

CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON WEDNESDAY, OCTOBER 9, 2013, AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the City Council of Centerville City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Centerville City, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 801-295-3477, giving at least 24 hours notice prior to the meeting.

A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting. This agenda is also posted on the City's website: www.centervilleut.net

Tentative - **Time:**

- 7:00** **A.** **Welcome and Roll Call**
 B. **Prayer or Thought**
 C. **Minutes Review and Acceptance for September 25, 2013**
 D. **Commission Business**
- 7:05** **1.** **PUBLIC HEARING | BRIGHTON HOMES RESIDENTIAL LOT | 530 EAST 100 SOUTH**
 Consideration of a final site plan for an un-platted residential building lot, located at 530 East 100 South, for the purpose of constructing a new dwelling, in the R-L Zone. Brighton Homes Utah, LLC, Applicant
- 7:25** **2.** **TRAINING FOR COMMISSIONERS**
 Review Nonconforming Uses, Variances and Special Exceptions, by City Attorney, Lisa Romney
- 7:45** **3.** **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
 a. Upcoming Meetings, Events
 • PC Meeting October 23, 2013: Nothing scheduled at this time
 • Discussion on West Centerville Neighborhood Plan Amendment Process
- 8:00** **E.** **Adjournment**

Posted October 4, 2013 by Community Development

PRELIMINARY DRAFT

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, September 25, 2013

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

Tamilyn Fillmore

Brian Holman

Kevin Merrill, Chair

Debra Randall

Steven Markham

MEMBERS ABSENT

David Hirschi

Scott Kjar

STAFF PRESENT

Brandon Toponce, Assistant Planner

Lisa Romney, City Attorney

Kathy Streadbeck, Recording Secretary

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Commissioner Fillmore

MINUTES REVIEW AND APPROVAL

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

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

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

Brandon Toponce, Assistant Planner, reported the applicant desires to build a single-family home. The property is located within the Residential-Low (R-L) Zone in which a single-family dwelling is permitted. The proposed use is consistent with the General Plan for the

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

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

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

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

Chair Merrill opened the public hearing.

Jason Channell said it will be nice to have a home built on this unkempt vacant property, but he is concerned there may be a property line issue. He said the plans show this property to be 70 feet wide, but according to his measurement it is only 68 feet wide. This may put the property under the minimum allowed for a building lot. It would also affect the tree issue. He does not

1 have a problem with the smaller tree being removed, but the larger tree is a flowering chestnut
2 which has been on his property for many years. His home is on the National Historic Registry
3 and it would be sad to see this large tree die. He said if the proposed house plan were flipped
4 then the tree would be over the driveway and not the home. He suggested recent surveys be
5 checked to ensure the property lines are correct.

6
7 Chair Merrill closed the public hearing.
8

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

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

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

22 ***Conditions:***

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

- 1 9. Applicant shall work with City Engineer and Public Works Director to address
2 potential ground water issues and to determine lowest floor elevation for future
3 construction.
4

5 ***Reasons for Action (findings):***

- 6 1. The applicant has clearly shown how the property may be developed [Section 12-21-
7 110(d)(2)].
8 2. The applicant has submitted a full application [Section 12-21-110(d)(1)].
9 3. Proposed utility easements are required on all developed lots [Section 12-21-
10 110(e)(2)(iii)(d), 15-5-106(8)].
11 4. A final site plan application shall be required for submittal [Section 12-21-110(e)].
12

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

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

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

38 Mr. Toponce reviewed the proposed flag lot. The property is not part of any previous
39 subdivision approvals and does qualify for a small subdivision waiver. It is the opinion of staff

1 that in order for this lot to be developed, a flag lot is the best solution. No streets could be
2 stubbed to the property to allow for proper street frontage or to create a conventional subdivision
3 lot. The proposed flag lot meets all applicable building standards, including stem pole width and
4 length. The stem/pole will be required to have an addressing sign or marker along the street
5 frontage. This will be verified at the time the dwelling receives a final inspection following
6 construction. The applicant will be required to meet all utility easement and fire protection
7 standards as previously mentioned. The proposed flag lot may include a basement with a
8 maximum depth of 6.5 feet, which is above ground water level, in order to maintain proper storm
9 water drainage and control.

10
11 Lisa Romney, City Attorney, distributed a copy of suggested changes to the proposed
12 conditions of approval. She explained the flag lot/small subdivision waiver changes the standard
13 subdivision approval process from five steps to one. The suggested changes clarify additional
14 conditions required for approval of the flag lot/small subdivision waiver and required conditions
15 for preparation of the final plat.

16
17 Commissioner Fillmore said the flag lot ordinance states "the property involved was and
18 is not a part of a previous subdivision plat approval by the City." She said this property was
19 previously approved as a traditional subdivision. She said the flag lot ordinance was intended to
20 be used as a last resort. Is it correct to say this is a last resort? She said if this flag lot is approved
21 it will limit future options for the back property which is significant in size. She said if the flag
22 lot ordinance is truly intended as a last resort it may be necessary to tighten the language of the
23 ordinance.

24
25 Ms. Romney said the previous subdivision plan for this property expired and was never
26 officially recorded. Therefore, the previous subdivision plan is null and void. There is no right to
27 that previous subdivision approval. Ms. Romney agreed it may be beneficial to tighten the
28 language in the flag lot ordinance for clarification, but it is not required. She said the traditional
29 subdivision, which has expired, was not the best use of land because it required a 60-foot right-
30 of-way to one lot. The flag lot option has provided a better use for this property.

31
32 Bill Evans, applicant, said he is not a fan of flag lots but in this case the flag lot option
33 has provided a better use of land by allowing for two street front traditional lots within the city. It
34 is his existing home that will become the flag lot which has been in existence since 1965. He said
35 if it were opposite and his home fronted the street, he would agree a flag lot is not acceptable. He
36 said he was never comfortable with the previous plan because it did not allow for the best public
37 and private use of the land. Dedicating a 60-foot right-of-way in order to access one property
38 was not practical. He said the flag lot ordinance has been created to help with these types of

1 difficult situations. He also said he will comply with all requirements including drainage and fire
2 protection.

3
4 Chair Merrill opened the public hearing. There was no comment; he closed the public
5 hearing.

6
7 Commissioner Fillmore said this is a tricky situation. There are pros and cons to both the
8 traditional subdivision and the flag lot option. In this case, it is reasonable to favor the desires of
9 the property owner and allow the existing home to become a flag lot. She suggested an additional
10 finding be added explaining why this is considered a "last resort" and how this situation is
11 distinguished because there is already an existing structure on the proposed flat lot. Ms. Romney
12 agreed. She also suggested adding to the additional finding that there are no adjacent streets
13 stubbed to the property or that could eventually be constructed through the area.

14
15 Commissioner Fillmore made a **motion** for the Planning Commission to approve the
16 small subdivision waiver/flag lot for the project located at 712 South 300 East, with the
17 following conditions:

18
19 ***Conditions:***

- 20 1. The flag lot approval shall be for the property located at 712 South 300 East.
- 21 2. All professional services fees shall be paid and a bond for any on or off-site
22 improvements shall be posted.
- 23 3. The applicant shall finalize the location of the fire hydrant with the City Engineer and
24 the Fire Marshal prior to the final plat being recorded.
- 25 4. On the final plat to be recorded, the applicant shall make sure the correct addressing,
26 signature blocks, legal descriptions, plat notes, easements for both lots and all other
27 required information is indicated. This information shall then be reviewed by City
28 staff before the recording is to take place.
- 29 5. The plat shall indicate three easements on each lot, all front easement are to be 10 feet
30 and all other sides shall be 7 feet.
- 31 6. All easements shall be accepted by the City Council and recorded, along with the plat
32 at the Davis County Recorder's Office.
- 33 7. A building permit application and plans shall be submitted to the City, reviewed by
34 staff and approved before any construction may begin.
- 35 8. Applicant shall provide the City with current title report (current within 30 days) with
36 submission of final mylar.
- 37 9. Additional plat notes shall be added to final plat as required by City Engineer and/or
38 City Attorney; including, but not limited to plat notes regarding ground water
39 disclaimer and lowest floor elevation restrictions.

10. Final Plat is subject to review and approval by City Engineer and City Attorney regarding plat notes, easements, drainage, title issues, etc.

Reasons for Action (findings):

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

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

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

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

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

Kevin Merrill, Chair

Date Approved

Kathleen Streadbeck, Recording Secretary

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

**STAFF REPORT
AGENDA: ITEM 1**

**PROPERTY OWNER/
APPLICANT:** **BRIGHTON HOMES UTAH LLC
320 WEST 500 SOUTH
BOUNTIFUL, UT 84010**

PROPERTY: **530 EAST 100 SOUTH**

ACREAGE: **.35**

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

APPLICATION: **FINAL SITE PLAN APPROVAL**

BACKGROUND

On August 28, 2013, the Planning Commission accepted the conceptual site plan for the Brighton Homes Utah LLC residential lot located at 530 East 100 South. The applicant desires to construct a single-family dwelling on a piece of property that has never had a residential dwelling located upon it. Therefore, they are required to go through the site plan approval process, before any construction may take place. The applicant has been working with City staff to ensure that the application and site plan are complete. The applicant is now ready for the Planning Commission to review their final proposal.

PREVIOUS CONDITIONS OF APPROVAL

1. All fees shall be paid; including all related development fees.
Staff Response: Brighton Homes has paid all related fees, yet will still be required to post any necessary bond and pay other additional professional service fees.
2. The applicant shall submit a final site plan application meeting the standards found in Section 12-21-110(e) of the Ordinance.
Staff Response: The applicant submitted a final site plan application on September 17, 2013.
3. All utilities shall be indicated on the final site plan.
Staff Response: It appears all necessary utilities are indicated on the final site plan.
4. All utility provider sheets shall be submitted to City staff at the time of the final site plan application.

Staff Response: Staff has not received any utility provider sheets at this time. These will need to be faxed prior to the applicant receiving a building permit.

5. Three (3) public utility easements shall be drawn on the site plan with a 10-foot along the front property line adjacent to 100 South, and two (2) additional easements measured at 7 feet.

Staff Response: Two (2) 7-foot easements are located along the west and south property lines, and a 10-foot easement is found along the north.

6. Legal descriptions of the public utility easements shall be prepared and reviewed by the City Engineer.

Staff Response: The easements have been reviewed by the City Engineer and are now ready to be accepted by the City Council. This will need to take place prior to receiving a building permit.

7. The drainage swell, and detention area shall be shown on the final site plan to be reviewed and approved by the City Engineer

Staff Response: According to the final site plan a drainage swell has been placed in the southwest corner of the property. After reviewing the plans, the City Engineer has given approval for the proposed layout of the lot.

FINAL SITE PLAN REVIEW 12-21-110(e)

Staff believes the plan clearly indicates how the lot will be developed, and how it will have adequate public infrastructure, and the proper easements. As a reminder, these easements must be accepted prior to the applicant receiving a building permit. The proposed structure and lot is in conformance with all applicable Zoning Ordinance Standards for development within the R-L Zone.

PLANNING STAFF RECOMMENDATION

Suggested Motion for Final Site Plan Approval:

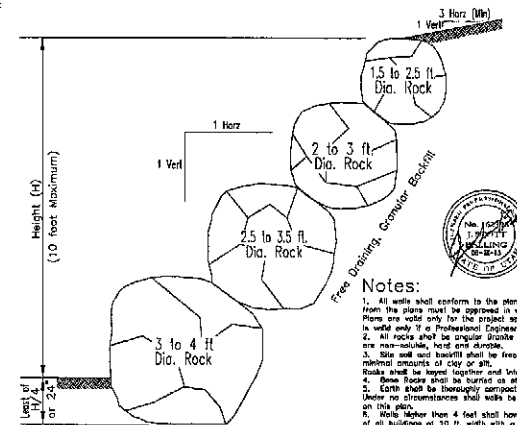
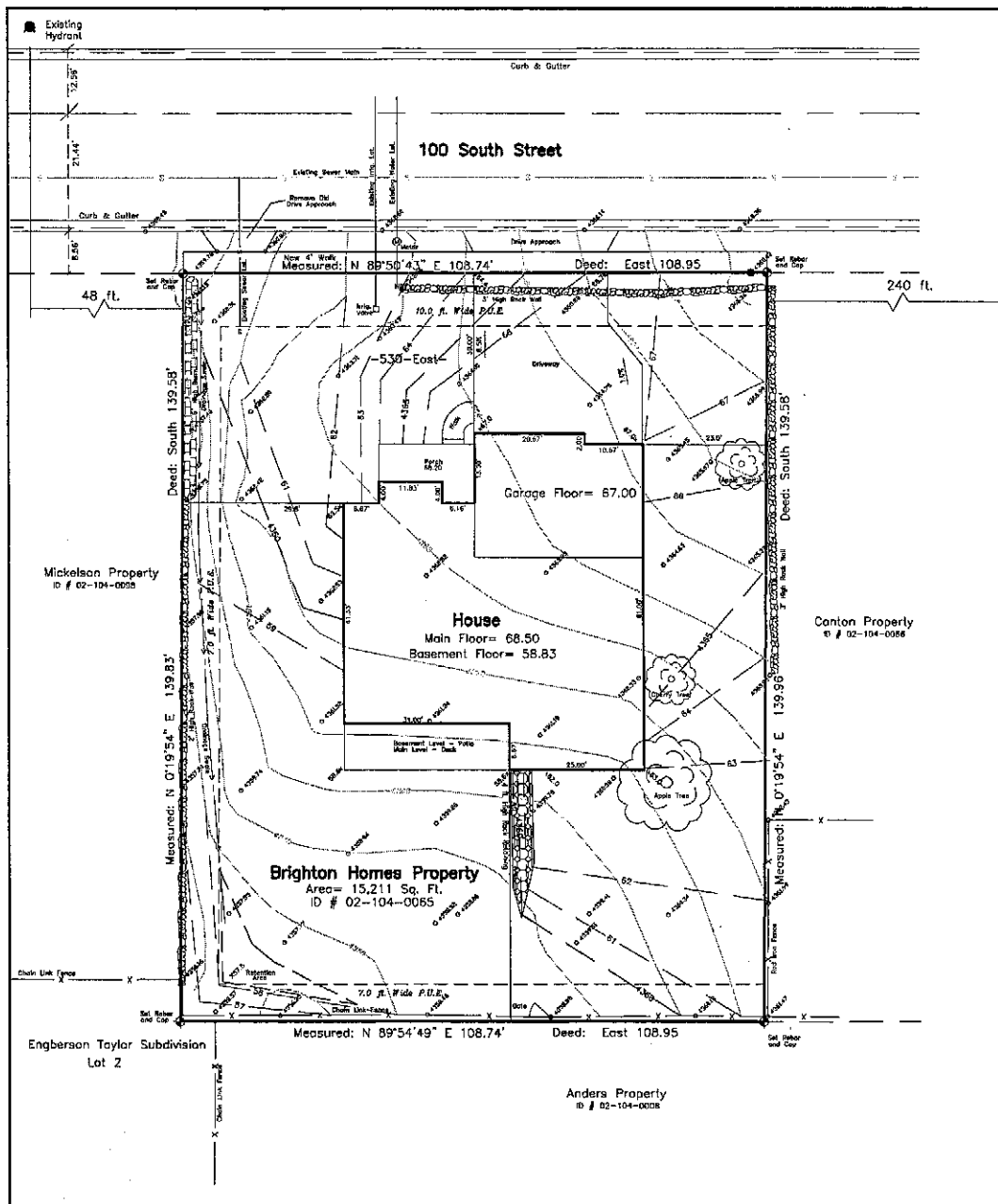
I hereby propose the Planning Commission approve the final site plan for the Brighton Homes Utah LLC residential lot, located at 530 East 100 South, subject to the following conditions:

1. All professional service fees and development fees shall be paid.
2. A bond shall be posted for any public improvements.
3. All utility easements and legal descriptions shall be reviewed and approved by the City Engineer prior to City acceptance by the City Council, and recording at the Davis County Recorder's Office. This recording shall take place prior to the issuance of a building permit.
4. No construction shall take place on the lot prior to the issuance of a building permit.
5. An extension agreement in regard to the sidewalk construction shall be signed with the City Recorder.

Suggested Reasons (findings):

1. The applicant submitted a full application regarding a final site plan [Section 12-21-110(e)].

2. The final site plan conformed to the conceptual acceptance criteria [Section 12-21-110(f)(1)].
3. All development standards have been satisfied in regard to development within the R-L Zone [Table 12-32-1].



Rock Wall Design
Not to Scale

Notes:

1. All work shall conform to the plans as specified. Any deviations from the plans must be approved in writing by Belling Engineering. Plans are valid only for the project specified on this drawing. The plan is valid only if a Professional Engineer's Stamp is attached.
2. All rocks shall be angular granite or dolomite stones such as which are non-soluble, hard and durable.
3. Size and sort basalt shall be free draining (loose gravel) with minimal amounts of clay or silt.
4. Rocks shall be layered together and interlocked with lower rocks.
5. Base layer shall be compacted as shown.
6. Earth shall be thoroughly compacted before placement of rocks.
7. Under no circumstances shall walls be constructed higher than shown on this plan.
8. Walls higher than 4 feet shall have a minimum rock face clear of all buildings of 10 ft. with a maximum slope of not over 1:2.
9. Vegetation shall be established along the top of the wall as quickly as possible to prevent washing and erosion.

Notes:

1. This drawing is the sole property of Belling Engineering, Inc. It is to be used only by the client for the project specified on this drawing. Any reproduction of any kind (photo, copy, tracing, blueprints, etc.) by anyone other than Belling Engineering, Inc. without their expressed written permission shall be responsible for any consequences. Belling Engineering, Inc. for all expenses required to produce new designs and related engineering computations for this unauthorized project. In addition Belling Engineering, Inc. accepts no responsibility or liability in any form for any unauthorized use of its plans, designs, or ideas.
2. The construction designs on this drawing should be completely followed in detail. Any deviation from the construction designs on this drawing should be approved by Belling Engineering, Inc. Should any discrepancies between what is shown on this drawing and actual field conditions be found, Belling Engineering, Inc. shall be promptly notified. Failure to notify Belling Engineering, Inc. for any of these reasons before continuing with construction will release Belling Engineering, Inc. from all liability.
3. The contractor and owner are to assume full responsibility to verify that the conditions, dimensions, and details shown on these plans are constructed accordingly.

Legend

- Represents Existing Spot Elevations ± 73.00
- Represents Finish Spot Elevations ± 75.5
- Represents Existing Contour Lines -72
- Represents Finish Contour Lines -65
- Represents Drainage Flow Direction $\rightarrow$

Location

A part of Block 16, Plat A, Centerville Township Survey in the Southeast Quarter of Section 6, T. 2 N., R. 1 E., S. 10. N.

Surveyor's Certificate

I, David K. Belling, do hereby certify that I am a Professional Land Surveyor holding Certificate No. 175114 as prescribed under the laws of the State of Utah, and that I have made a topographic survey of the tract of land shown and described herein and that this topographic survey is correct.

July 20, 2013

Utah Surveyor No. 175114

Belling Engineering
Civil Engineering • Surveying • Planning
323 E. Regas Lane
Centerville, Utah 84014
Phone: (801) 395-7237
Fax: (801) 395-0419



530 East 100 South

Site Plan

For: Brighton Homes

Phone: 397-0755

email: taylor@brightonhomes-utah.com

Revisions

By

Date

Description

1. Belling

Date Surveyed July 23, 2013

Drawn by D. Belling

Checked by S. Belling

Submitted Date 9-11-13

File Number