway clear of mud and debris.

PLANNING STAFF RECOMMENDATION FOR CONCEPTUAL SITE PLAN

Suggested Motion for Conceptual Site Plan Acceptance for the Verizon Telecommunications Site to be located at 1100 West Porter Lane – I hereby make a motion for the Planning Commission to ACCEPT the Conceptual Site Plan for the proposed site, with the following directives:

1. A final site plan shall be prepared and submitted in accordance with the City's Final Site Plan Application requirements.
2. The final site plan submittal shall address the following matters to be considered for a phased approval:
 - a. Address the issue of the unapproved vehicle storage use
 - b. The entire required front yard be a 20-foot required setback depth (not the depicted 10-foot) must be landscaped and maintained properly
 - c. The approach and driveway access to the 20-foot depth must be hard surfaced to keep the public roadway clear of mud and debris
3. The final site plan shall address the size of the cellular antennas, which must not exceed 10 feet high and 15 feet wide, the height of the mechanical cabinets, wind load, and the material of the pole are to be designed a dull non-glaring metal.
4. The minimum height to begin the climbing pegs on the monopole must be at least 20 feet.
5. All electrical and communication cables servicing the monopole must be buried underground and all mechanical equipment shall be located within sealed cabinets.
6. The cell tower and all associated mechanical equipment shall be fully screened by a 6-foot vinyl coated chain link fence with slats.
7. The applicant will be required to submit copies of required permits from pertinent federal agencies establishing compliance with applicable federal regulations, prior to the issuance of a building permit

Suggested Reasons for Actions (Findings):

- a) A conceptual site plan is not intended to permit actual development of property pursuant to such plan but shall be prepared and reviewed merely to represent how the property could be developed.
- b) These directives for acceptance are limited to and needed to modify the final site plan to the Development Approval Standards and Ordinance requirements.

DEVELOPMENT STANDARDS – CONDITIONAL USE SECTION 12.67.080

According to this Section, all the development standards found in 12.67.060 are to apply for any conditional use request, unless expressly modified by the other standards listed in this Section. Below is a brief summary of the standards of this section relating to monopole approvals:

- *Height & Mass Compatibility* – Staff’s review of nearby development and existing buildings can be summarized as older industrial style lands use consisting of metal and block warehouse and office buildings. There are a few homes in the area, primarily located in West Bountiful. However, as indicated earlier, these homes are located in a Light Industrial Zone. The monopole is located the maximum distance possible from the residential zones across Porter Lane, which are also located in West Bountiful.
- *New Site Operational Options* – In staff’s review of the surrounding area, it does not appear that there are other structures, vegetation, or the features that would be preferable to the proposed location.
- *Optimal Site Visually* – In staff’s review of the surrounding area, other optimal sites for visual screening are equal or even less optimal for locating a monopole from a visual perspective.
- *Other Monopole Spacing* – There are no other known monopoles in the immediate area.
- *Nearby Sensitive Land Uses* – As indicated earlier, the nearby homes are located in a Light Industrial Zone of West Bountiful and it appears that monopole is located beyond the required 200 feet from the homes across Porter Lane, also located in West Bountiful.

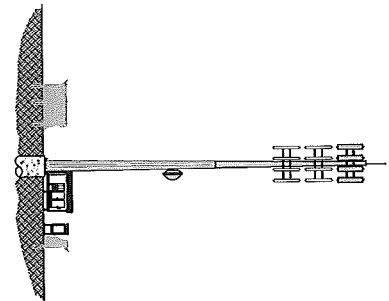
Additionally, the issuance of the requested CUP would include the other provisions listed in Section 12.21.100 of the Zoning Ordinance. However, staff does not believe there are other undefined issues that would be raised for discussion that have not be addressed to this point. Therefore, staff is recommending that the CUP request be tabled at this time and the final CUP review and approval be performed with the final site plan submittal.

PLANNING STAFF RECOMMENDATION FOR CONDITIONAL USE PERMIT

Suggested Motion for Conditional Use Permit for the Verizon Telecommunications Site to be located at 1100 West Porter Lane – I hereby make a motion for the Planning Commission to TABLE the CUP review and approval for the proposed site, with the following directives:

- 1. A final site plan shall be prepared and submitted in accordance with the City’s Final Site Plan Application requirements.
- 2. The decision for issuance of the CUP with be made jointly with the final site plan decision.

SAL BIRNAM WOODS
SAL BIRNAM WOODS
520 WEST 2200 NORTH
CENTERVILLE, UT 84087
(DAVIS COUNTY)
PROPOSED 100' MONOPOLE
(OVERALL HEIGHT: 106' A.G.L.)



ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES: 1. NATIONAL BUILDING CODE (2012 EDITION) 2. INTERNATIONAL CODE COUNCIL (2011 EDITION) 3. LOCAL BUILDING CODE (2011 EDITION) 4. NATIONAL ELECTRICAL CODE (2011 EDITION) 5. INTERNATIONAL CODE COUNCIL (2011 EDITION) 6. LOCAL ELECTRICAL CODE (2011 EDITION) 7. INTERNATIONAL FIRE CODE (2011 EDITION) 8. LOCAL FIRE CODE (2011 EDITION) 9. INTERNATIONAL PLUMBING CODE (2011 EDITION) 10. LOCAL PLUMBING CODE (2011 EDITION) 11. INTERNATIONAL MECHANICAL CODE (2011 EDITION) 12. LOCAL MECHANICAL CODE (2011 EDITION) 13. INTERNATIONAL SANITARY CODE (2011 EDITION) 14. LOCAL SANITARY CODE (2011 EDITION) 15. INTERNATIONAL SOILS AND FOUNDATIONS CODE (2011 EDITION) 16. LOCAL SOILS AND FOUNDATIONS CODE (2011 EDITION) 17. INTERNATIONAL WIND LOADS AND EFFECTS CODE (2011 EDITION) 18. LOCAL WIND LOADS AND EFFECTS CODE (2011 EDITION) 19. INTERNATIONAL SEWER AND DRAINAGE CODE (2011 EDITION) 20. LOCAL SEWER AND DRAINAGE CODE (2011 EDITION) 21. INTERNATIONAL ROADS AND HIGHWAYS CODE (2011 EDITION) 22. LOCAL ROADS AND HIGHWAYS CODE (2011 EDITION) 23. INTERNATIONAL AIRPORTS CODE (2011 EDITION) 24. LOCAL AIRPORTS CODE (2011 EDITION) 25. INTERNATIONAL MARITIME CODE (2011 EDITION) 26. LOCAL MARITIME CODE (2011 EDITION) 27. INTERNATIONAL RAILWAYS CODE (2011 EDITION) 28. LOCAL RAILWAYS CODE (2011 EDITION) 29. INTERNATIONAL CANALS AND NAVIGATION CODE (2011 EDITION) 30. LOCAL CANALS AND NAVIGATION CODE (2011 EDITION) 31. INTERNATIONAL PORTS AND HARBOURS CODE (2011 EDITION) 32. LOCAL PORTS AND HARBOURS CODE (2011 EDITION) 33. INTERNATIONAL AIR NAVIGATION CODE (2011 EDITION) 34. LOCAL AIR NAVIGATION CODE (2011 EDITION) 35. INTERNATIONAL MARINE NAVIGATION CODE (2011 EDITION) 36. LOCAL MARINE NAVIGATION CODE (2011 EDITION) 37. INTERNATIONAL TELECOMMUNICATIONS CODE (2011 EDITION) 38. LOCAL TELECOMMUNICATIONS CODE (2011 EDITION) 39. INTERNATIONAL RADIO AND TELEVISION BROADCASTING CODE (2011 EDITION) 40. LOCAL RADIO AND TELEVISION BROADCASTING CODE (2011 EDITION) 41. INTERNATIONAL SOUND AND VIBRATION CODE (2011 EDITION) 42. LOCAL SOUND AND VIBRATION CODE (2011 EDITION) 43. INTERNATIONAL LIGHTING CODE (2011 EDITION) 44. LOCAL LIGHTING CODE (2011 EDITION) 45. INTERNATIONAL SAFETY CODE (2011 EDITION) 46. LOCAL SAFETY CODE (2011 EDITION) 47. INTERNATIONAL SECURITY CODE (2011 EDITION) 48. LOCAL SECURITY CODE (2011 EDITION) 49. INTERNATIONAL HEALTH AND SAFETY CODE (2011 EDITION) 50. LOCAL HEALTH AND SAFETY CODE (2011 EDITION) 51. INTERNATIONAL ENVIRONMENTAL CODE (2011 EDITION) 52. LOCAL ENVIRONMENTAL CODE (2011 EDITION) 53. INTERNATIONAL CLIMATE CODE (2011 EDITION) 54. LOCAL CLIMATE CODE (2011 EDITION) 55. INTERNATIONAL ENERGY CODE (2011 EDITION) 56. LOCAL ENERGY CODE (2011 EDITION) 57. INTERNATIONAL WATER CODE (2011 EDITION) 58. LOCAL WATER CODE (2011 EDITION) 59. INTERNATIONAL WASTE CODE (2011 EDITION) 60. LOCAL WASTE CODE (2011 EDITION) 61. INTERNATIONAL POLLUTION CODE (2011 EDITION) 62. LOCAL POLLUTION CODE (2011 EDITION) 63. INTERNATIONAL NATURE CODE (2011 EDITION) 64. LOCAL NATURE CODE (2011 EDITION) 65. INTERNATIONAL CULTURE CODE (2011 EDITION) 66. LOCAL CULTURE CODE (2011 EDITION) 67. INTERNATIONAL SOCIETY CODE (2011 EDITION) 68. LOCAL SOCIETY CODE (2011 EDITION) 69. INTERNATIONAL ECONOMY CODE (2011 EDITION) 70. LOCAL ECONOMY CODE (2011 EDITION) 71. INTERNATIONAL POLITICS CODE (2011 EDITION) 72. LOCAL POLITICS CODE (2011 EDITION) 73. INTERNATIONAL LAW CODE (2011 EDITION) 74. LOCAL LAW CODE (2011 EDITION) 75. INTERNATIONAL ETHICS CODE (2011 EDITION) 76. LOCAL ETHICS CODE (2011 EDITION) 77. INTERNATIONAL RELIGION CODE (2011 EDITION) 78. LOCAL RELIGION CODE (2011 EDITION) 79. INTERNATIONAL PHILOSOPHY CODE (2011 EDITION) 80. LOCAL PHILOSOPHY CODE (2011 EDITION) 81. INTERNATIONAL SCIENCE CODE (2011 EDITION) 82. LOCAL SCIENCE CODE (2011 EDITION) 83. INTERNATIONAL TECHNOLOGY CODE (2011 EDITION) 84. LOCAL TECHNOLOGY CODE (2011 EDITION) 85. INTERNATIONAL ARTS CODE (2011 EDITION) 86. LOCAL ARTS CODE (2011 EDITION) 87. INTERNATIONAL SPORTS CODE (2011 EDITION) 88. LOCAL SPORTS CODE (2011 EDITION) 89. INTERNATIONAL RECREATION CODE (2011 EDITION) 90. LOCAL RECREATION CODE (2011 EDITION) 91. INTERNATIONAL EDUCATION CODE (2011 EDITION) 92. LOCAL EDUCATION CODE (2011 EDITION) 93. INTERNATIONAL HEALTH CARE CODE (2011 EDITION) 94. LOCAL HEALTH CARE CODE (2011 EDITION) 95. INTERNATIONAL SOCIAL SERVICES CODE (2011 EDITION) 96. LOCAL SOCIAL SERVICES CODE (2011 EDITION) 97. INTERNATIONAL COMMUNITY CODE (2011 EDITION) 98. LOCAL COMMUNITY CODE (2011 EDITION) 99. INTERNATIONAL GOVERNANCE CODE (2011 EDITION) 100. LOCAL GOVERNANCE CODE (2011 EDITION)

CONSTRUCTION OF A TELECOMMUNICATIONS FACILITY, CONSISTING OF ANTENNAS, SUPPORT STRUCTURES, AND RELATED EQUIPMENT FOR FUTURE CARRIERS. NO WATER OR SEWER IS REQUIRED. THERE IS AN UNOCCUPIED FACILITY WHICH WILL NOT REQUIRE ANY WATER OR SEWER. THE FACILITY WILL BE CONSTRUCTED WITHIN A MONTH. THE SITE APPROXIMATELY TWICE A MONTH.

PROJECT DESCRIPTION & NOTES

REV	DATE	ISSUED FOR
1	07-15-16	ZONING
2	07-17-16	ZONING
3	07-17-16	ZONING
4	08-04-16	ZONING
5	08-05-16	ZONING
6	08-11-16	ZONING
7	08-22-16	ZONING
8	08-25-16	ZONING

TOWER ENGINEERING PROFESSIONALS
3545 W. 56TH AVE., SUITE E
ARVADA, CO 80002
OFFICE: (303) 566-9914
www.tepgroup.net

DRAWN BY: CM CHECKED BY: ASB

SCALE:

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

SHEET NUMBER: 8
REVISION: 8
T-1
JOB # 70219-51354

SHEET	DESCRIPTION	REV
1	TITLE SHEET	8
2	GENERAL NOTES	8
3	SITE SURVEY	8
4	1A CERTIFICATION LETTER	8
5	SITE PLAN	8
6	DEVELOPMENT PHASE PLAN	8
7	TOWER ELEVATION	8
8	COMPOUND DETAIL	8
9	SCREEN FENCE DETAILS	8
10	GRADING AND DRAINAGE PLAN	8
11	LANDSCAPING PLAN	8

INDEX OF SHEETS

CODE COMPLIANCE

CALL FOR UNDERGROUND UTILITIES PRIOR TO DESIGN.
EMERGENCY: (800) 424-4566
CALL 911
Know what's below. Call before you dig.



ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES: 1. NATIONAL BUILDING CODE (2012 EDITION) 2. INTERNATIONAL CODE COUNCIL (2011 EDITION) 3. LOCAL BUILDING CODE (2011 EDITION) 4. NATIONAL ELECTRICAL CODE (2011 EDITION) 5. INTERNATIONAL CODE COUNCIL (2011 EDITION) 6. LOCAL ELECTRICAL CODE (2011 EDITION) 7. INTERNATIONAL FIRE CODE (2011 EDITION) 8. LOCAL FIRE CODE (2011 EDITION) 9. INTERNATIONAL PLUMBING CODE (2011 EDITION) 10. LOCAL PLUMBING CODE (2011 EDITION) 11. INTERNATIONAL MECHANICAL CODE (2011 EDITION) 12. LOCAL MECHANICAL CODE (2011 EDITION) 13. INTERNATIONAL SANITARY CODE (2011 EDITION) 14. LOCAL SANITARY CODE (2011 EDITION) 15. INTERNATIONAL SOILS AND FOUNDATIONS CODE (2011 EDITION) 16. LOCAL SOILS AND FOUNDATIONS CODE (2011 EDITION) 17. INTERNATIONAL WIND LOADS AND EFFECTS CODE (2011 EDITION) 18. LOCAL WIND LOADS AND EFFECTS CODE (2011 EDITION) 19. INTERNATIONAL SEWER AND DRAINAGE CODE (2011 EDITION) 20. LOCAL SEWER AND DRAINAGE CODE (2011 EDITION) 21. INTERNATIONAL ROADS AND HIGHWAYS CODE (2011 EDITION) 22. LOCAL ROADS AND HIGHWAYS CODE (2011 EDITION) 23. INTERNATIONAL AIRPORTS CODE (2011 EDITION) 24. LOCAL AIRPORTS CODE (2011 EDITION) 25. INTERNATIONAL MARITIME CODE (2011 EDITION) 26. LOCAL MARITIME CODE (2011 EDITION) 27. INTERNATIONAL RAILWAYS CODE (2011 EDITION) 28. LOCAL RAILWAYS CODE (2011 EDITION) 29. INTERNATIONAL CANALS AND NAVIGATION CODE (2011 EDITION) 30. LOCAL CANALS AND NAVIGATION CODE (2011 EDITION) 31. INTERNATIONAL PORTS AND HARBOURS CODE (2011 EDITION) 32. LOCAL PORTS AND HARBOURS CODE (2011 EDITION) 33. INTERNATIONAL AIR NAVIGATION CODE (2011 EDITION) 34. LOCAL AIR NAVIGATION CODE (2011 EDITION) 35. INTERNATIONAL MARINE NAVIGATION CODE (2011 EDITION) 36. LOCAL MARINE NAVIGATION CODE (2011 EDITION) 37. INTERNATIONAL TELECOMMUNICATIONS CODE (2011 EDITION) 38. LOCAL TELECOMMUNICATIONS CODE (2011 EDITION) 39. INTERNATIONAL RADIO AND TELEVISION BROADCASTING CODE (2011 EDITION) 40. LOCAL RADIO AND TELEVISION BROADCASTING CODE (2011 EDITION) 41. INTERNATIONAL SOUND AND VIBRATION CODE (2011 EDITION) 42. LOCAL SOUND AND VIBRATION CODE (2011 EDITION) 43. INTERNATIONAL LIGHTING CODE (2011 EDITION) 44. LOCAL LIGHTING CODE (2011 EDITION) 45. INTERNATIONAL SAFETY CODE (2011 EDITION) 46. LOCAL SAFETY CODE (2011 EDITION) 47. INTERNATIONAL SECURITY CODE (2011 EDITION) 48. LOCAL SECURITY CODE (2011 EDITION) 49. INTERNATIONAL HEALTH AND SAFETY CODE (2011 EDITION) 50. LOCAL HEALTH AND SAFETY CODE (2011 EDITION) 51. INTERNATIONAL ENVIRONMENTAL CODE (2011 EDITION) 52. LOCAL ENVIRONMENTAL CODE (2011 EDITION) 53. INTERNATIONAL CLIMATE CODE (2011 EDITION) 54. LOCAL CLIMATE CODE (2011 EDITION) 55. INTERNATIONAL ENERGY CODE (2011 EDITION) 56. LOCAL ENERGY CODE (2011 EDITION) 57. INTERNATIONAL WATER CODE (2011 EDITION) 58. LOCAL WATER CODE (2011 EDITION) 59. INTERNATIONAL WASTE CODE (2011 EDITION) 60. LOCAL WASTE CODE (2011 EDITION) 61. INTERNATIONAL POLLUTION CODE (2011 EDITION) 62. LOCAL POLLUTION CODE (2011 EDITION) 63. INTERNATIONAL NATURE CODE (2011 EDITION) 64. LOCAL NATURE CODE (2011 EDITION) 65. INTERNATIONAL CULTURE CODE (2011 EDITION) 66. LOCAL CULTURE CODE (2011 EDITION) 67. INTERNATIONAL SOCIETY CODE (2011 EDITION) 68. LOCAL SOCIETY CODE (2011 EDITION) 69. INTERNATIONAL ECONOMY CODE (2011 EDITION) 70. LOCAL ECONOMY CODE (2011 EDITION) 71. INTERNATIONAL POLITICS CODE (2011 EDITION) 72. LOCAL POLITICS CODE (2011 EDITION) 73. INTERNATIONAL LAW CODE (2011 EDITION) 74. LOCAL LAW CODE (2011 EDITION) 75. INTERNATIONAL ETHICS CODE (2011 EDITION) 76. LOCAL ETHICS CODE (2011 EDITION) 77. INTERNATIONAL RELIGION CODE (2011 EDITION) 78. LOCAL RELIGION CODE (2011 EDITION) 79. INTERNATIONAL PHILOSOPHY CODE (2011 EDITION) 80. LOCAL PHILOSOPHY CODE (2011 EDITION) 81. INTERNATIONAL SCIENCE CODE (2011 EDITION) 82. LOCAL SCIENCE CODE (2011 EDITION) 83. INTERNATIONAL TECHNOLOGY CODE (2011 EDITION) 84. LOCAL TECHNOLOGY CODE (2011 EDITION) 85. INTERNATIONAL ARTS CODE (2011 EDITION) 86. LOCAL ARTS CODE (2011 EDITION) 87. INTERNATIONAL SPORTS CODE (2011 EDITION) 88. LOCAL SPORTS CODE (2011 EDITION) 89. INTERNATIONAL RECREATION CODE (2011 EDITION) 90. LOCAL RECREATION CODE (2011 EDITION) 91. INTERNATIONAL EDUCATION CODE (2011 EDITION) 92. LOCAL EDUCATION CODE (2011 EDITION) 93. INTERNATIONAL HEALTH CARE CODE (2011 EDITION) 94. LOCAL HEALTH CARE CODE (2011 EDITION) 95. INTERNATIONAL SOCIAL SERVICES CODE (2011 EDITION) 96. LOCAL SOCIAL SERVICES CODE (2011 EDITION) 97. INTERNATIONAL COMMUNITY CODE (2011 EDITION) 98. LOCAL COMMUNITY CODE (2011 EDITION) 99. INTERNATIONAL GOVERNANCE CODE (2011 EDITION) 100. LOCAL GOVERNANCE CODE (2011 EDITION)

UTILITIES:
POWER COMPANY: ROCKY MOUNTAIN POWER
ADDRESS: 1407 W. NORTH TEMPLE
SALT LAKE CITY, UT 84116
CONTACT: CUSTOMER SERVICE
(888) 221-7070
TELEPHONE COMPANY: CENTURYLINK
CONTACT: CUSTOMER SERVICE
(855) 257-1973

SITE APPLICANT:
NAME: EPC TOWERS, LLC
ADDRESS: 1407 W. NORTH TEMPLE
SALT LAKE CITY, UT 84116
CONTACT: TIERNEY ROWE
(801) 597-4516
ORIGINAL SURVEYOR:
NAME: CIS PROFESSIONAL LAND SURVEYING
ADDRESS: 1407 W. NORTH TEMPLE
SALT LAKE CITY, UT 84116
CONTACT: CORY IVAN SQUIRE, UT P.L.S.
(435) 660-0816

CIVIL ENGINEER:
NAME: TOWER ENGINEERING PROFESSIONALS
ADDRESS: 326 TRYON ROAD
SALT LAKE CITY, UT 84143
CONTACT: GRAHAM M. ANDRES, P.E.
(919) 661-6351

ELECTRICAL ENGINEER:
NAME: TOWER ENGINEERING PROFESSIONALS
ADDRESS: 326 TRYON ROAD
SALT LAKE CITY, UT 84143
CONTACT: GRAHAM M. ANDRES, P.E.
(919) 661-6351

PROPERTY OWNER:
NAME: ROWE AUTOMOTIVE
ADDRESS: 520 WEST 2200 NORTH
CENTERVILLE, UT 84087
CONTACT: (801) 597-4516

LOCATION MAP



DRIVING DIRECTIONS

PROJECT INFORMATION

1A COORDINATES

GROUND ELEVATION = 4237.35' (NAVD 88) *
*INFORMATION PROVIDED BY CIS PROFESSIONAL LAND SURVEYING IN THE FORM OF A 1-A CERTIFICATION DATED JUNE 1, 2016.

JURISDICTION: CENTERVILLE CITY

ZONING: INDUSTRIAL - VERY HIGH

PARCEL #: 06-012-0100

PRESENT LAND USE: OUTDOOR STORAGE

LEGAL DESCRIPTION: NE1/4, S13, T2N, R1W, S1B1M

AREA OF CONSTRUCTION: 2,500± SQ. FT. (LEASE AREA)

SITE ADDRESS: 520 WEST 2200 NORTH
CENTERVILLE, UT 84087

TOWER TYPE: 100' MONOPOLE TOWER

PROJECT DESCRIPTION: PROPOSED TELECOMMUNICATIONS FACILITY

SAL BIRNAM WOODS

GENERAL NOTES:

1. ALL REFERENCES TO OWNER IN THESE DOCUMENTS SHALL BE CONSIDERED EPIC TOWERS, LLC, OR ITS DESIGNATED REPRESENTATIVE.
2. ALL WORK PRESENTED ON THESE DRAWINGS MUST BE COMPLETED BY THE CONTRACTOR UNLESS NOTED OTHERWISE. THE CONTRACTOR MUST HAVE CONSIDERABLE EXPERIENCE IN PERFORMANCE OF THE WORK DESCRIBED HEREIN, BY ACCEPTANCE OF THIS ASSIGNMENT, THE CONTRACTOR AGREES THAT HE DOES HAVE SUFFICIENT EXPERIENCE AND ABILITY THAT HE IS KNOWN TO DO THIS WORK IN THE STATE OF UTAH.
3. STRUCTURE IS DESIGNED IN ACCORDANCE WITH ANSI/TIA-222-G, 2005, FOR A 90 MPH 3-SECOND GUST WIND LOAD. THIS CONFORMS TO THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE, 2012 EDITION.
4. WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE, 2012 EDITION.
5. UNLESS SHOWN OR NOTED OTHERWISE ON THE CONTRACT DRAWINGS, OR IN THE SPECIFICATIONS, THE FOLLOWING NOTES SHALL APPLY TO THE MATERIALS LISTED HEREIN, AND TO THE PROCEDURES TO BE USED ON THIS PROJECT.
6. ALL HARDWARE ASSEMBLY MANUFACTURER'S INSTRUCTIONS SHALL BE FOLLOWED EXACTLY AND SHALL SUPERCEDE ANY CONFLICTING NOTES ENCLOSED HEREIN.
7. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO DETERMINE ERECTION PROCEDURE AND SEQUENCE TO ENSURE THE SAFETY OF THE STRUCTURE AND ITS COMPONENT PARTS DURING ERECTION AND/OR FIELD MODIFICATIONS. THIS INCLUDES, BUT IS NOT LIMITED TO, THE ADDITION OF TEMPORARY BRACING, GUYS OR TIE DOWNS THAT MAY BE NECESSARY TO PROTECT THE MATERIAL SHALL BE REMOVED AND SHALL REMAIN THE PROPERTY OF THE CONTRACTOR AFTER THE COMPLETION OF THE PROJECT.
8. ALL DIMENSIONS, ELEVATIONS, AND EXISTING CONDITIONS SHOWN ON THE DRAWINGS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO BEGINNING ANY MATERIALS ORDERING, FABRICATION OR CONSTRUCTION WORK ON THIS PROJECT. CONTRACTOR SHALL NOT SCALE CONTRACT DRAWINGS IN LIEU OF FIELD VERIFICATIONS. ANY DISCREPANCIES MUST BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER AND THE OWNER'S ENGINEER. THE DISCREPANCIES MUST BE RESOLVED BEFORE THE CONTRACTOR IS TO PROCEED WITH THE WORK. THE CONTRACT DOCUMENTS DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROTECTIVE MEASURES VISITS TO THE SITE BY THE OWNER AND/OR THE ENGINEER SHALL NOT INCLUDE INSPECTION OF THE PROTECTIVE MEASURES OR THE PROCEDURES.
9. ALL MATERIALS AND EQUIPMENT FURNISHED SHALL BE NEW AND OF GOOD QUALITY, FREE FROM FAULTS AND DEFECTS AND IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. ANY AND ALL SUBSTITUTIONS MUST BE PROPERLY APPROVED AND AUTHORIZED IN WRITING BY THE OWNER AND ENGINEER PRIOR TO INSTALLATION. THE CONTRACTOR SHALL FURNISH SATISFACTORY EVIDENCE AS TO THE KIND AND QUALITY OF THE MATERIALS AND EQUIPMENT BEING SUBSTITUTED.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT THIS PROJECT AND RELATED WORK COMPLETES WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL SAFETY CODES AND REGULATIONS GOVERNING THIS WORK.
11. ACCESS TO THE PROPOSED WORK SITE MAY BE RESTRICTED. THE CONTRACTOR SHALL COORDINATE INTENDED CONSTRUCTION ACTIVITY, INCLUDING WORK SCHEDULE AND MATERIALS ACCESS, WITH THE RESIDENT LEASING AGENT FOR APPROVAL.
12. BILL OF MATERIALS AND PART NUMBERS LISTED ON CONSTRUCTION DRAWINGS ARE INTENDED TO AID CONTRACTOR. CONTRACTOR SHALL VERIFY PARTS AND QUANTITIES WITH MANUFACTURER PRIOR TO BIDDING AND/OR ORDERING MATERIALS.
13. ALL PERMITS THAT MUST BE OBTAINED ARE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR WILL BE RESPONSIBLE FOR ABIDING BY ALL CONDITIONS AND REQUIREMENTS OF THE PERMITS.
14. 24 HOURS PRIOR TO THE BEGINNING OF ANY CONSTRUCTION, THE CONTRACTOR MUST NOTIFY THE APPLICABLE JURISDICTIONAL (STATE, COUNTY OR CITY) ENGINEER.
15. THE CONTRACTOR SHALL REMOV (DRY SCARP, ETC.) ALL MATERIAL NOT SUITABLE FOR SUBGRADE IN ITS PRESENT STATE. AFTER REMOVAL, THE MATERIAL REMAINS UNSUITABLE. THE CONTRACTOR SHALL UNDERCUT THIS MATERIAL AND REPLACE WITH PROPOSED MATERIAL. ALL SUBGRADES SHALL BE PROPELLED WITH A FULLY LOADED TANDEM AXLE DUMP TRUCK PRIOR TO PAYING. ANY SOFTER MATERIAL SHALL BE REMOVED OR REPLACED.
16. THE CONTRACTOR IS REQUIRED TO MAINTAIN ALL PILES, DITCHES, AND OTHER DRAINAGE STRUCTURES FREE FROM OBSTRUCTION UNTIL WORK IS ACCEPTED BY THE OWNER. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGES CAUSED BY FAILURE TO MAINTAIN DRAINAGE STRUCTURE IN OPERABLE CONDITION.
17. ALL MATERIALS AND WORKMANSHIP SHALL BE WARRANTED FOR ONE YEAR FROM ACCEPTANCE DATE.
18. ALL BUILDING DIMENSIONS SHALL BE VERIFIED WITH THE PLANS (LATEST REVISION) PRIOR TO COMMENCING CONSTRUCTION. NOTIFY THE ENGINEER IMMEDIATELY IF ANY DISCREPANCIES ARE DISCOVERED. THE OWNER SHALL HAVE A SET OF APPROVED PLANS AVAILABLE AT THE SITE AT ALL TIMES WHILE WORK IS BEING PERFORMED. A DESIGNATED RESPONSIBLE EMPLOYEE SHALL BE AVAILABLE FOR CONTACT BY GOVERNING AGENCY INSPECTORS.

STRUCTURAL STEEL NOTES:

1. THE FABRICATION AND ERECTION OF STRUCTURAL STEEL SHALL CONFORM TO THE AISC SPECIFICATION FOR MANUAL OR STEEL CONSTRUCTION, 14TH EDITION.
2. UNLESS OTHERWISE NOTED, ALL STRUCTURAL ELEMENTS SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:
 - A. STRUCTURAL STEEL, ASTM DESIGNATION A572 OR A572, GR50.
 - B. ALL BOLTS, ASTM A325 TYPE 1 GALVANIZED STEEL NUTS.
 - C. ALL NUTS, ASTM A325 HARDENED STEEL WASHERS.
 - D. ALL WASHERS, ASTM A490 HARDENED STEEL WASHERS.
3. ALL CONNECTIONS NOT FULLY DETAILED ON THESE PLANS SHALL BE DETAILED BY THE STEEL FABRICATOR IN ACCORDANCE WITH ALSO SPECIFICATION FOR MANUAL OF STEEL CONSTRUCTION, 14TH EDITION.
4. HOLES SHALL NOT BE FLAME CUT THRU STEEL UNLESS APPROVED BY THE ENGINEER.
5. HOT-DIP GALVANIZE ALL ITEMS UNLESS OTHERWISE NOTED. AFTER FABRICATION WHERE PRACTICABLE GALVANIZING: ASTM A153, ASTM A153/A153M OR ASTM A653/A653M, 980, AS APPLICABLE.
6. REPAIR DAMAGED SURFACES WITH GALVANIZING REPAIR METHOD AND PAINT CONFORMING TO ASTM A780 OR BY APPLICATION OF STICK OR THICK PASTE MATERIAL SPECIFICALLY DESIGNED FOR REPAIR OF GALVANIZING. CLEAN AREAS TO BE REPAIRED AND REMOVE SLAG FROM WELDS. HEAT SURFACES TO WHICH STICK OR PASTE MATERIAL IS APPLIED, WITH A TORCH TO A TEMPERATURE SUFFICIENT TO MELT METALLURGS IN STICK OR PASTE: SPREAD MOLTEN MATERIAL UNIFORMLY OVER SURFACES TO BE COATED AND WIPE OFF EXCESS MATERIAL.
7. A NUT LOCKING DEVICE SHALL BE INSTALLED ON ALL PROPOSED AND/OR REPLACED BOLTS.
8. ALL PROPOSED AND/OR REPLACED BOLTS SHALL BE OF SUFFICIENT LENGTH TO EXCLUDE THE THREADS FROM THE SHEAR PLANE.
9. ALL PROPOSED AND/OR REPLACED BOLTS SHALL BE OF SUFFICIENT LENGTH SUCH THAT THE END OF THE BOLT BE AT LEAST FLUSH WITH THE FACE OF THE NUT. IT IS NOT PERMITTED FOR THE BOLT END TO BE BELOW THE FACE OF THE NUT AFTER TIGHTENING IS COMPLETED.
10. ALL ASSEMBLY BOLTS ARE TO BE TIGHTENED TO A "SNUG TIGHT" CONDITION AS DEFINED IN SECTION B.1 OF THE AISC, "SPECIFICATION FOR STRUCTURAL JOINTS USING ASTM A325 OR A490 BOLTS", DATED JUNE 30, 2004.
11. FLAT WASHERS ARE TO BE INSTALLED WITH BOLTS OVER SLOTTED HOLES.
12. DO NOT OVER TORQUE ASSEMBLY BOLTS. GALVANIZING ON BOLTS, NUTS, AND STEEL PARTS MAY ACT AS A LUBRICANT, THUS OVER TIGHTENING MAY OCCUR AND MAY CAUSE BOLTS TO CRACK AND SNAP OFF.
13. PAL NUTS ARE TO BE INSTALLED AFTER NUTS ARE TIGHT AND WITH EDGE UP OUT. PAL NUTS ARE NOT REQUIRED WHEN SELF-LOCKING NUTS ARE PROVIDED.
14. GALVANIZED ASTM A325 BOLTS SHALL NOT BE REUSED.
15. WELDING SHALL BE PERFORMED IN ACCORDANCE WITH AMERICAN WELDING SOCIETY (AWS) D1.1-2010 STRUCTURAL WELDING CODE - STEEL.

PROJECT INFORMATION:

SAL BIRNAM WOODS
520 WEST 2200 NORTH
CENTERTOWN, UT 84087
(DAVIS COUNTY)

PLANS PREPARED FOR:

epic
1451 LANTERN LAINE
DRAPER, UT 84020
Office: (801) 587-4516

PLANS PREPARED FOR:

verizon
9658 S PROSPERITY ROAD
WEST JORDAN, UT 84081

PLANS PREPARED BY:

TOWER ENGINEERING PROFESSIONALS
5651 N 5TH AVENUE
SUITE 200
DENVER, CO 80224
OFFICE: (303) 586-2814
www.tepro.com

SCALE:

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

B	06-25-16	ZONING
7	06-22-16	ZONING
6	06-11-16	ZONING
5	06-05-16	ZONING
REV	DATE	ISSUED FOR:

DRAWN BY:

CHK: AEG

CHECKED BY:

AEG

GENERAL NOTES

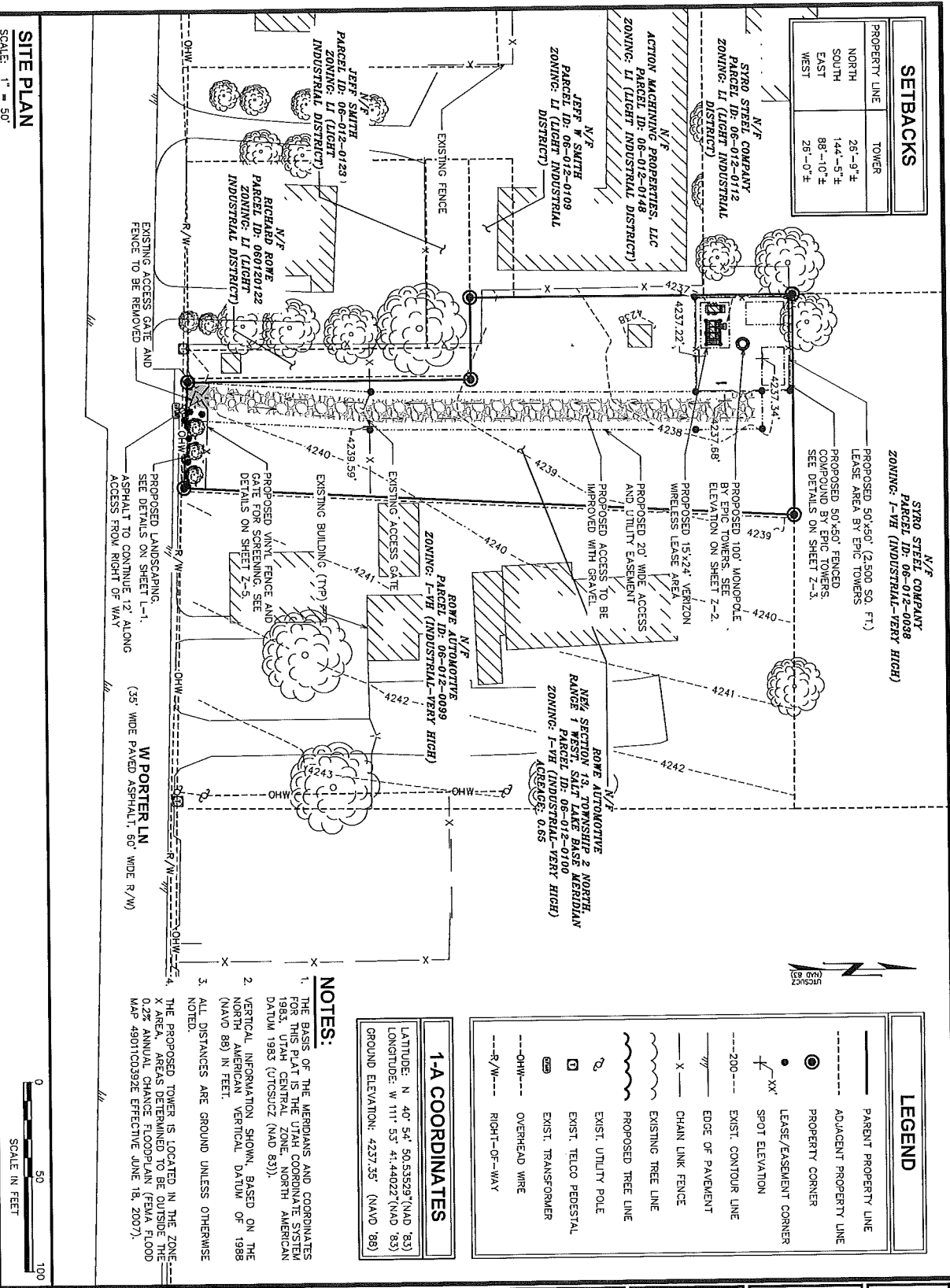
SHEET NUMBER:

N-1

REVISION:

8

TWP #: 70219.51354



SETBACKS	
PROPERTY LINE	TOWER
NORTH	25'-9"
SOUTH	144'-5"
EAST	88'-10"
WEST	25'-0"

SITE PLAN
SCALE: 1" = 50'

SYRO STEEL COMPANY
PARCEL ID: 06-012-0038
ZONING: I-VH (INDUSTRIAL-VERY HIGH)

PROPOSED 50'X50' (2,500 SQ. FT.)
LEASE AREA BY EPIC TOWERS
COMPOUND BY EPIC TOWERS.
SEE DETAILS ON SHEET Z-3.

SYRO STEEL COMPANY
PARCEL ID: 06-012-0112
ZONING: LI (LIGHT INDUSTRIAL DISTRICT)

ACTION MACHINING PROPERTIES, LLC
PARCEL ID: 06-012-0148
ZONING: LI (LIGHT INDUSTRIAL DISTRICT)

JEFF W. SMITH
PARCEL ID: 06-012-0109
ZONING: LI (LIGHT INDUSTRIAL DISTRICT)

JEFF SMITH
PARCEL ID: 06-012-0123
ZONING: LI (LIGHT INDUSTRIAL DISTRICT)

RICHARD ROWE
PARCEL ID: 060120122
ZONING: LI (LIGHT INDUSTRIAL DISTRICT)

ROWE AUTOMOTIVE
PARCEL ID: 06-012-0099
ZONING: I-VH (INDUSTRIAL-VERY HIGH)

**NE, SECTION 13, TOWNSHIP 2 NORTH,
RANGE 1 WEST, SALT LAKE BASE MERIDIAN**
PARCEL ID: 06-012-0100
ZONING: I-VH (INDUSTRIAL-VERY HIGH)
ACREAGE: 0.65

WPORTER LN
(35' WIDE PAVED ASPHALT, 60' WIDE R/W)

LEGEND

- PARENT PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- PROPERTY CORNER
- LEASE/EASEMENT CORNER
- + XX' SPOT ELEVATION
- 200--- EXIST. CONTOUR LINE
- EDGE OF PAVEMENT
- CHAIN LINK FENCE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- EXIST. UTILITY POLE
- EXIST. TELCO PEDESTAL
- EXIST. TRANSFORMER
- OHW--- OVERHEAD WIRE
- R/W--- RIGHT-OF-WAY

1-A COORDINATES

LATITUDE: N 40° 54' 50.53597" (NAD '83)
LONGITUDE: W 111° 53' 41.44022" (NAD '83)
GROUND ELEVATION: 4237.35' (NAVD '83)

NOTES:

- THE BASES OF THE MERIDIANS AND COORDINATES FOR THIS PLAT IS THE UTAH COORDINATE SYSTEM 1983, UTAH CENTRAL ZONE, NORTH AMERICAN DATUM 1983 (UTSUCZ (NAD 83)).
 - VERTICAL INFORMATION SHOWN, BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) IN FEET.
 - ALL DISTANCES ARE GROUND UNLESS OTHERWISE NOTED.
- THE PROPOSED TOWER IS LOCATED IN THE ZONE-X AREA. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN (FEWA FLOOD MAP 4901C0392Z EFFECTIVE JUNE 18, 2007).

SAL BIRNAM WOODS
520 WEST 2200 NORTH
CENTREVILLE, UT 84087
(DAVIS COUNTY)

PLANS PREPARED FOR:

epic
1451 LANTERN LANE
DRAPER, UT 84020
Office: (801) 597-4516

PLANS PREPARED FOR:

verizon

9656 S PROSPERITY ROAD
WEST JORDAN, UT 84081

PLANS PREPARED BY:

TOWERS ENGINEERING PROFESSIONALS
5545 W. 58TH AVE., SUITE E
ARVADA, CO 80002
OFFICE: (303) 856-9514
www.towerseng.com

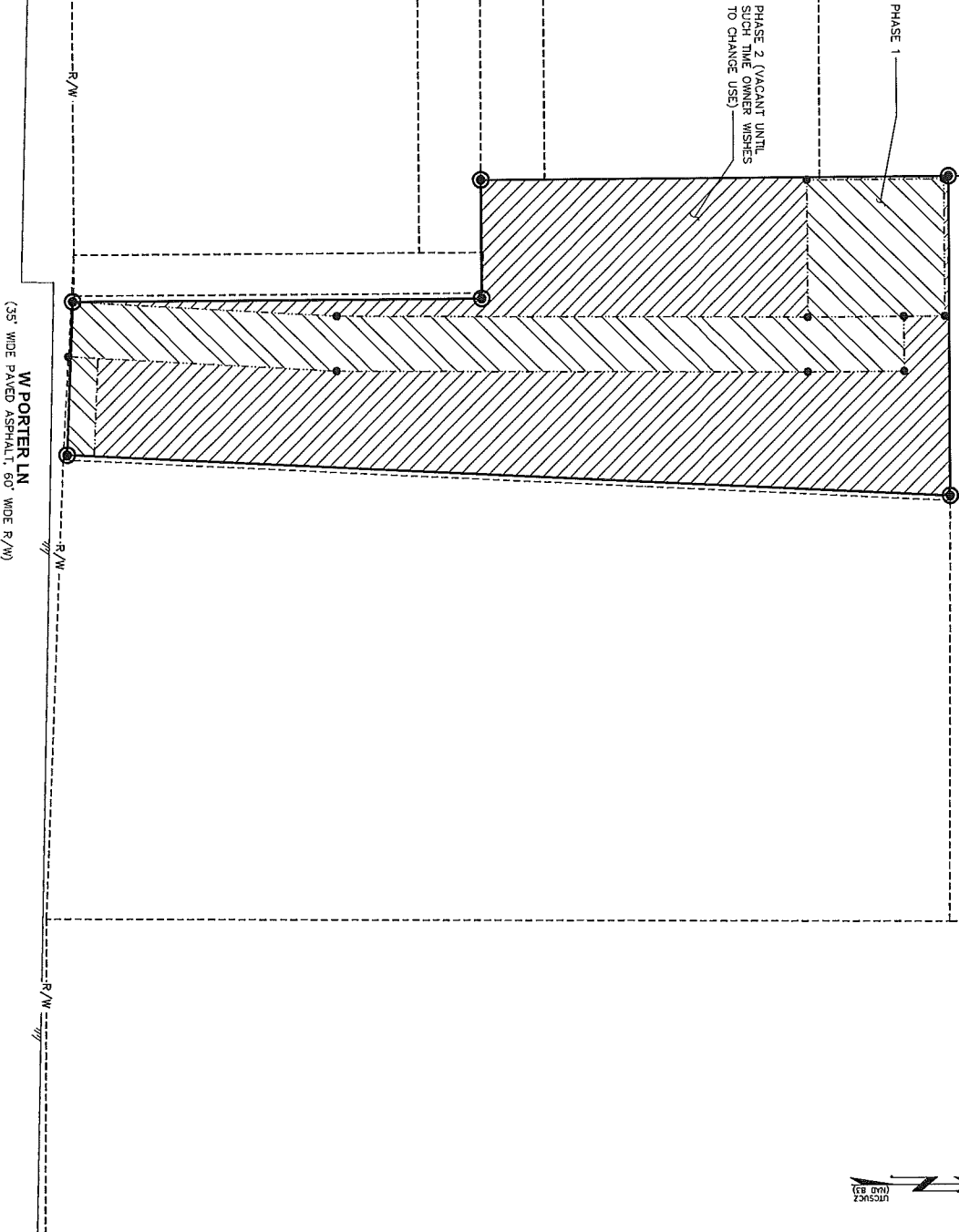
SEAL:

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

SHEET TITLE:
SITE PLAN

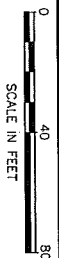
SHEET NUMBER:	REVISION:
Z-1	8
TER# 70219.51354	

NOTE:
EXISTING CARS TO BE REMOVED
FROM LOT DURING PHASE 1.



DEVELOPMENT PHASE PLAN

SCALE: 1" = 40'



PROJECT INFORMATION:

SAL BIRNAM WOODS
520 WEST 2200 NORTH
CENTERTOWN, UT 84057
(JAMES COUNTY)

PLANS PREPARED FOR:


epic
1451 LANTERN LANE
DRAAPER, UT 84020
Office: (801) 597-4516

PLANS PREPARED FOR:


9656 S PROSPERITY ROAD
WEST JORDAN, UT 84081

PLANS PREPARED BY:


TOWER ENGINEERING PROFESSIONALS
5545 W. 50TH AVE., SUITE E
ARVADA, CO 80002
OFFICE: (303) 586-9594
www.tepgroup.net

SEAL:

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

6	06-25-16	ZONING
7	06-22-16	ZONING
6	06-11-16	ZONING
5	06-05-16	ZONING
REV	DATE	ISSUED FOR:

DRAWN BY: CJV CHECKED BY: JCS

SHEET TITLE:

**DEVELOPMENT
PHASE PLAN**

SHEET NUMBER: 8

Z-1A TEP# 70219.51354

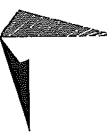
PROJECT INFORMATION:
SAL BIRNAM WOODS
520 WEST 2200 NORTH
CENTERVILLE, UT 84087
(DAVIS COUNTY)

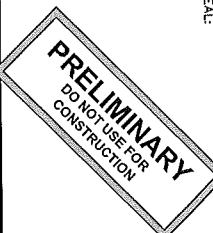
PLANS PREPARED FOR:

epic
1451 LANTERN LANE
DRAPER, UT 84020
Office: (801) 597-4516

PLANS PREPARED FOR:

verizon
9656 S PROSPERITY ROAD
WEST JORDAN, UT 84081

PLANS PREPARED BY:

TOWER ENGINEERING PROFESSIONALS
5545 W. 50TH AVE., SUITE E
ARAPAHO, CO 80002
OFFICE: (303) 556-9414
www.bigmountain.net

SEAL:

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

8	06-23-16	ZONING
7	06-22-16	ZONING
6	06-11-16	ZONING
5	06-05-16	ZONING
REV	DATE	ISSUED FOR:
DRAWN BY: CJV		
CHECKED BY: A		

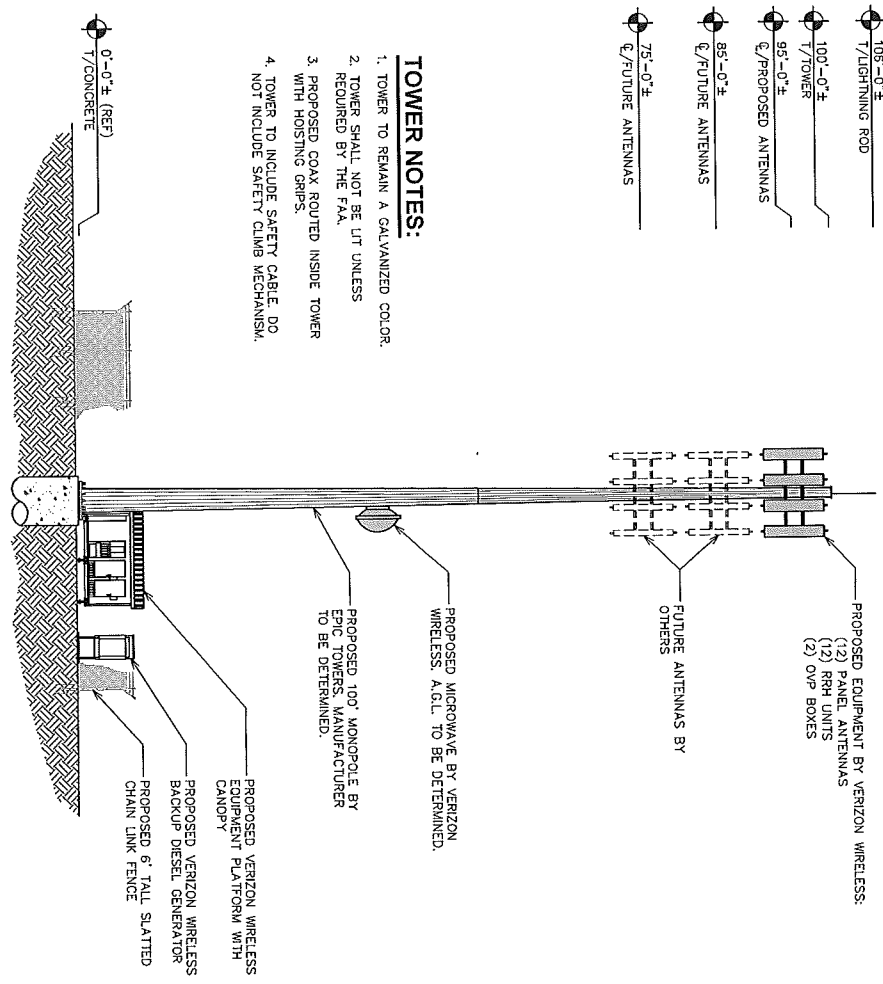
SHEET TITLE:
**TOWER
ELEVATION**

SHEET NUMBER:
Z-2
REVISION:
8
TER#: 702.9.51354

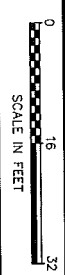
- 106'-0"±
T/LIGHTNING ROD
- 100'-0"±
T/TOWER
- 95'-0"±
E/PROPOSED ANTENNAS
- 85'-0"±
E/FUTURE ANTENNAS
- 75'-0"±
E/FUTURE ANTENNAS

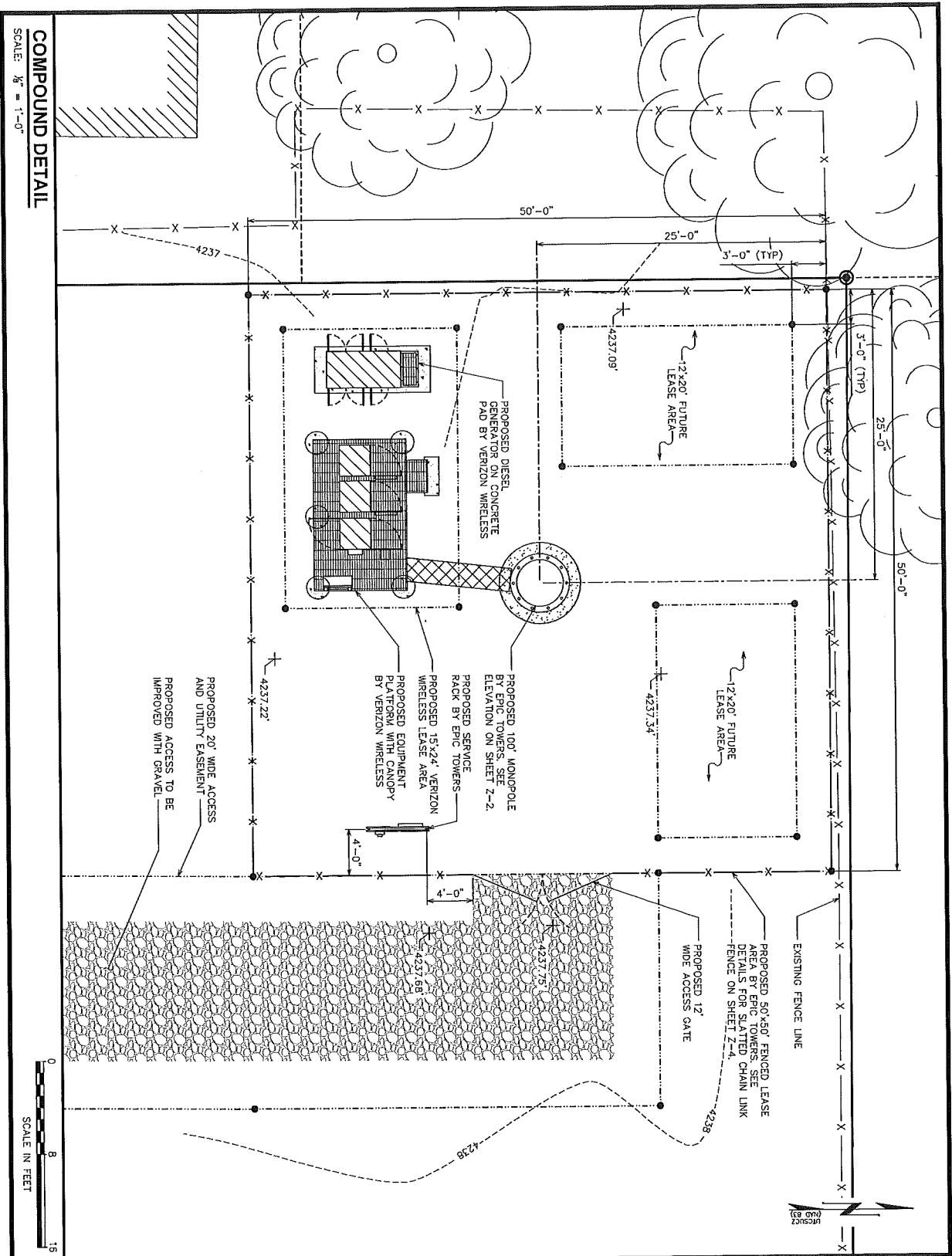
TOWER NOTES:

1. TOWER TO REMAIN A GALVANIZED COLOR.
2. TOWER SHALL NOT BE LIT UNLESS REQUIRED BY THE FAA.
3. PROPOSED COAX ROUTED INSIDE TOWER WITH HOISTING GRIPS.
4. TOWER TO INCLUDE SAFETY CABLE, DO NOT INCLUDE SAFETY CLIMB MECHANISM.



NORTH TOWER ELEVATION
SCALE: 3/8" = 1'-0"





COMPOUND DETAIL

SCALE: $\frac{1}{8}" = 1'-0"$

PROJECT INFORMATION: SAL BIRNAM WOODS 520 WEST 2200 NORTH CENTERTILLE, UT 84057 (DAVIS COUNTY)																						
PLANS PREPARED FOR:  1451 LANTERN LANE DRAPER, UT 84020 Office: (801) 597-4516																						
PLANS PREPARED FOR:  9556 S PROSPERITY ROAD WEST JORDAN, UT 84081																						
PLANS PREPARED BY: 																						
TOWER ENGINEERING PROFESSIONALS 5545 N. 50TH AVE., SUITE ARAPAHO, CO 80002 OFFICE: (303) 566-9814 www.tepcoinc.com																						
SEAL: PRELIMINARY DO NOT USE FOR CONSTRUCTION																						
<table border="1"> <tr> <th>REV</th> <th>DATE</th> <th>ISSUED FOR:</th> </tr> <tr> <td>1</td> <td>06-25-16</td> <td>ZONING</td> </tr> <tr> <td>2</td> <td>06-22-16</td> <td>ZONING</td> </tr> <tr> <td>3</td> <td>06-11-16</td> <td>ZONING</td> </tr> <tr> <td>4</td> <td>06-05-16</td> <td>ZONING</td> </tr> </table>	REV	DATE	ISSUED FOR:	1	06-25-16	ZONING	2	06-22-16	ZONING	3	06-11-16	ZONING	4	06-05-16	ZONING	<table border="1"> <tr> <th>REV</th> <th>DATE</th> <th>ISSUED FOR:</th> </tr> <tr> <td>5</td> <td>06-05-16</td> <td>ZONING</td> </tr> </table>	REV	DATE	ISSUED FOR:	5	06-05-16	ZONING
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2	06-22-16	ZONING																				
3	06-11-16	ZONING																				
4	06-05-16	ZONING																				
REV	DATE	ISSUED FOR:																				
5	06-05-16	ZONING																				
DRAWN BY: CIV CHECKED BY: AGS																						
SHEET TITLE: COMPOUND DETAIL																						
SHEET NUMBER: Z-3	REVISION: 8																					
TEP# 702.9.51354																						

SAL BIRNAM WOODS

(DAVIS COUNTY)

Office: (801) 597-4516



9656 S PROSPERITY ROAD
WEST JORDAN, UT 84081

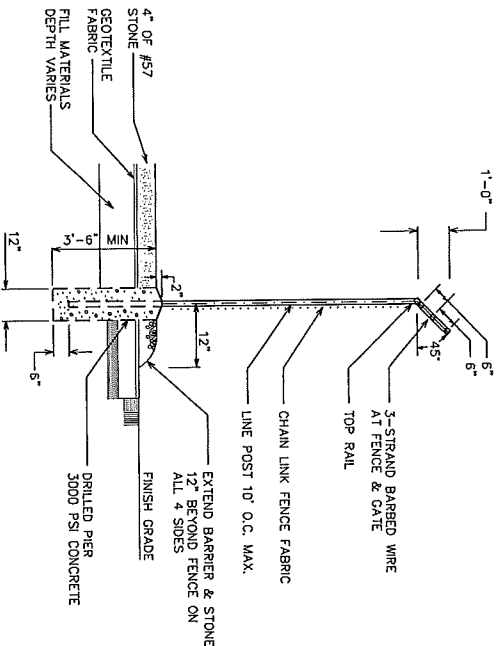
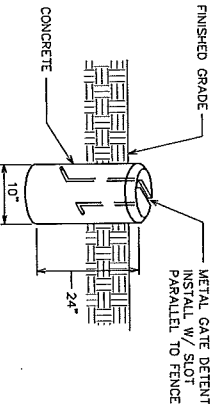
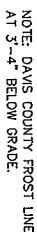
www.jepgroup.net

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

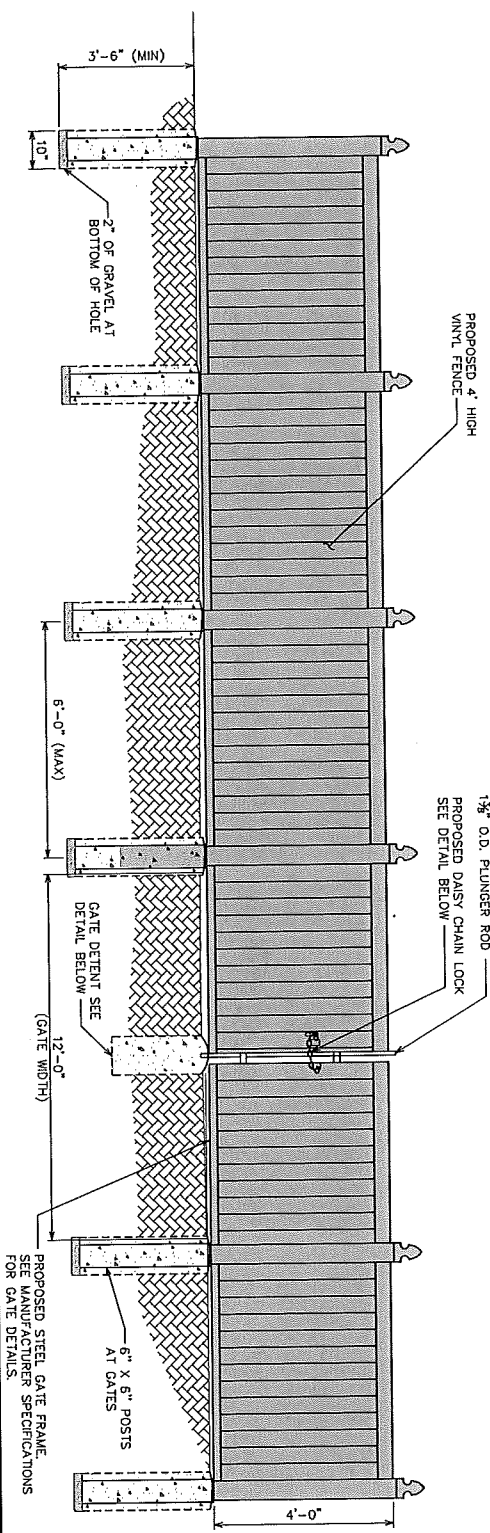
FENCE DETAILS

REVISION: 8

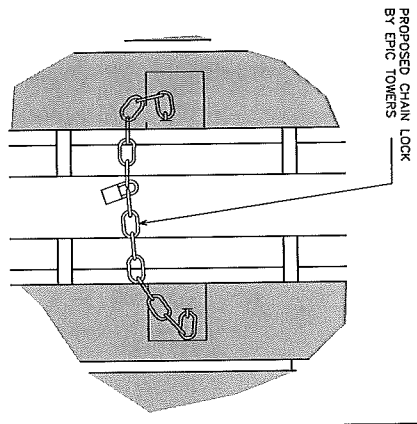
TEP #: 702



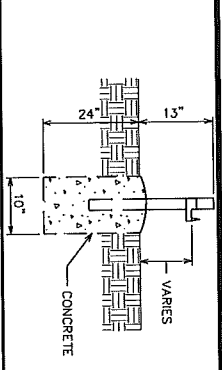
CONTRACTOR NOTE:
REFER TO INSTALLATION GUIDELINES BY FENCE MANUFACTURER
FOR ADDITIONAL DETAILS.



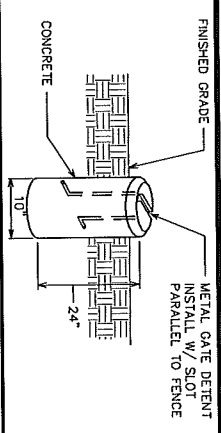
TYPICAL FENCE ELEVATION
SCALE: N.T.S.



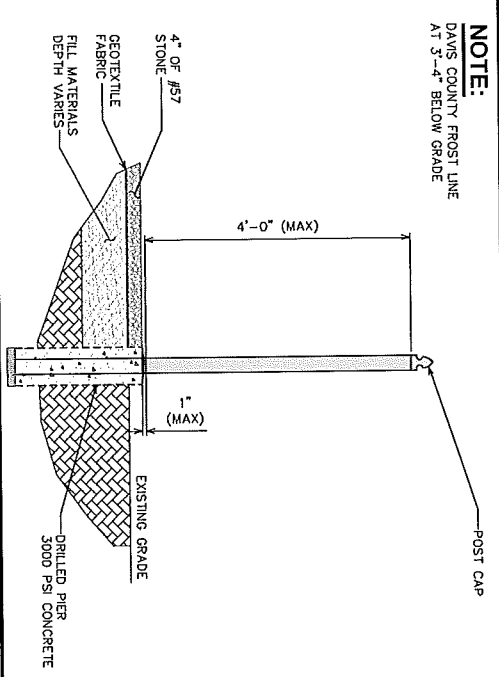
DAISY CHAIN LOCK
SCALE: N.T.S.



GATE STOP / KEEPER DETAIL
SCALE: N.T.S.



GATE DETENT DETAIL
SCALE: N.T.S.



FENCE SECTION
SCALE: N.T.S.

PROJECT INFORMATION:
SAL BIRNAM WOODS
520 WEST 2200 NORTH
CANTONVILLE, UT 84087
(DAVIS COUNTY)

PLANS PREPARED FOR:
epic
1451 LANTERN LANE
DRAPER, UT 84020
Office: (801) 587-4516

PLANS PREPARED FOR:
verizon
9656 S PROSPERITY ROAD
WEST JORDAN, UT 84081

PLANS PREPARED BY:
TOWER ENGINEERING PROFESSIONALS
555 W. 55TH AVE., SUITE
ARAPAHO, CO 80002
OFFICE: (303) 985-9574
www.tepco.com

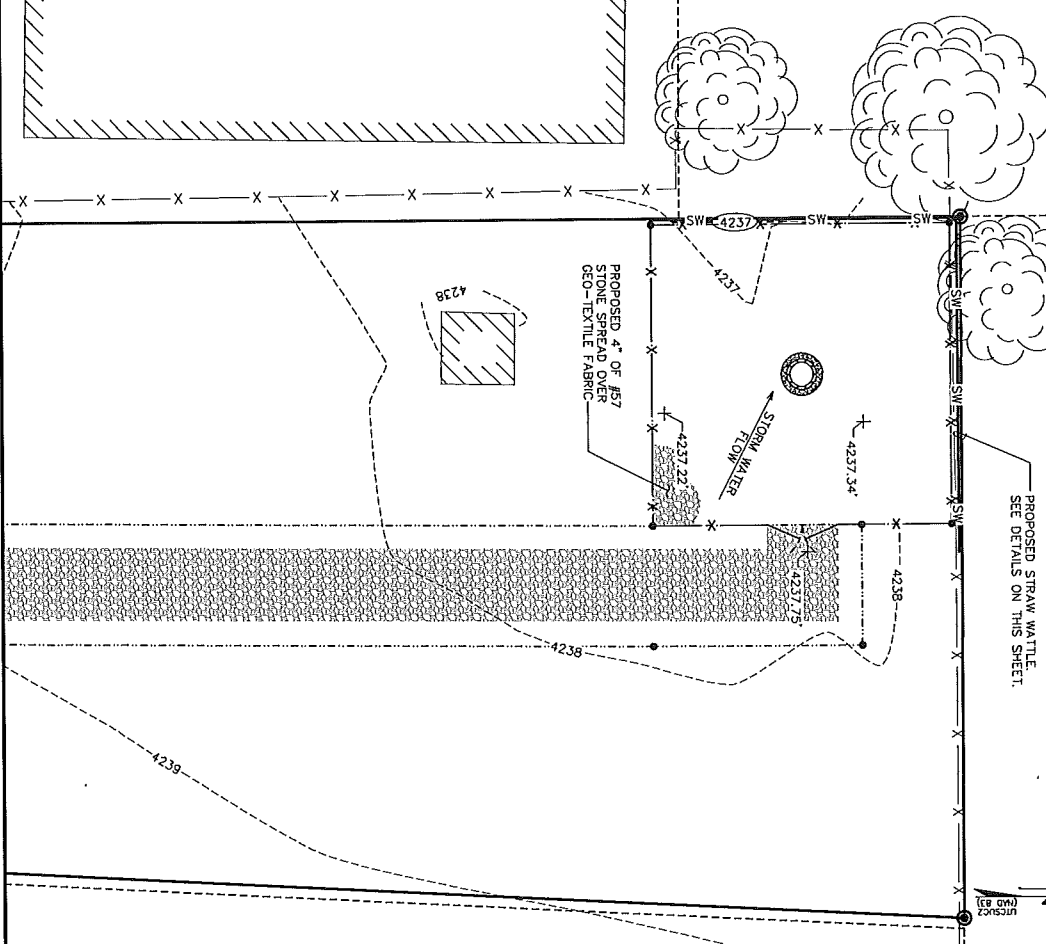
SEAL:
PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

6	06-25-16	ZONING
7	06-22-16	ZONING
6	06-11-16	ZONING
5	06-05-16	ZONING
REV	DATE	ISSUED FOR:
DRAWN BY:	CIV	CHECKED BY:
ASB		

SHEET TITLE:
SCREEN
FENCE DETAILS

SHEET NUMBER:
8
REVISION:
8
TEP #: 70219.5135.4

NOTE:
COMPOUND DOES NOT REQUIRE ANY ADDITIONAL METHODS FOR DRAINAGE DUE TO PERVIOUS MATERIALS THAT ARE TO BE LAID INSIDE LEASE AREA.

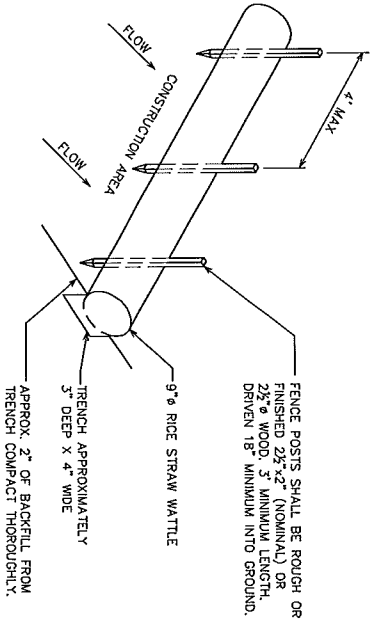


GRADING AND DRAINAGE PLAN

SCALE: 1" = 20'

- GRADING NOTES:**
1. CONSTRUCTION WILL BE SEQUENCED SO THAT GRADING OPERATIONS CAN BEGIN AND END AS QUICKLY AS POSSIBLE.
 2. TEMPORARY SEEDING OR OTHER STABILIZATION, INCLUDING GRAVEL COVER ON ANY NEW ACCESS ROAD, WILL FOLLOW IMMEDIATELY AFTER GRADING.
 3. THE JOB SUPERINTENDENT SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL PRACTICES.
 4. AFTER ACHIEVING ADEQUATE STABILIZATION, THE TEMPORARY E&S CONTROLS WILL BE CLEANED UP AND REMOVED.

- NOTES:**
1. LAY WATTLE SNUGLY IN TRENCH, NO DAYLIGHT SHOULD BE SEEN UNDER THE WATTLE. PACK SOIL FROM TRENCHING AGAINST WATTLE ON THE UPHILL SIDE. TIGHTLY BUTT ADJOINING WATTLES. DO NOT OVERLAP THE ENDS.
 2. STAKE WATTLES AT EACH END AND MAXIMUM OF 4' ON CENTER. STAKES TO BE DRIVEN THROUGH THE CENTERS OF WATTLES. INSTALL STAKES PERPENDICULAR TO GRAD SLOPE.
 3. THIS DEVICE IS INTENDED TO CONTROL SHEET FLOW ONLY. IT WILL NOT BE USED IN AREAS OF CONCENTRATED FLOW WITH A DRAINAGE AREA OF 1/2 ACRE OR MORE.



STRAW WATTLE DETAIL

PROJECT INFORMATION:

SAL BIRNAM WOODS

520 WEST 2200 NORTH
CANYON, UT 84087
(DAVIS COUNTY)

PLANS PREPARED FOR:

epic

1451 LANTERN LANE
DRAPER, UT 84020
Office: (801) 597-4516

PLANS PREPARED FOR:

verizon

9656 S PROSPERITY ROAD
WEST JORDAN, UT 84081

PLANS PREPARED BY:

TOWER ENGINEERING PROFESSIONALS

5545 W. 56TH AVE., SUITE
ARAPAHO, CO 80012
OFFICE: (303) 958-9414
www.tepengineers.net

SEAL:

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

REVISION:

REV	DATE	ISSUED FOR:
1	06-25-16	ZONING
2	06-22-16	ZONING
3	06-11-16	ZONING
4	06-05-16	ZONING

SHEET NUMBER:

Z-6

REVISION:

8

TEP# 70219.51354

GRADING AND DRAINAGE PLAN

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
9/28/2016**

Item No. 2.

Short Title: Public Hearing - Code Text Amendment to Prohibit Flag Lot Development

Initiated By: Centerville City Council, Applicant

Scheduled Time: 7:30

SUBJECT

Consider the proposed Zoning Code Text Amendment to prohibit flag lot development in various sections of the Zoning Code and repeal various sections in the Municipal Code, Title 15, Subdivision Ordinance, regarding flag lot provisions

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- ▣ 09-28-2016 PC Staff Report Flag Lot Repeal
- ▣ Ordinance No. 2016-29-Flag Lot Repeal

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

**STAFF REPORT
AGENDA: ITEM 2**

APPLICANTS: **CENTERVILLE CITY COUNCIL
C/O PAUL CUTLER
250 NORTH MAIN STREET
CENTERVILLE, UTAH 84014**

PETITION: **SUBDIVISION AND ZONING ORDINANCE TEXT
AMENDMENTS TO ELIMINATE FLAG LOT TYPE
DEVELOPMENT**

BACKGROUND

In 2011, the City received a petition from landowners that desired to develop a flag-style lot. Prior to that time, the City had rescinded an earlier Ordinance allowing flag lots. As a result of that particular petition, the City adopted a “new version” of the Flag Lot Ordinance. However, this new Ordinance only allowed the use of flag-style lots, as a last report option for underutilized parcels. The current Ordinance limits the use of flag lots and are limited to the Residential-Low & Medium Zones. Additionally, all development on the flag lot is limited to a single-family home, regardless of the allowed zoning densities. The purposes and limitations of flag lot style development (see Section 15.5.102.9) are as follows:

“Flag lots are not permitted as part of the conventional subdivision plat review and approval processes. However, flag lot development may be approved by the City, if the following conditions for the creation of a flag lot are present;

- a. The property involved was and is not part of a previous subdivision plat approval by the City.*
- b. The property involved qualifies for a “small subdivision waiver” in accordance with Section 15.2.107 of the Subdivision Ordinance.*
- c. The approving entity finds that there are no adjacent streets stubbed to and could not eventually be constructed to or through the area to provide proper street frontage to the property as part of a conventional subdivision approval.*
- d. The approving entity finds that integrating the property with adjacent property assemblages would not result in developing a lot layout that could be approved as part of a conventional subdivision plat review and approval.*
- e. The approving entity finds that leaving the property in its current condition results in an underutilized area that creates an opportunity for the land to become a nuisance to the area in which it is located.*

Nonetheless, on September 4, 2016, the City Council directed staff and Commission to review the flag lot allowance for consideration to rescind or prohibit flag lot configuration in any type of subdivision development.

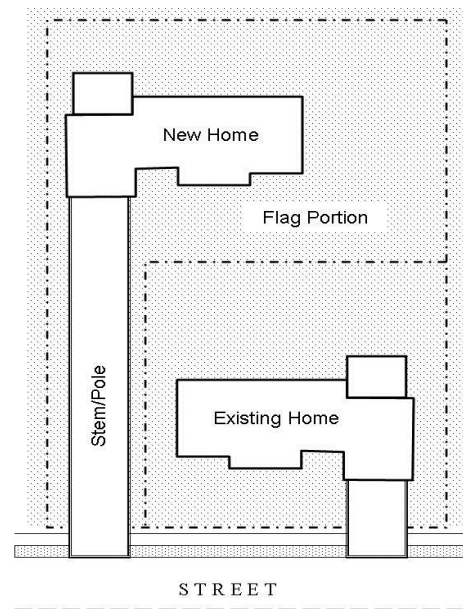
THE CONCEPT REGARDING FLAG LOTS

The intent or use of flag lot regulations is to create lots that reflect the overall image or character of a neighborhood (typically single-family areas) when the following conditions exist:

- The location of an existing house precludes a division of land due to minimum lot widths or setbacks, etc.
- An underutilized or odd lot exists with no other means of public street frontage or access
- The use of a flag lot would maintain the allowed densities of the applicable zoning district
- All utilities and fire protection services can be adequately provided to the flag lot

The typical flag lot regulations often cover the following design concepts:

- Sets minimum stem or pole widths
- Addressed expected building orientation and placement
- May require additional buffer & landscaping standards to protect normal privacy expectations
- Addresses the needs of fire protection, suppression, and access standards
- Typically allows all other typical residential lot uses and activities such as, building heights, accessory uses, parking needs, pervious and impervious, etc.



The possible drawbacks for allowing flag lots are typically the following:

- Rear yard to front yard conflicts of adjoining properties
- Stem or pole access use and maintenance
- Visual and physical connection to the public street for garbage, deliveries, police and emergency type services
- The unacceptable concentration of flag lots where property assemblages could result in traditional divisions of land
- The compatibility of new homes among exiting homes, particularly in older traditional small home neighborhoods
- The public's tolerance for use of perceived open spaces and densities

Factors to be Considered 12.21.080(e)1-4**1. Is the proposed amendment consistent with the goals, objectives and policies of the City's General Plan?**

2.

➤ Staff Response:

- The General Plan does not specifically address the development and use of flag lots. However, in the housing element of the General Plan, it indicates that the primary focus of residential development is for single-family uses. Other higher densities can be allowed in appropriate locations with the City (see Section 12.420.2.2). The plan also states that the City ought to “assure an adequate supply of housing for future population through proper identification of optimum locations” for housing and provision of City services (see Section 12.420.3.2).

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

- **Staff Response:** The allowance of flag lots can create dissimilar building orientation and placement on properties that can create visual and sometimes physical impacts that are not the expected norm to the typical residential development patterns of today. Thus, there is a need to establish specific use and placement parameters to mitigate such concerns such as building height relationships, yard setbacks, and buffering.

However, it is staff's opinion that flag lots often can be used in areas where older or original divisions (typically done through metes & bounds descriptions) of land have taken place. In such areas, the typical patterns were long or deep lots with narrower street frontages. This pattern was originally developed to allow owners to use the larger back yards for sustenance living through gardening and food storage in cooling shelters. Such land division patterns today lead to underutilized lands, where storage, junks, weeds, and other nuisance conditions take place.

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

- **Staff's Response:** Again, the allowance of flag lots can create dissimilar building orientation and placement on properties that can create visual and sometimes physical impacts that are not the expected norm to the typical residential development patterns of today. However, the provisions of the current Ordinance do establish specific use and placement parameters to mitigate such concerns, such as building height relationships, yard setbacks, and buffering.

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

- **Staff's Response:** Generally, services are developed with service capacities that reflect the densities determined in the General Plan and Zoning Ordinances. The current flag lot standards are consistent with the expected and approved densities of the zoning district in which they are permitted.

PLANNING STAFF RECOMENDATION

Attached with this report is an Ordinance “repealing” the provisions and standards regarding flag lot style development. Nonetheless from staff’s point of view, the Planning Commission should **NOT** recommend the elimination of the flag lot provisions from the Subdivision and Zoning Ordinances for the following reasons:

- a. The Planning Commission finds that the flag lot provisions are consistent with the housing element of the General Plan, which indicates that the primary focus of residential development is for single-family uses.
- b. The Planning Commission finds that the current Zoning Ordinance regulates the lot area, width, and depth and finds that the current dominate single-family R-L and R-M Zoning District require a minimum lot width of 60 feet, which prohibits the use of a narrower corridor and essentially eliminates use of a typical flag lot design for oversized and underutilized parcels scattered throughout the City.
- c. The Planning Commission finds that flag lots are not permitted as part of the conventional subdivision plat review and approval processes are used as a last resort option for oversized and underutilized parcels scattered throughout the City.
- d. The Planning Commission finds that the current flag lot regulations account for the fair application of the City’s gross densities of the zoning districts for oversized and underutilized parcels scattered throughout the City.
- e. The Planning Commission finds that the allowance of flag lots, with the regulations that are in place, can create compatible building orientation and placement on properties that can temper and mitigate any visual and sometimes physical impacts that are not the expected norm to the typical residential development patterns of today (or if deemed necessary be adjusted).
- f. The Planning Commission finds that the flag lot regulations can adequately to appropriately address building height relationships to adjacent properties, application of front side and rear yard setbacks, use of accessory structures, utility service laterals, fire suppression access and turnarounds, stem or pole use and maintenance (or if deemed necessary be adjusted).
- g. Given findings listed above, the Planning Commission finds that the current flag lot regulations have been adequately reviewed using the Zoning Ordinance “Factors to be Considered” of Section 12.21.080(e)1-4 and the Subdivision Ordinance “General Decision-Making Standards” of Section 15.1.114(1.2).

ORDINANCE NO. 2016-29

AN ORDINANCE AMENDING SECTION 15-1-104 OF THE CENTERVILLE MUNICIPAL CODE REGARDING THE DEFINITION OF FLAG LOT AND SMALL SUBDIVISION, REPEALING SUBSECTIONS 15-5-102(9) AND 15-5-102(10) OF THE SAME REGARDING FLAG LOT DEVELOPMENT, AND AMENDING SECTION 12.36.020 OF THE CENTERVILLE ZONING CODE REGARDING TABLE OF USES FOR RESIDENTIAL USES TO ELIMINATE FLAG LOT DEVELOPMENT AS A PERMITTED USE IN THE RESIDENTIAL-LOW (R-L) AND RESIDENTIAL-MEDIUM (R-M) ZONES

WHEREAS, the City has previously adopted regulations regarding flag lot development as set forth in the Centerville Subdivision Ordinance and the Centerville Zoning Code permitting flag lot development under limited circumstances in the Residential-Low (R-L) and Residential-Medium (R-M) Zones; and

WHEREAS, the City Council desires to repeal the provisions of the Centerville Subdivision Ordinance and the Centerville Zoning Code regarding flag lot development and prohibiting such type of development in all zones; and

WHEREAS, the City is authorized to enact, amend or repeal provisions of the Centerville Subdivision Ordinance and Centerville Zoning Code pursuant to specific statutory authority, including, but not limited to Utah Code §§ 10-9a-501, et seq., and Utah Code § 10-8-84; and

WHEREAS, all required notice and public hearings have been held before the Planning Commission and City Council regarding these proposed amendments to the Centerville Subdivision Ordinance and the Centerville Zoning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Section 15-1-104 of the Centerville Municipal Code is hereby amended to revise the definition of Flag Lot and Small Subdivision to read as follows:

15-1-104. DEFINITIONS.

* * *

(21) “Flag Lot” means an L-shaped lot that has been approved by the City consisting of a staff portion contiguous with the flag portion and used for the sole purpose of developing a single family detached structure. [Flag lots are not permitted within the City.](#)

* * *

(45) “Small Subdivision” means a subdivision of not more than 2 lots ~~or a subdivision which includes the use of flag lots~~ that meets the small subdivision waiver allowance criteria.

* * *

Section 2. Repeal. Section 15-5-102 of the Centerville Municipal Code is hereby amended to repeal Subsections (9) and (10) regarding flag lot development. Such subsections are hereby repealed in their entirety.

Section 3. Amendment. Section 12.36.020 of the Centerville Zoning Code regarding the Table of Uses for Residential Uses is hereby amended to eliminate the use of “flag lot subdivision development” as a permitted use in the Residential-Low (R-L) and the Residential-Medium (R-M) Zones and to list such use as “not permitted” in any zone as follows:

12.36.020 Table of Uses for Residential Uses

* * *

Zones															
Residential Uses	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Flag Lot Subdivision Development	N	N	NP	NP	N	N	N	N	N	N	N	N	N	N	N

* * *

Section 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. Omission Not a Waiver. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 6. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS _____ DAY OF _____, 2016.

ATTEST:

CENTERVILLE CITY

Marsha L. Morrow, City Recorder

By: _____
Mayor Paul A. Cutler

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Fillmore	_____	_____
Councilmember Ince	_____	_____
Councilmember Ivie	_____	_____
Councilmember McEwan	_____	_____
Councilmember Mecham	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB’s Gas Station, on the foregoing referenced dates.

MARSHA L. MORROW, City Recorder

DATE: _____

RECORDED this ____ day of _____, 20 ____.

PUBLISHED OR POSTED this ____ of _____, 20 ____.

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
9/28/2016**

Item No. 3.

Short Title: Training - Role of Planning Commission

Initiated By: City Attorney

Scheduled Time: 7:50

SUBJECT

Training by City Attorney Lisa Romney regarding the role of the Planning Commission

RECOMMENDATION

BACKGROUND

The City Attorney would like to have a discussion and training session with the Planning Commission regarding the role of the Planning Commission. Attached are two documents for the Planning Commission to read and review prior to the meeting. These documents will be discussed.

ATTACHMENTS:

Description

- ▣ Role of Planning Commission-David Church
- ▣ Role of Planning Commission-ULCT Handbook
- ▣ Roles and Responsibilities-PowerPoint

THE PLANNING COMMISSION ONE ATTORNEY'S VIEW

BY DAVID L. CHURCH

One of the most important required committees in Utah municipalities is the planning commission. Membership of planning commissions consists, by in large, of dedicated volunteers who perform this service out of love for their community and interest in the subject. However, for some reason some planning commissions and planning commissioners are continually in dispute with their city or town council or with the land owners who have to deal with them. This is unfortunate and in my view is a product of misunderstanding the role of the planning commission and its members.

Every Utah municipality is required to pass an ordinance establishing a planning commission¹. The ordinance is required to define the number and terms of the members of the planning commission and alternate members if any. This can and does change from city to city. There is no required number on a planning commission nor a magic or best number. In theory a planning commission could consist of one or fifty. In addition the ordinance must indicate the mode of appointment. This implies that perhaps someone other than the mayor (or the city manager in the city manager optional form of government) could be given the right to appoint planning commission members by the ordinance. I do not believe this would be a proper interpretation. Mayors or city managers, depending on the form of government in the city, clearly have the statutory authority to appoint, with the advice and consent of councils, persons to the city commissions including the planning commission.² To be consistent with the other provisions of the Utah Municipal Code, the mode of appointment of planning commissioners in the ordinance would have to be limited to things other than the power of appointment. The ordinance must also contain the procedures for filling vacancies and removal from office. This has been an overlooked provision in most ordinances and the source of some contention and even law suits. The best practice is to make this section fairly specific and have definite standards of conduct and attendance for commission members. Without these specifics it may be difficult to remove members from a commission prior to the expiration of their term in office.

The ordinance should also detail the authority of the planning commission. Every planning commission is required, by state law, to have a role in the municipality's establishment of its basic land use control policy. This authority given by state law cannot be taken from the planning commission by the city or town council. This minimum role consists of making recommendations to the city or town council for a general plan and amendments to the general plan and recommendations to the city or town council land use ordinances, zoning maps, official maps, and amendments. The planning commission must also be involved in making recommendations on proposed subdivision plats.

¹ Utah Code 10-9a-301

² Utah Code sections 10-3-809(2)(h), 10-3-1219(d), and 10-9-1226(2)(7)

No other powers or duties need be given to the planning commission by the city or town and the planning commission does not have any other inherent powers. Many commissions try to involve themselves in matters such as business licensing, animal regulations and nuisance enforcement. This is appropriate only if the city or town ordinances specifically delegate these responsibilities to them.

The city and town land use ordinances, which the planning commission has made recommendations on, must identify a land use authority and an appeal authority for every land use decision applying the adopted city or town land use ordinances.³ The planning commission may be designated in the land use ordinances as the land use authority in the city for making land use decisions or they may be designated as the appeal authority for appeals from land use decisions, but the planning commission cannot be the deciding authority and the appeal authority on the same issues. For example if the planning commission is given by the city or town ordinance the authority to review and approve site plans then some other person or body must be given the authority to appeal the decisions of the planning commission on site plans.

The ordinance setting up the planning commission should also establish the details of how the commission operates and the rules of procedure of the planning commission. The ordinance may also fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended. This section of state law should be read to say that planning commissioners may be reimbursed for their services but it is not paid employment.

It is not uncommon for members of a planning commission to get “cross wise” with the city or town council. This is understandable since the primary purpose of the planning commission is to make reasoned recommendations to the council about the general plan and the land use ordinances, but the city or town council is under no obligation to take the recommendations of the planning commission. It is not a rare occurrence for members of a planning commission to become invested in their recommendations. These recommendations are the product of long public processes and hard decision making. It can appear disrespectful to the process and the efforts of the planning commission when the council ignores the recommendations of the planning commission and goes off on its own. There is no solution to this source of conflict. Decisions regarding the general plan and the adoption of land use ordinances are legislative acts that are intended to be made by elected policy makers and not by appointed commissioners. Council members should respect the recommendation of the planning commissions, but in the end they need to vote for their own constituents according to their own consciences.

It is also not uncommon for city and town councils to become frustrated with their own planning commissions. This is generally not because of any recommendation made by the planning commission, but when the commission is acting as a land use authority and granting or denying permits and approvals. The principle source of this frustration is

³ Utah Code section 10-9a-302.

a planning commission's attempt to exercise discretion in granting or denying these permits. Utah law is very clear that a landowner is entitled to approval of a land use application if the application complies with the city or town's ordinance.⁴ It is specifically stated in Utah law that a land use authority cannot impose any requirement on an applicant for a land use permit that is not specifically expressed in either state law or local ordinances.⁵ In addition the law states that if a proposed subdivision, with limited exceptions, complies with the city or town ordinances, it must be approved.⁶ What this means is that the planning commission, when acting as a land use authority, has very little discretion on whether or not to grant or deny the permit. If the land owner's application complies with the ordinances, the commission (or any other appointed land use authority) must approve it, and if it does not comply then the planning commission must deny the application. This is regardless of whether or not the planning commission, or the public, thinks that the application is a good or bad idea. In addition if the city or town ordinances are ambiguous they must be interpreted by the city or town in favor of the land owner.⁷ When a planning commission ignores the law and approves (or denies) a land use application in violation of the city or town ordinances it creates trouble and unnecessary conflict for the city or town council. This, no matter how well intentioned, is never in the public interest.

There are, I believe, some basic rules for members of a planning commission to follow that will help the planning process and avoid conflict between the planning commissions and the city or town councils.

First, planning commissioners must understand and appreciate the dual role that they may play. When they are making a recommendation on a general plan or on a land use ordinance they are a part of the political, legislative process. They have broad discretion in what their recommendation can be. They can listen to the public even if it is just uneducated clamor. When the planning commission is acting as a land use authority it has little discretion. The land owner's application either complies with the ordinances or it does not. An individual planning commissioner's opinion of the merits of a proposed land use application is not relevant to the process. Any individual commissioner's opinion, and any of the public's comments and concerns, are relevant only to the extent that they speak to issue of compliance with the existing law.

Second, planning commissioners must understand that the planning commission is intended to shape policy not make policy. It is not a representative body and has no constituency. Commissioners do not represent neighborhoods or points of view. The role is not to act as a gate keeper. Their role is to be experts in planning and the local ordinances. They are to make reasoned recommendations and apply the ordinances as written. If a planning commissioner wants to be a policy maker he or she just needs to

⁴ Utah Code section 10-9a-509(1)(a)

⁵ Utah Code section 10-9a-509(1)(e)

⁶ Utah Code section 10-9a-603(2)

⁷ Brown v. Sandy City Bd. of Adjustment, 957 P.2d 207, 210 (Utah Ct. App. 1998) and Patterson v. Utah County Bd. of Adjustment, 893 P.2d 602, 606 (Utah Ct.App.1995).

put their names on a ballot and win an election. Until they do so they should not attempt to make policy. They should be content with just shaping policy and administering the ordinances as written.

Third, planning commissioners should respect the public process and the due process rights of the land owners. All meetings of the planning commission must comply with the Utah Open and Public Meetings Act.⁸ This means that both decisions and deliberations of a planning commission must be public. A public hearing is required by law for many of the things that a planning commission may be involved in and can be held by many planning commissions on other matters as a matter or routine. The purpose of a public hearing is to receive information from, and give information to the public. It is not to seek the public's approval or permission to do something. In my opinion it is never appropriate to poll the members of the public in attendance at a meeting to see what they think. The people in attendance at any meeting are not necessarily representative of the residents of the city or town as a whole. They are at the meeting because they have a position that is so strongly held that they will leave their TV's and come to a meeting. While what they say matters, the volume and number of repetitions does not. A public hearing should be a time that the planning commission listens and learns. It is not a time to convince or argue with the public. Procedural due process requires that an applicant for any permit be given notice of any meeting regarding his or her application; the right to be heard; and a fair hearing or decision. Utah law requires that the applicant be given specific notice of the date, time and place of any meeting where the application is being considered and also be given copies of any staff reports regarding the application at least three days before the meeting or hearing.⁹

Lastly, it is important to remember that being on a planning commission is about public service. One of the primary roles of a planning commission is to help the landowner accomplish with his land what the landowner desires in a manner consistent with the city's plans and ordinances. Many planning commissioners seem to enjoy frustrating the plans of the landowner. They take delight in telling people no—instead of how. Some planning commissioners feel that it is their role to force an applicant to do what the commissioner would do if the commissioner owned the property. These attitudes do not serve the public.

A planning commission fulfills its purpose when it acts in a manner supportive of the policy and policy makers. It is not intended to be adversarial to the council. It is not a check or balance to the council. It is not there to slow growth or frustrate land owners. It is there to add professionalism, fairness and common sense to the planning and land use control process. It only serves this valuable function when it works within the constraints of the law and without regard to public prejudice and the clamor of the crowd.

⁸ Utah Code sections 52-4-1 et. seq.

⁹ Utah Code sections 10-9a-202.

Handbook for New Planning Commissioners

Utah League of Cities and Towns
State Institutional Trust Lands
2003

II - The Responsibilities of the Planning Commission

Legal Responsibilities

Section 10-9-204, U.C.A., defines the powers and duties of the Planning Commission. They are:

- Prepare and recommend a General Plan, or amendments to the General Plan, to the legislative body;
- Recommend zoning ordinances, or amendments to a zoning ordinance, to the legislative body;
- Administer the zoning ordinance once it has become law;
- Recommend subdivision ordinances, and amendments, to the legislative body;
- Recommend approval or denial of subdivision applications;
- Write and recommend an annexation policy plan if requested to do so by the legislative body;
- Give advice on other planning and land use matters to the legislative body when asked;
- Publicly hear and decide any other matters designated by the legislative body, such as conditional uses, status or expansion of nonconforming uses, building permits, historical designation, long-term planning, open-space designation, etc.

"Political" Responsibilities

The "softer" responsibilities of the Planning Commission, assumed but not quoted in the state code, require that the Commission:

- Represent the "public good";
- Strike a balance between private property rights and the good of the community;
- Allow citizens to have an active role in the planning processes of their community;
- Ensure that planning is done in a reasonable, legal fashion;
- Protect Constitutional rights, such as "due process", property rights, and fair and equal treatment.

III - The Role of the Individual Commissioner

There are no absolute rules that are written any place about how you should act as a Commissioner. There are, however, a lot of suggestions from many different sources.

Here are some very basic rules that apply:

- Remember that you are a member of a Commission that has power, but the power lies in the majority vote - not with the individual.
- Remember that you are not there representing a specific neighborhood, business, or interest. Your responsibility is to protect "the public good" which has hopefully been defined by the General Plan and the development ordinances.
- You are subject to the same rules of ethics and procedures as elected officials.

Perhaps the easiest way of defining the role of a Planning Commissioner is to look at a list of "shalts" and "shalt nots".

The Shalts:

- attend meetings and vote;
- preview materials for cases and take field trips when appropriate;
- pay attention to the information that is presented by all parties in the meetings of the Commission;
- ask questions if you need to;
- represent the good of the community rather than the good of the few;
- be knowledgeable and respectful of Constitutional Rights;
- become an advocate of the city, its General Plan, and its development ordinances;
- become familiar with and respect the laws of the Country, the State, and the City or Town in which you live;
- treat others with dignity, regardless of how you may view their issue or point of view;
- be able to say "no" when it is appropriate;
- make decisions based on the law, and good planning, rather than on public sentiment or pressure;
- become knowledgeable about planning, both in theory and practice;

The Shalt Nots:

- be afraid to make difficult decisions even though they may be unpopular;
- have meetings one-on-one with petitioners;
- have a closed mind to arguments or new ideas;
- make up your mind before hearing all the available information;
- represent a single point of view or base your vote on a single personal experience;
- violate the open meetings law or the ethics act of the State of Utah or of the municipality in which you live;
- use your position, or information given to you as a result of your position, to benefit yourself, friends, or family.

ROLES AND RESPONSIBILITIES

PLANNING COMMISSION TRAINING

Excerpted from “The Planning Commission –
One Attorney’s View” by David L. Church

Presented by City Attorney
September 28, 2016

PLANNING COMMISSION IS NECESSARY ELEMENT OF MUNICIPAL LAND USE AND PLANNING

Every municipality in the State of Utah is require to adopt an ordinance establishing a planning commission.

The Planning Commission is require by law to have a role in the City's establishment of basic land use policy.

UCA 10-9a-301 and CMC 12.20.050

CITY IS REQUIRED BY LAW TO CREATE A PLANNING COMMISSION

STATUTORY DUTIES OF THE PLANNING COMMISSION

The Planning Commission is required by law to make *a recommendation* to the City Council on the following matters:

- General Plan
- Zoning Code
- Zoning Map
- Subdivision Ordinance

RECOMMENDING AUTHORITY ON LEGISLATIVE DECISIONS

CITY ORDINANCE DUTIES OF THE PLANNING COMMISSION

Under City Ordinances, the Planning Commission is also tasked with acting as *the land use authority* for the following:

- Conditional Use Permits
- Site Plans
- Preliminary Subdivision Plats

DECISION-MAKING AUTHORITY ON CERTAIN ADMINISTRATIVE DECISIONS

POTENTIAL TO GET CROSS-WISE WITH THE CITY COUNCIL

- **Planning Commission makes recommendation to the City Council on legislative matter.**
- **Planning Commission holds many meetings and works hard on recommendation.**
- **Planning Commission becomes invested in their recommendation on policy.**
- **Council goes a different direction with final decision.**

**PLANNING COMMISSION IS RECOMMENDING BODY ON LEGISLATIVE DECISIONS.
CITY COUNCIL ULTIMATELY MAKES THE LEGISLATIVE POLICY DECISION.**

POTENTIAL FOR COUNCIL TO BECOME FRUSTRATED WITH PLANNING COMMISSION

- **Planning Commission makes decision acting as a land use authority in granting or denying permits and approvals; i.e. conditional use permit and site plan approval.**
- **Planning commission has very little discretion in these types of decisions.**
- **City Council may get frustrated when Planning Commission ignores the law or enforces the law.**

**BOTH COUNCIL AND COMMISSION MUST UNDERSTAND LEGAL
FRAMEWORK FOR ADMINISTRATIVE DECISIONS**

LEGAL FRAMEWORK FOR ADMINISTRATIVE DECISIONS

- A landowner is entitled to approval of land use application if the application complies with City ordinances.
- The Planning Commission cannot impose any requirement on an applicant that is not specifically expressed in state law or city ordinance.
- If application meets ordinances, it must be approved. If it does not meet ordinances, it must be denied.
- Regardless of whether or not the Planning Commission thinks the application is a good or bad idea.
- If ordinances are ambiguous, they must be interpreted by the city in favor of the land owner.

**APPROVE IF MEETS THE ORDINANCES.
DENY IF FAILS TO COMPLY.**

BASIC RULE #1

“Planning Commissioners must understand and appreciate the dual role they play.”

- **Various approval standards apply depending upon whether the Planning Commission is:**
 - (1) making a recommendation on legislative policy decision; or
 - (2) acting as a land use authority on administrative decisions.

ADMINISTRATIVE / LEGISLATIVE DECISION DISTINCTION

BASIC RULE #2

“Planning Commissioners must understand that the planning commission is intended to shape policy not make policy.”

- **Commissioners do not represent neighborhoods or points of view**
- **The Commissioner’s role is to make reasoned recommendations and apply the ordinances as written**
- **If a commissioner wants to be a policy maker he or she should run for elected office**
- **Commissioners should be content with shaping policy and administering ordinances as written**

**SHAPE LEGISLATIVE POLICY.
ADMINISTER ORDINANCES AS WRITTEN.**

BASIC RULE #3

“Planning Commissioners should respect the public process and the due process rights of the land owner.”

- Meetings, hearings and decisions must comply with the Utah Open Meetings Act
- Decisions and deliberations must be made in public
- Procedural due process should be given to all applicants, including notice of meetings, right to be heard, and a fair hearing and decision
- Applicants must be given notice of the meeting and copies of the staff report at least three days before the meeting

UNDERSTAND THE RULES AND PURPOSES FOR PUBLIC HEARINGS

BASIC RULE #4

“It is important to remember that being on a planning commission is about public service.”

- **The Planning Commission fulfills its purpose when it acts in a manner supportive of the policy and policy makers.**
- **The Commission is not intended to adversarial to the Council or to act as a check and balance to the Council.**
- **It is not the Commission’s role to slow growth or frustrate land owners.**
- **Role of the Commission is to add professionalism, fairness and common sense to the planning and land use control process.**
- **The Commission serves this valuable function best when it works within the constraints of the law and without regard to public prejudice and the clamor of the crowd.**

SUMMARY

- **Dual role with Legislative or Administrative Decisions**
- **Shape policy not make policy**
- **Administer the ordinances as written**
- **Comply with Open Meetings Act**
- **Provide due process to applicants and land owners**
- **Add professionalism and fairness to land use control**
- **Consider valuable function**

THE END

**As always, thank you for your
commitment and service to the public good.**

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
9/28/2016**

Item No. 4.

Short Title: Community Development Director's Report 092816

Initiated By: Corvin M. Snyder, Community Development Director

Scheduled Time: 8:10

SUBJECT

Items scheduled for October 12, 2016 meeting:

Code Text Amendment, allow Reception Center in I-H Zone

RECOMMENDATION

BACKGROUND

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
9/28/2016**

Item No. 5.

Short Title: City Council Actions Reports 092816

Initiated By:

Scheduled Time: 8:15

SUBJECT

Minutes not available for this agenda

RECOMMENDATION

BACKGROUND