

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 DECEMBER 13, 2017 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

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

Centerville City, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Jacob Smith, Centerville City Assistant to the City Manager, 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. The full packet can also be viewed on the City's website: <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

Commissioner Logan Johnson

D. COMMISSION BUSINESS

- 7:10 1. Public Hearing - Zoning Text Amendment -- Hillside Overlay, CZC 12.42.
LEGISLATIVE DECISION
Consider the proposed Zoning Text Amendment for the Hillside Overlay Zone, CZC 12.42, concerning development standards in the Hillside Overlay for Agricultural Zones.
- 7:30 2. Public Hearing - Preliminary Subdivision - Rigby Court - ~150 E Jennings Lane
ADMINISTRATIVE DECISION
Consider the proposed Preliminary Subdivision for Rigby Court at 150 E Jennings Lane, for four single family homes in an Agricultural Zone.
- 7:50 3. Public Hearing - Conceptual Subdivision -Condo Conversion- Boulder Subdivision, 60 North 1400 West
ADMINISTRATIVE DECISION
Consider the Conceptual Subdivision for a Condominium Conversion for the Boulder Subdivision at 60 North 1400 West.
- 8:10 4. Public Meeting -Conceptual Subdivision (Small Subdivision Waiver) -- Legacy

Commons 1250 West and Parrish Lane

ADMINISTRATIVE DECISION

Consider the proposed Conceptual Subdivision for a Small Subdivision Waiver for Legacy Commons Development at 1250 West and Parrish Lane.

8:30

5. Public Hearing -- Zoning Text Amendment -- CZC 12.55

LEGISLATIVE DECISION

Consider the proposed Zoning Text Amendments to CZC 12.55, regarding Deferral Agreement allowances.

6. TABLED -- Preliminary Subdivision - Moss Acres 2026 North Main

At the applicant's request, this item will be TABLED until the next regularly scheduled Planning Commission meeting.

8:45

7. DRAFT Planning Commission Calendar 2018

Draft Planning Commission Meeting Schedule 2018

E. MINUTES REVIEW and ACCEPTANCE

Work Session and Planning Commission Meeting November 15th, 2017

F. ADJOURNMENT

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
12/13/2017**

Item No. 1.

Short Title: Public Hearing - Zoning Text Amendment -- Hillside Overlay, CZC 12.42.

Initiated By: Fred Hale, Applicant

Scheduled Time: 7:10

SUBJECT

LEGISLATIVE DECISION

Consider the proposed Zoning Text Amendment for the Hillside Overlay Zone, CZC 12.42, concerning development standards in the Hillside Overlay for Agricultural Zones.

RECOMMENDATION

Refer to staff report

BACKGROUND

Refer to staff report

ATTACHMENTS:

Description

- ▣ Staff Report Zoning Text Amendment Hillside Overlay

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

**STAFF REPORT
AGENDA: ITEM 1**

APPLICANT: **FRED HALE**
 63 WEST 1750 NORTH
 CENTERVILLE, UT 84014
 (fredh@colonialbuilding.com)

APPLICATION: **ZONING TEXT AMENDMENT**

APPLICATION REQUEST: **AMEND THE ZONING CODE TO THE HILLSIDE
OVERLAY RELATING TO THE DEVELOPMENT
STANDARDS IN AGRICULTURAL ZONES: CZC
12.42**

RECOMMENDATION: RECOMMEND APPROVAL TO THE CITY COUNCIL

Background

On November 8th, the City Council passed an ordinance to reduce the widths of lots in the Hillside Overlay for single family lots in Residential Zones. This developed more of a “tiered” width standard for Residential-Low lots in Hillside Zones, depending on slope. The applicant, Mr. Hale, would like to see a similar amendment for those lots in Agricultural Zones located within the Hillside Overlay.

As it stands, the current zoning code requires 125 feet width at the setback *regardless of the slope* for agricultural property. Staff sees a discrepancy in how the standards are regulated between Agricultural Zones and Residential Zones within the Hillside Overlay.

Current Code (As amended November 8th, 2017): CZC 12.42.040(b)

Density for Single-Family Lots. The minimum lot size and yard requirements of the underlying zone shall apply except that on lots in slope areas between 10% and 20%, the lot shall be 1.5 times the minimum requirement and 2.0 times the minimum area requirement for lots between 20% and 30%. All lots in located within slope areas greater more than 10% and less than 15% shall require a minimum lot width of 80 feet at the setback line. All lots within slope areas of

15% or greater shall require a minimum lot width of 100 feet wide at the setback line.
Notwithstanding the foregoing, all lots in agricultural zones shall require a minimum lot where the width must be no less than of 125 feet at the setback line.

Applicant's Suggested edits:

Notwithstanding the foregoing, all lots in agricultural zones located **within slope areas less than 15% shall require a minimum lot width of 100 feet wide at the setback line and all lots located within slope areas of 15% or greater shall require a minimum lot width of 125 feet wide** at the setback line.

In order to remain consistent with residential zones within the Hillside, Staff recommends setting the determining slope at 10% instead of 15%, as was done in the residential zones. The widths would then be determine consistently based on 10% and 15% slopes between the two zones within this overlay. Widths would be as follows:

Minimum Lot Width Development Standards (Proposed)		
	Residential-Low	Agricultural-Low
Minimum	60' (interior lot)	80'
Hillside, <10%	60'	80' at setback
Hillside, Between 10 and 15%	80' at setback	100' at setback
Hillside, >15%	100' at setback	125' at set back

In addition to this new tiered width based on slope, staff would prefer to remove any language in this specific ordinance CZC 12.42.040 (b) mentioning "minimum lots sizes". Our code currently does not have a minimum lot size for residential zones, but rather determined lots sizes based on gross density. While there is a half-acre minimum lots size for agricultural lots, staff would prefer to remain constant as possible in determining the development standards between those residential and agricultural zones in this overlay. Staff would recommend eliminating that clause in the ordinance altogether to clear any confusion of minimum lot sizes in the future. Staff believes expanding the width of these lots based on slope is sufficient for adequate for slope stability and regulating cuts and fills in this area.

The new code would read as follows:

Staff's Recommended Edits:

The minimum lot size and yard requirements of the underlying zone shall apply for all slopes less than or equal to 10%. ~~except that on lots in slope areas between 10% and 20%, the lot shall be 1.5 times the minimum requirement and 2.0 times the minimum area requirement for lots between 20% and 30%.~~ In residential zones, all lots in located within slope areas greater more than 10% and less than 15% , shall require a minimum lot width of 80 feet at the setback line. All lots within slope areas of 15% or greater shall require a minimum lot width of 100 feet wide at the setback line. **In agricultural zones, within slope areas greater more than 10% and less than**

15% shall require a minimum lot width of 100 feet at the setback line. All lots within slope areas of 15% or greater shall require a minimum lot width of 125 feet wide at the setback line.

Text Amendment Review and Analysis (12.21.080.e)

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

GP SECTION 12-420-2.3. RESIDENTIAL DEVELOPMENT POLICIES. The following policies are adopted specifically for the achievement of the citizens' desires for “*Residential Development*” in Centerville.

“The hillsides and naturally wooded canyons east of the City should be provided protection from indiscriminate development to assure retention of the natural slopes and vegetation.”

GP SECTION 12-440-3. NATURAL HAZARDS POLICIES. The following policies are adopted specifically for the achievement of the citizens' desires for “*Natural Hazards*” in Centerville.

“Earthquake or seismic hazards have been identified as a significant potential problem in Centerville. All future residential developments should take into consideration the location of the fault lines and other seismically-related hazards. Centerville City shall require the advice of competent geotechnical advisors when development is proposed in seismic hazard areas”

Analysis

The proposed changes are in line with the General Plan, and help remain consistent within the zoning code in relation to development standards between agricultural and residential lots within the Hillside Overlay. These amendments continue to mandate widening lots in this Overlay for the purposes of slope stability and regulating cut and fills in this area. The amendments would now treat residential and agricultural lots similarly, with a tiered width requirement based on the slope of the property. Lots size and density shall remain defined by the base zones.

PLANNING STAFF RECOMMENDATION

Suggested Motion for an amendment to the Centerville City Zoning Ordinance regarding the proposed Hillside Overlay amendments – I hereby make a motion for the Planning Commission to recommend to the City Council to approve the proposed Hillside Overlay amendment, CZC 12.42.040 (b), as modified below:

The minimum lot size and yard requirements of the underlying zone shall apply for all slopes less than or equal to 10%. ~~except that on lots in slope areas between 10% and 20%, the lot shall be 1.5 times the minimum requirement and 2.0 times the minimum area requirement for lots between 20% and 30%.~~ In residential zones, all lots in located within slope areas greater more than 10% and less than 15% , shall require a minimum lot width of 80 feet at the setback line. All lots within slope areas of 15% or greater shall require a minimum lot width of 100 feet wide at the setback line. **In agricultural zones, within slope areas greater more than 10% and less than 15% shall require a minimum lot width of 100 feet at the setback line. All lots within slope areas of 15% or greater shall require a minimum lot width of 125 feet wide at the setback line.**

Suggested Reasons for Findings:

- a. The Planning Commission finds that the “decision to amend the...zoning ordinance is a matter of within the legislative discretion of the City Council as described in CZC 12.21.060.a.1.B.
- b. The Planning Commission finds that amendments consistent with the goals, objectives and policies of the City’s General Plan, as presented in the staff report.
- c. The Planning Commission finds that the amendment allows for variation based on the lot’s topography rather than a one size fits all” approach that bears improved fairness in the use of the overlay ordinance.
- d. The Planning Commission finds that this amendment would serve to treat the residential and agricultural zones fairly as regulated within the Hillside Overlay Zone, and remain consistent within the regulations and parameters of the code.
- e. Therefore, the Planning Commission finds that the amendments are consistent with the desire to allow hillside development to be contextually developed in relation to topography and slope stability.

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
12/13/2017**

Item No. 2.

Short Title: Public Hearing - Preliminary Subdivision - Rigby Court - ~150 E Jennings Lane

Initiated By: Fred Hale, Applicant

Scheduled Time: 7:30

SUBJECT

ADMINISTRATIVE DECISION

Consider the proposed Preliminary Subdivision for Rigby Court at 150 E Jennings Lane, for four single family homes in an Agricultural Zone.

RECOMMENDATION

Refer to staff report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- ▣ PC Staff Report Rigby Court Preliminary Subdivision
- ▣ Rigby Court Preliminary Subdivision Plan

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

**STAFF REPORT
AGENDA: ITEM 2**

APPLICANT: FRED HALE
63 WEST 1750 NORTH
CENTERVILLE, UT 84014
(fredh@colonialbuilding.com)

OWNERS: FRED L. & CHERYL HALE
63 WEST 1750 NORTH
CENTERVILLE, UT 84014
(fredh@colonialbuilding.com)

PROPERTY LOCATION: 150 EAST JENNINGS LANE (1700 NORTH)

PARCEL SIZE: 3.046 ACRES

ZONING DISTRICT: AGRICULTURAL-LOW (A-L)

APPLICATION: PRELIMINARY SUBDIVISION WITHIN THE HILLSIDE
OVERLAY

STAFF RECOMMENDATION: APPROVE WITH CONDITIONS FOR FINAL
SUBDIVISION SUBMITTAL

BACKGROUND

On November 15, 2017, the Planning Commission accepted the Conceptual Plan for the Rigby Court Subdivision. The applicant has submitted for and desires to obtain preliminary review and approval to enable the preparation of the final subdivision plat and construction plans for four house lots within the A-L Zone. Additionally, the property is located in the Hillside Overlay Zone, which will address slope issues along with the required Geotechnical Report for the property.



Nevertheless, the applicant is also seeking an amendment to the Hillside Overlay Zone regarding required lot widths for agricultural zones. This amendment is being addressed in a separate application. Any preliminary consideration needs to take into account and final outcome of the applicant's petition to amend such related provisions.

PRELIMINARY SUBDIVISION REVIEW - CHAPTER 15.2

15.03.010 Preliminary Plat - Purpose – The purpose of the preliminary plat is to require formal preliminary approval of a subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat and to ensure compliance of the subdivision with City ordinances and regulations. The preliminary plat and all information and procedures relating thereto, shall in all respects, be in compliance with the subdivision provisions and any other applicable City ordinances and regulations.

PREVIOUS CONCEPTUAL SUBDIVISION ACCEPTANCE

On November 15, 2017, the Planning Commission accepted the Conceptual Plan for the Rigby Court Subdivision, with the following directives:

1. *A Preliminary Subdivision Application shall be submitted in accordance of CMC 15.03 of the Subdivision Ordinance.*
2. *The Preliminary Subdivision Plans shall also address the requirements of the Hillside Overlay Preliminary Review, as listed in CZC 12.42.030.*
3. *The dimension for the lots and building areas are to amended to meet the standards as outlined in the Hillside Overlay Development Standards, 12.42.040.*
4. *The submittal of the preliminary plat needs to address the cut and fill slope protection standards and be deemed compliant and acceptable by the City Engineer.*
5. *As part of the preliminary subdivision plans, a soils and geologic hazard study needs to submitted and deemed compliant and acceptable by the City Engineer.*

GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS - CHAPTER 15.5

Layout Section 15.5.101 and Lots Section 15.5.102

The proposed Rigby Subdivision consists of four (4) lots with the dedication of a new cul-de-sac roadway extending north from Jennings Lane. Generally, each lot has been designed in a rectangular shape with perpendicular/right angle side and rear lot lines. Additionally, the applicant desires to establish a "private lane" along the west side of the lots (rear yard access) to allow options for residents to use rear yard areas for accessory uses and buildings. Because each lot will have the required public street frontage (see CZC 12.55.150), the use of the private right-of-way is not prohibited by either the Zoning or the Subdivision Ordinance. However, the developer will need to secure a drive approach permit, from the City, to establish this access from Jennings Lane, which comes with other applicable municipal ordinances and specifications. As part of the subdivision plat preparation, staff suggests that the following notes be included on the plat, or as recommended by the City, as follows:

Alley Access:

- *The private alley has been provided by the original developer for the convenience of accessing the rear yards of all lots within the subdivision.*
- *A City right-of-way “encroachment permit” is required for construction of and use of the alley’s drive access point from the public roadway.*
- *The use of the private alley is an “accessory amenity” for the convenience of the lot owners and may be used to establish any allowable accessory use of the lots.*
- *The private alley shall not be used for any commercial/industrial nature or other like practices that generates frequent and consistent traffic to and from the rear yards of the lots.*

Street, Drainage, and Utility Improvements Section 15.5.103, 105, 106

The application contains utility provider responses for sewer, fire, secondary water, power, and gas. All these utility providers indicated they have capacity to serve the development. However, secondary water will require additional line installation from a significant distance away from the subdivision property. The applicant may need to acquire off-site easements to provide the required secondary water service for the subdivision. Additionally, the preliminary subdivision plan still needs to show the required three (3) public utility easements (each lot). The lot frontage requires 10 feet and the other two easements are a minimum of 7 feet.

HILLSIDE OVERLAY CONSIDERATIONS 12.42

The Hillside Overlay Zone on the eastern foothills of Centerville are to be “protected to ensure that urban development in these sensitive areas be guided in a manner that will minimize the potential for flooding, erosion, and other environmental hazards and will protect the natural scenic beauty of the foothills” [General Plan, 12-42.010].

Hillside Development Requirements, Section 12.42.040

- (b) “Requirements for all Lots. Every lot in the Hillside Overlay Zone shall have at least 5,000 square feet of contiguous space which has a slope of less than 30%. This space may be no less than 50 feet wide at any given point. This buildable area must be undisturbed or virgin slope. Certain limited hillside areas may be considered as either natural or man-made “anomalies” such as gravel pit operations or other artificial disturbances based upon size, location, and history of slope, and may be included within the buildable area as may be recommended by the Planning Commission. Lots shall allow dwelling structures to be located within 250 feet of a public street. All main and accessory buildings shall be built on the buildable area.

Lot Development Standards Summary (A-L Zone vs. Hillside Overlay)	Requirement	Compliance
Minimum Lot Area, A-L	½ acre	Yes
Minimum Lot Area, Hillside >10%	¾ acre	Less than 10% - Yes
Minimum Frontage, A-L	80 feet	Yes
Minimum Frontage, Hillside	125 feet	No - Applicant is seeking Amendment to Provision

Minimum Build Area, A-L	3,000 sq. ft.	Yes
Minimum Build Area, Hillside	5,000 sq. ft.	Yes

(c) Grading, Cuts and Fills. The following provisions appear to be applicable for this Concept Plan review:

- The top and bottom edges of slopes caused by an excavation or fill up to 10 vertical feet shall be at three horizontal feet from any public right-of-way line.
 - The maximum vertical height of all cuts or fills shall be 10 feet. Fills for slumps or other natural depressions may exceed 10 feet with Planning Commission approval.
 - Retaining walls shall be used to retain existing slope or graded slope as may be approved by the City Engineer. The height of necessary and approved retaining walls shall be a maximum of eight feet. Extensive "rear yard" retaining walls built for the purpose of leveling a yard by backfilling, are expressly prohibited.
 - All areas of development sites cleared of natural vegetation in the course of construction of off-site improvements shall be replanted with vegetation which has good erosion control characteristics.
 - Although minimum rights-of-way may be reduced to 40 feet, all fill slopes must be contained within the right-of-way.
- ❖ It appears that the major grading, cuts, and fills for the development of the subdivision is centered on the construction of the cul-de-sac road.
 - ❖ The slope area on the west side needs to comply with the protection standards to ensure that the dedicated roadway is not compromised with the future development of homes, causing the roadway to collapse.
 - ❖ The submittal of the final subdivision plat and plans needs to adequately address the cut and fill slope protection standards and be deemed compliant and acceptable by the City Engineer.

(d) Geology. Structures may not be built within a minimum of 50 feet of a center line of a zone of deformation with respect to known active faults. No structures or off-site improvements shall be allowed on any area known to be an active landslide area, verified by the City Engineer or State Geologist.

- ❖ As part of the preliminary subdivision plans, a soils and geologic hazard study has been submitted and deemed compliant and acceptable by the City Engineer. *There are no "significant" matters to be addressed with the subdivision plat.*

PLANNING STAFF RECOMMENDATION

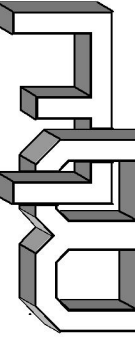
I hereby make a motion for the Planning Commission to APPROVE the Preliminary Plan for the Rigby Court Subdivision, with the following directives:

1. This Preliminary Approval is subject to the City's Approval of the applicant's petition to amend the Hillside Overlay Zone provisions, or the subdivision plan layout shall be altered to comply with the adopted/modified provisions, prior to submittal of any Final Subdivision application and submittal.
2. A Final Subdivision Application shall be submitted in accordance of CMC 15.04 of the Subdivision Ordinance.
3. The Final Subdivision Plat shall provide the following notes for the private alley or as recommended by the City Attorney:
 - The private alley has been provided by the original developer for the convenience of accessing the rear yards of all lots within the subdivision.
 - A City right-of-way "encroachment permit" is required for construction of and use of the alley's drive access point from the public roadway.
 - The use of the private alley is an "accessory amenity" for the convenience of the lot owners to establish any allowable accessory use of the lots.
 - The private alley shall not be used for any commercial/industrial nature or other like practices that generates frequent and consistent traffic to and from the rear yards of the lots.
4. The construction plans for the subdivision shall address the provision of secondary water service and shall acquire any needed off-site easements prior to any approval and recordation of a final subdivision plat.
5. The submittal of the Final Subdivision Plat and Plans shall be submitted to the City's Development Review Committee (DRC) and shall be deemed complete and in compliance with the Hillside Overlay provisions and this preliminary plan approval, prior to scheduling the final plat for review by the Planning Commission.
6. If any dispute arises between the DRC and the applicant during the final subdivision review by the DRC, the DRC shall remand this preliminary approval back to the Planning Commission for resolution, prior to scheduling the final subdivision for Planning Commission consideration.

Suggested Reasons for the Action:

- a) The Planning Commission finds that the preliminary subdivision could likely comply with the applicable regulations, provided the applicant's petition to amend the Hillside is approved by the City.
- b) The Planning Commission finds that with the identified changes, this proposed subdivision plan may have the potential to meet the Development Standards, not for the A-L Zone, but also for the Hillside Overlay for a single-family subdivision, as outlined in CZC 12.42
- c) Nonetheless, the Planning Commission finds that the preliminary plans have not fully developed or prepared the related subdivision construction drawings to ensure compliance with the Hillside Overlay Ordinance.
- d) Therefore, due to these engineering technical matters, the Planning Commission is assigning the City's Development Review Committee (DRC) to receive the final subdivision construction drawings from the applicant.

- e) Furthermore, the Planning Commission is requesting the DRC to analyze, evaluate, and determine whether the subdivision is compliant with the standards, prior to the Commission's review of the final subdivision plat.

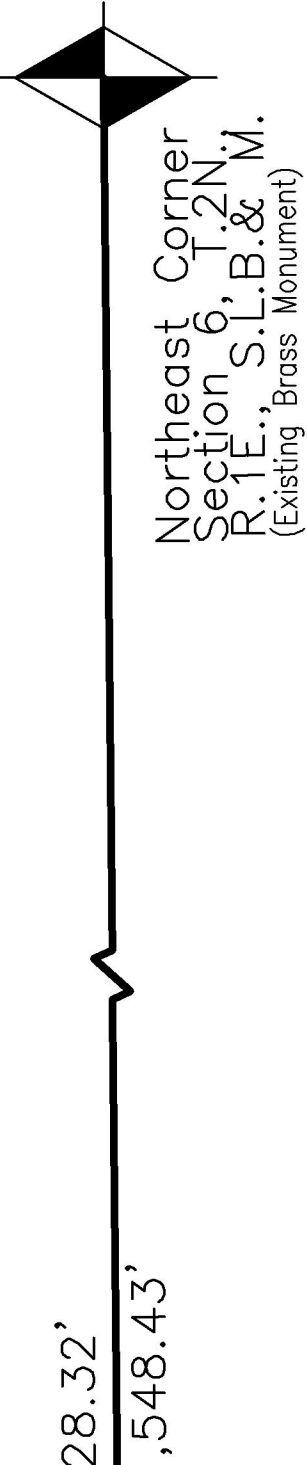


Balling Engineering

Civil Engineering * Surveying * Planning

323 East Pages Lane
P.O. Box 805
Centerville, Utah 84014

Phone: (801) 295-7237
Fax: (801) 299-0419
Email: jscottballing@gmail.com



N03°23'27"W
177.89' 192.72'

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
12/13/2017**

Item No. 3.

Short Title: Public Hearing - Conceptual Subdivision -Condo Conversion- Boulder Subdivision, 60 North 1400 West

Initiated By: John Stout, Applicant

Scheduled Time: 7:50

SUBJECT

ADMINISTRATIVE DECISION

Consider the Conceptual Subdivision for a Condominium Conversion for the Boulder Subdivision at 60 North 1400 West.

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- ▣ PC Staff Report Boulder Condominium Subdivision
- ▣ Boulder Condominium Plans

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

**STAFF REPORT
AGENDA: ITEM 3**

**APPLICANT/OWNERS: JOHN STOUT
1380 WEST 50 SOUTH
CENTERVILLE, UT 84014
(87stout@gmail.com)**

**JAMES STOUT
1380 WEST 50 SOUTH
CENTERVILLE, UT 84014
(james@stoutbc.com)**

PROPERTY LOCATION: 60 NORTH 1400 WEST (06-0316-0101)

PARCEL SIZE: 0.83 ACRES

ZONING DISTRICT: INDUSTRIAL HIGH (I-H)

**APPLICATION: CONCEPTUAL SUBDIVISION FOR CONDOMINIUM
CONVERSION OF THE EXISTING BUILDING**

STAFF RECOMMENDATION: ACCEPT WITH DIRECTIVES

BACKGROUND

The applicants desire to subdivide an existing building and create a condominium plat for four spaces within the building. Currently, TruGolf Inc. occupies the entire building. However, the owners desire to create the condominium spaces for future venture purposes.

General Plan Review

This property is located within Neighborhood 5, West Centerville, as defined in City's General Plan in Section 12-480-6. The Industrial Development Policies for this area are the following:

Goal 1. Enhance the Centerville City Business Park District - The Business Park District consists of the existing developed area located mainly south and east of the Legacy Parkway Alignment. The goal is primarily to maintain and eventually upgrade the conditions and appearance of the buildings and yard areas, while being sensitive to the

needs of existing business and property owners. Preserving the economic viability of a now aging development area is critical to the success of the neighborhood

Staff Comment: As stated, the goal is to preserve the economic vitality of the Business Park. Allowing the existing building to be converted to a condominium of four space allows for future and continued use, if the current user ever vacates the premises. However, it should be noted that the parking for the site is based on a "office/warehouse" use. Other allowable uses may decrease or even increase the required parking, which may exceed the existing capacity of the site. Therefore, the owners should be aware of this as they plan for future multiple users of the building. The parking capacity and limitations ought to be spelled out in the associated CC&R's to inform future buyers to minimize conflicts between potential various owners within the building.

CONCEPTUAL SUBDIVISION REVIEW - CHAPTER 15.2

Conceptual Review Expectations

The Conceptual Subdivision review gives the applicant an opportunity to receive guidance from the Planning Commission in relation to subdivision regulations and the layout. It also allows the public an opportunity to express their Ordinance concerns regarding the proposed subdivision. The Conceptual Subdivision acceptance does not constitute an approval or disapproval of the proposed subdivision (*see 15.2.105.3*).

GENERAL REQUIREMENTS SUBDIVISIONS - CHAPTER 15

CMC 15.01.040 Definitions - "Condominium" means property conforming to the definition set forth in Utah Code § 57-8-3. A condominium is also a "subdivision" subject to these regulations and the Utah Condominium Ownership Act, as set forth in Utah Code §§ 57-8-1, et seq.

Staff Comment: It is the position of staff that the general subdivision requirements for property were accounted for during the previous subdivision and site plan approvals obtained for the property. The request for further subdivision would now be narrowly focused on the building being divided into condominium spaces. The primary focus for creating the subdivision is as follows:

- Creation of a subdivision plat related to condominium conversion of the building.
- Identification of spaces for condominium spaces and common area spaces
- Creation of the Owner's Association
- Creation of related CC&R's
- Compliance with the Condominium Ownership Act of the Utah Code

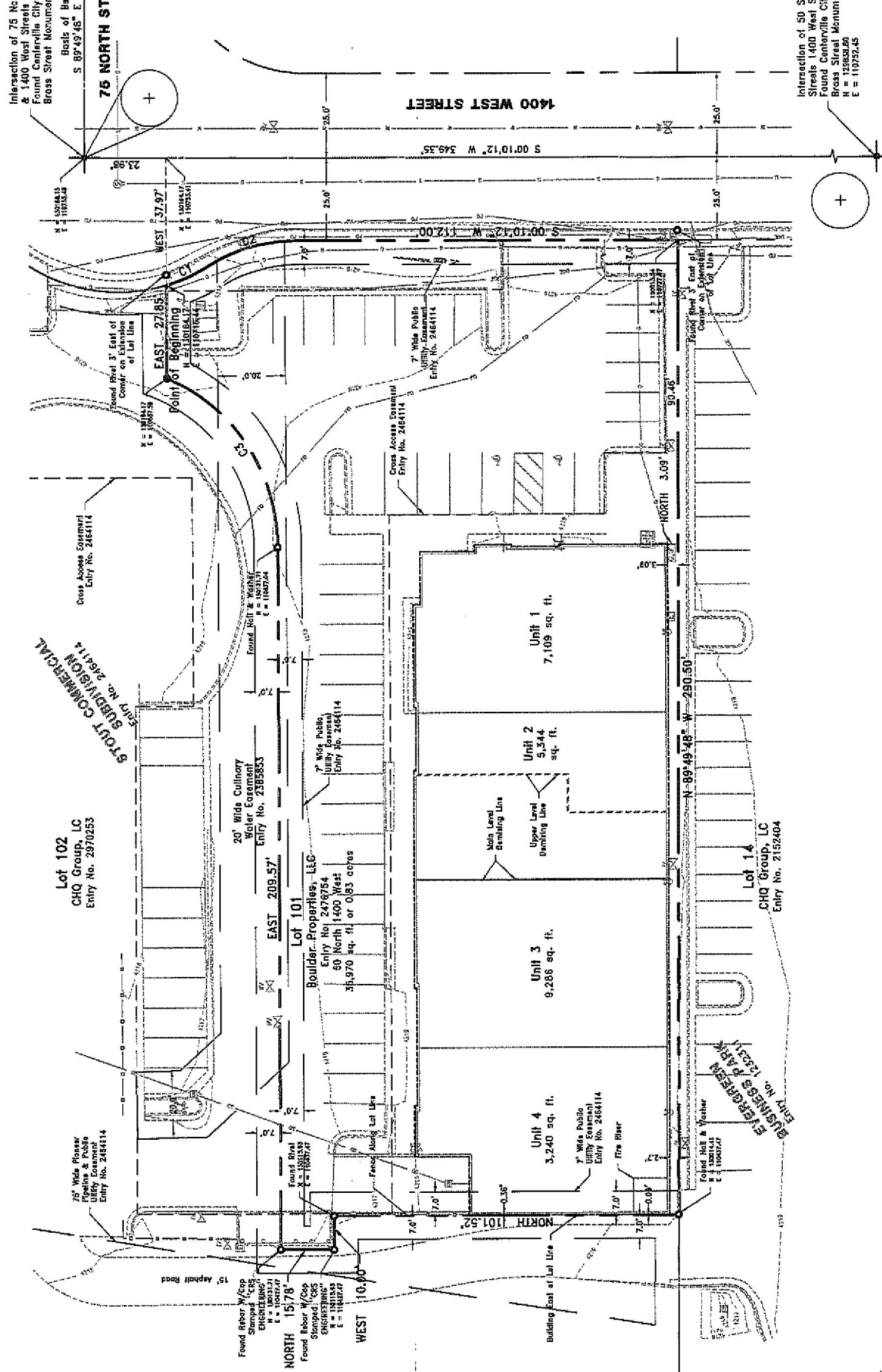
PLANNING STAFF RECOMMENDATION

I hereby make a motion for the Planning Commission to ACCEPT the Conceptual Plan for the Boulder Condominium Subdivision, with the following directives:

1. A Preliminary Subdivision Application shall be submitted in accordance of CMC 15.03 of the Subdivision Ordinance.
2. The Preliminary Subdivision Plans shall also address the compliance with requirements of the Utah Condominium Ownership Act, as set forth in Utah Code
3. The Preliminary Subdivision Plans identify and depict the desired condominium spaces and common area spaces
4. The Preliminary Plans are to address compliance with any related building and fire code provisions regarding the conversion of the building into condominium spaces.
5. The parking capacity and limitations are to be spelled out in the associated CC&R's to inform future buyers to minimize conflicts between potential various owners within the building.

Suggested Reasons for the Action:

- a) The Planning Commission finds that the conceptual subdivision appears to be consistent with the City's General Plan.
- b) The Planning Commission finds that with the identified directives, this proposed subdivision plan to ensure compliance with the Subdivision Development Standards and the Utah Condominium Ownership Act
- c) The Planning Commission finds that the applicable review standards of the Subdivision Ordinance pertaining to a Conceptual Subdivision application have been reviewed and directives established to allow the proposal to proceed to preliminary subdivision plan submittal.



LEGEND

- Centerline Street Monument Found
- Property Boundary Line
- Right-of-Way Line
- Monument Line
- Set Back W/ Cop Stamped "TODURON ENGINEERING" (Unless Otherwise Noted)
- Found Property Monument (As Noted)
- Edge of Existing Improvements (As Noted)
- Existing Vinyl Fence
- Existing Storm Drain Line
- Existing Underground Electric Line
- Existing Fiber Optic Line
- Existing Elevation Contour Line
- Existing Utility Pole, Guy, Upr Pole, Electric
- Existing Water Valve, Man Hole, Fire Hydrant
- Existing Sewer Man Hole
- Existing Storm Drain Man Hole, Gas Main
- Existing Telephone Box, Man Hole
- Existing Fiber Optic Box
- Centerline Street Monument Found

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD	TANGENT
C1	50.00'	13.48'	15°25'22"	S 23°54'25" E	13.42'	6.77'
C2	50.00'	27.74'	31°47'18"	S 15°43'27" E	27.39'	14.24'

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
12/13/2017**

Item No. 4.

Short Title: Public Meeting -Conceptual Subdivision (Small Subdivision Waiver) -- Legacy Commons 1250 West and Parrish Lane

Initiated By: Spencer Wright, Applicant

Scheduled Time: 8:10

SUBJECT

ADMINISTRATIVE DECISION

Consider the proposed Conceptual Subdivision for a Small Subdivision Waiver for Legacy Commons Development at 1250 West and Parrish Lane.

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- ☐ PC Staff Report Legacy Commons Small Subdivision
- ☐ Legacy Commons Small Subdivision Plan

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

**STAFF REPORT
AGENDA: ITEM 4**

APPLICANT: **SPENCER WRIGHT**
1178 WEST LEGEACY CROSSING BLVD. #100
CENTERVILLE, UT 84014
(spencer@wrightdevelopmentgroup.net)

PROPERTY OWNERS: **TETON INVESTMENT HOLDING, LLC**
1178 WEST LEGEACY CROSSING BLVD. #100
CENTERVILLE, UT 84014
(spencer@wrightdevelopmentgroup.net)

UTAH DEPARTMENT OF TRANSPORTATION
c/o DERYL DAVIS
4501 SOUTH 2700 WEST
SALT LAKE CITY, UT 84119
(ddavis@utah.gov)

PROPERTY: **NW CORNER OF PARRISH LANE/ 1250 WEST**
PARCELS: 06-006-0082, 0083, 0102

ACREAGE: **8.15 ACRES**

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

APPLICATION: **CONCEPTUAL SUBDIVISION WITH SMALL**
SUBDIVISION WAIVER

RECOMMENDATION: **CONSIDER APPROVING THE SMALL SUBDIVISION**
WAIVER WITH CONDITIONS

BACKGROUND

Recently, the City Council approved a Planned Development for the property, which consists of a hotel, commercial uses, and multi-family residential. The applicant now desires to subdivide/reconfigure the property into two (2) lots. Lot 1 will be the future site of development's commercial and residential uses; and Lot 2, the future hotel site. Since the subdivision will be limited to two lots, the applicant is seeking a "Small Subdivision Waiver," as outlined in CMC 15.02.070. Such a waiver would skip the preliminary and final

subdivision processes. Additionally, the Planning Commission is assigned as the final land use authority for approving a small subdivision.

SMALL SUBDIVISION PROCESS

Small Subdivision Waiver Section 15-2-106

A small subdivision is defined as a subdivision of not more than two (2) lots [Section 15-1-104(45)]. Since the property is being subdivided into two developable lots, it can qualify for the small subdivision waiver, as long as it meets the criteria found in Section 15-2-107 of the Subdivision Ordinance.

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

- **Staff Response:** The subdivision does not require the dedication of land for a street or other public purpose to meet the objectives of the related PDO approval. Nonetheless, the developer is continuing to seek for a possibly a drop lane and limited right turn into the hotel site from Parrish Lane. This may necessitate of a future dedication for the drop lane. To date, UDOT has taken the position of NOT allowing any type of access from Parrish Lane.

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

- **Staff Response:** According to the Master Street Plan, Section 12-450-1, it does not appear that 1250 West or Parrish Lane are to be widened in the future. Additionally, the Master Street Plan does not indicate any new roads being proposed to run through any portion of the future lots.

The lots are not part of a small subdivision approved less than three years earlier:

- **Staff Response:** The subject property has not been involved in any type of previous subdivision approval.

GENERAL SUBDIVISION AND RELATED PDO REVIEW

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

Each lot must meet the zoning requirements for the Commercial-Very High (C-VH) Zone concerning frontage, width, and setbacks. As stated previously, one lot will be the future site of development's commercial and residential uses, and the other a future hotel site. Both lots will share the use of the two existing access drives from 1250 West. According to Table 12-34-1 of the Zoning Ordinance, the C-VH Zone does not have any requirements in regards to minimum or maximum lot size. In addition, buildable area and density are not applicable. It does, however, have a required street frontage of 80 feet, which has been satisfied.

Improvements and Utility Easements Section 15-2-107(3)

Utilities and services are available near or on-site for the future commercial pad. The applicant has provided an exhibit and utility provider sheets indicating adequate services may be found on site. In addition, a 10-foot public utility easement has already been placed on the entire property for both Lots 1 and 2. The applicant will still be responsible for paying any related fees and bonds related to any public improvements.

General Requirements for all Subdivisions Chapter 15-5

It appears that both lots generally meet all the applicable requirements for subdivision layout, with the exceptions, as follows:

Utility Easements – In addition to the shown gas line easement. The subdivision plans will need to be modified to depict the required three (3) public utility easements (each lot). The lot frontage requires 10 feet and the other two easements are a minimum of 7 feet.

Drainage – The property has a significant drainage channel along Parrish Lane. Such channel not only serves the property, it likely carries other storm waters. This channel needs to be formally developed to maintain its purpose, but likely in a manner that facilitates the development of the lots. Consequently, as part of the subdivision, the subdivision construction plans need to address the channel and be deemed acceptable by the City Engineer.

Lot Side Lines/Right Angles (15.05.020) – The concept subdivision plan depicts two (2) lots. The side line (north-south) between the two lots has a right-angle jog that is a design consequence of the interior access lanes amongst the various uses planned for the PDO development. A cross-access allowance needs to be included with the recording of the subdivision.

PDO APPROVAL RELATED ISSUES

Below is a summary of related PDO Development expectations that are related to subdividing the property:

Cross Access and Circulation – Due to the UDOT “No Access” restriction from Parrish Lane and the integrated design of the circulation lanes for the various uses, a cross-access and circulation allowance needs to be included with the recording of the subdivision for the lots.

Public Improvements & Impact Fees – Due to the property being developed as an integrated planned development, the access drives, public sidewalk system, water laterals, sewer laterals, and other related public improvements need to be established as part of the platting of the lots. Consequently, as part of the subdivision, the subdivision construction plans need to address the minimum needed improvements to be installed and be deemed acceptable by the City Engineer.

PLANNING STAFF RECOMMENDATION

Suggested Motion for the small subdivision waiver/lot split for property at 782 West Parrish Lane; “I hereby make a motion for the Planning Commission to approve the small subdivision waiver/lot split for the Legacy Commons Subdivision, with the following conditions:

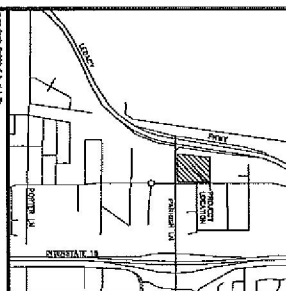
1. The small subdivision waiver/lot split shall be for the Legacy Commons Subdivision, PARCELS: 06-006-0082, 0083, 0102
2. The following items shall be effective or addressed as part of this small subdivision waiver approval:
 - a. This review and approval does not represent any site plan approval for future development on either lot. Any future site plans submitted shall meet all applicable City Ordinances and applicable governing documents for the property.
 - b. The applicant shall prepare a final linen plat for the property, as per the City subdivision standards.
 - c. The applicant shall prepare the required subdivision construction drawings for the minimum needed improvements (e.g. drainage and public improvements) to be installed for the subdivision and be deemed acceptable by the City Engineer.
 - d. The Plat shall show all required street frontage and interior lot line PUE easements. Any additional easements, such as cross-access or parking shall be prepared, as directed and deemed acceptable by the City Engineer and City Attorney.
 - e. Prior to recording the small subdivision waiver plat, applicant shall submit an updated title report for the entire property area for review and approval of encumbrances and ownership by the City Attorney and City Engineer.
 - f. The following plat notes shall be set forth on the final plat for the small subdivision waiver:
 1. Approval of the small subdivision waiver plat by Centerville City does not constitute any representation as to the adequacy of subsurface soil conditions nor the location or depth of ground water tables.
 2. A note of the plat shall be provided referring and indicating that the development of the property is subject to the approved PDO Development Plan.
 3. All owners shall be required to provide utility easements for all as-built utilities after the utilities are installed if they do not lie within the boundaries of an existing PUE.
3. The applicant shall pay all applicable impact fees and post the related bonds for public improvements prior to recordation of the subdivision.

Suggested Reasons for the Action (Findings):

- a. The Planning Commission finds that the subdivision qualifies for the small subdivision waiver, in accordance with the criteria found in Section 15-2-107 of the Subdivision Ordinance.
- b. The Planning Commission finds that two lots are consistent with the approved Legacy Commons PDO Approval.
- c. The Planning Commission finds that the proposed subdivision meets the required lot development standards for the C-VH Zone. [Chapter 12-34].

- d. The Planning Commission finds that with the conditions imposed, the general requirements for all subdivisions have been addressed and fulfilled [Chapter 15-5].

LOCATED IN THE NE 1/4 & SE 1/4 OF SECTION 12, T2N, R1W
SALT LAKE BASE & MERIDIAN
CENTERVILLE CITY, DAVIS COUNTY, UTAH

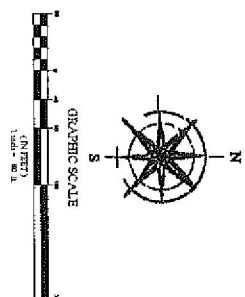
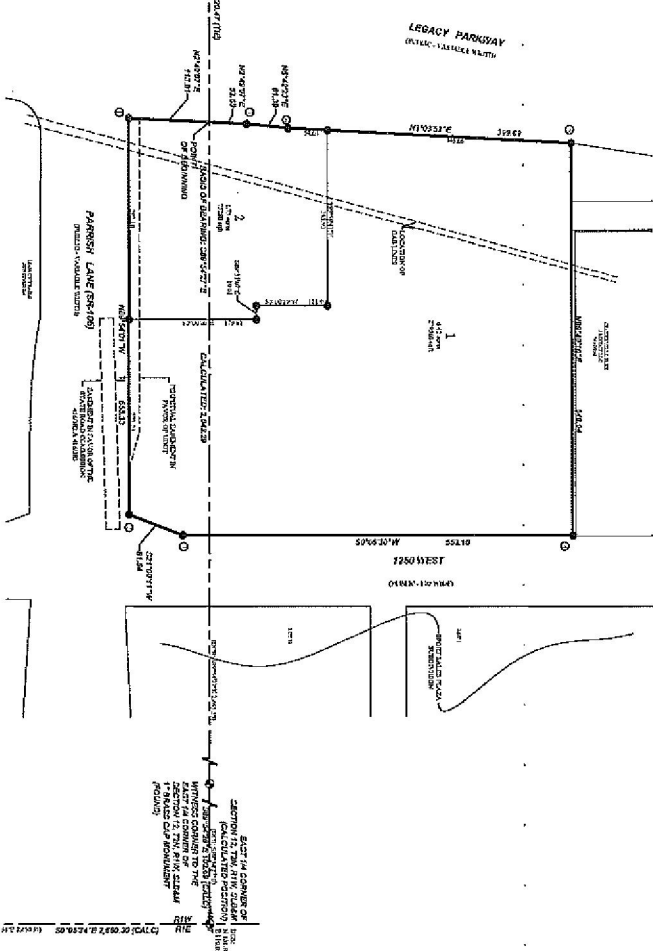


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4	12/16/76 7044	11,879,240
5	12/16/76 6729	11,047,874
6	12/16/76 6764	11,011,779

NOTES:

1. All types of public or commercial or proposed buildings or hereby constituted as such a structure and public utility as shown.
2. 43 Below and City of New York Department of Public Works.



L. Sargent W. Lawrence, who last year testified that he and John P. Galt, Jr. had been in an agreement with the FBI to keep the FBI out of the investigation of the assassination of Dr. Martin Luther King, Jr., in 1968, was also interviewed. He told the FBI that he had been in a meeting with the FBI in 1968, and that he had been in a meeting with the FBI in 1968, and that he had been in a meeting with the FBI in 1968.

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LEGACY COMMONS

DO HEREBY CERTIFY FOR PERFECTAL USE OF THE PUBLIC ALL PARKERS OF LAND SHOWN ON THIS LIST AS INTENDED FOR PUBLIC USE, AND DO NOT WITHHOLD THEREFROM ANY OTHER LANDS BELONGING TO THE CITY OF BOSTON OR OTHER ESTABLISHED ON THE DESIGNATED STREET. AND NONE WILL INTERFERE WITH THE CITY'S USE, OPERATION, AND MAINTENANCE OF THE STREET. IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS

THIS _____ DAY OF _____ 19__ 30

STATE OF UTAH
COUNTY OF

ON THE DAY OF THE AGING PERSONALLY AFTER
DEPARTURE, THE UNDERSIGNED NOTARILY PUBLICLY
FOR THE COUNTY OF
IN SAID STATE OF
AFTER BEING DULY
ACKNOWLEDGED TO ME THAT HE IS THE
A TRUE ME AND THAT HE BORNED THE OWNERSHIP
DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID COMPANY
FOR THE PURPOSES HEREIN AUTHORIZED.
MY COMMISSION EXPIRES _____

AT COMMISSION NO. _____

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**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
12/13/2017**

Item No. 5.

Short Title: Public Hearing -- Zoning Text Amendment -- CZC 12.55

Initiated By: City Council

Scheduled Time: 8:30

SUBJECT

LEGISLATIVE DECISION

Consider the proposed Zoning Text Amendments to CZC 12.55, regarding Deferral Agreement allowances.

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- ▣ PC Staff Report Amending Provision for Deferral of Public Improvements
- ▣ Proposed Deferral Amendment Provisions

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

**STAFF REPORT
AGENDA: ITEM 5**

APPLICANT: **CENTERVILLE CITY COUNCIL
C/O MAYOR PAUL CUTLER
250 NORTH MAIN STREET
CENTERVILLE CITY, UT 84014**

APPLICATION: **ZONING ORDINANCE TEXT AMENDMENT**

**APPLICANT REQUEST: AMEND THE ZONING CODE TO CREATE
REGULATORY CONSISTENCY BETWEEN THE
MUNCIPAL CODE AND ZONING ORDINANCE**

**STAFF RECOMMENDATION: RECOMMEND APPROVAL TO THE CITY
COUNCIL**

BACKGROUND

As a result of a recent deferral improvement request regarding installation of a sidewalk, the City Council instructed staff to refine and fix subtle inconsistencies between the City's Municipal Code and the Zoning Ordinance regarding such requests. Lisa Romney, City Attorney, has drafted the revisions for both regulatory codes. Consequently, the Zoning Ordinance needs to be amended to reflect the new changes.

TEXT AMENDMENT REVIEW AND ANALYSIS (12.21.080.e)

Zone Map Amendments - Pursuant to the City's Zoning Ordinance, the "decision to amend the...zoning ordinance is a matter of within the legislative discretion of the City Council as described in CZC 12.21.060.a.1.B. Additionally, CZC 12.21.80.e. lists one (1) criterion for considering a text amendment petition. The following is a summary of staff's review of the matter:

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

STAFF CONCLUSION – After staff's review of the General Plan, there a *NO SPECIFIC* guidance provisions regarding the installation of public infrastructure or improvements. Typically, such items are addressed in Zoning, Subdivision, and City Specifications ordinances and regulations.

STAFF'S ANALYSIS OF PROPOSED AMENDMENTS

The proposed amendments for the Zoning Ordinance maintain the expectation for installation public improvements. However, the original deferral allowance language is simplified using a referral instruction over to the Municipal Code. It's in the Municipal Code where the details for obtaining deferrals are outlined and the process for seeking such an approval. This eliminates the subtle inconsistencies of the two codes and addresses the directive received by staff from the City Council.

PLANNING STAFF RECOMENDATION

Suggested Motion for an amendment to the Centerville City Zoning Ordinance regarding deferral improvement allowances – I hereby make a motion for the Planning Commission to recommend to the City Council to approve the proposed amendments, as presented by the City Attorney.

Suggested Reasons for the Action (Findings):

- a. The Planning Commission finds that the “decision to amend the...zoning ordinance is a matter of within the legislative discretion of the City Council as described in *CZC 12.21.060.a.1.B*.
- b. The Planning Commission finds that amendments *ARE NOT INCONSISTENT* with the goals, objectives and policies of the City's General Plan.
- c. The Planning Commission finds that the amendments refine and fix subtle inconsistencies between the City's Municipal Code and the Zoning Ordinance regarding such deferral improvement requests.

ORDINANCE NO. 2018-01

AN ORDINANCE AMENDING SECTION 10.04.150 OF THE CENTERVILLE MUNICIPAL CODE REGARDING REQUIRED PUBLIC IMPROVEMENTS AND SECTION 10.04.170 OF THE SAME REGARDING DEFERRAL OF PUBLIC IMPROVEMENTS, AND AMENDING SECTION 12.55.190 OF THE CENTERVILLE ZONING CODE REGARDING STREET IMPROVEMENTS AND SECTION 12.55.200 OF THE SAME REGARDING DEFERRAL OF STREET IMPROVEMENTS

WHEREAS, the City Council directed Staff to prepare ordinance amendments to correct any discrepancies between the Centerville Municipal Code and Centerville Zoning Code provisions regarding the deferral of public improvements associated with development within the City; and

WHEREAS, Staff has prepared the proposed ordinance amendments to clarify and harmonize any discrepancies between the Centerville Municipal Code and Centerville Zoning Code provisions regarding the deferral of public improvements as more particularly set forth herein; and

WHEREAS, City Council has determined that the proposed amendments to the Centerville Municipal Code and Centerville Zoning Code are in the best interest of the City and the public and will provide consistent policies and procedures for the review and approval of applications for the deferral of public improvements; and

WHEREAS, the proposed amendments to the Centerville Zoning Code as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to 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 10.04.150 of the Centerville Municipal Code regarding Public Improvements Required is hereby amended to read in its entirety as follows:

10.04.150 Public Improvements Required

- (a) Duty to Install. Any person obtaining a permit hereunder to build or alter any structure upon a lot which is not improved by public improvements, such as asphalt, curbs, gutters, sidewalks, and sewage, storm and flood control facilities, shall be required to install all such improvements along the street frontage of said lot in accordance with all construction standards, regulations and applicable ordinances of the City. No Certificate of Occupancy or Final Inspection shall be issued until all such required improvements are complete and operable.

- (b) Duty to Repair. Any person obtaining a permit hereunder to build or alter any structure upon a lot which is improved by public improvements, such as asphalt, curbs, gutters, sidewalks, and sewage, storm and flood control facilities, shall be required to repair any damage to such improvements in accordance with all construction standards, regulations and applicable ordinances of the City. No Certificate of Occupancy or Final Inspection shall be issued until all such improvements are repaired.
- (c) Security. Applicants shall be required to enter into an Improvements Agreement acceptable to the City together with a bond providing sufficient security to insure installation, completion and/or repair of public improvements required herein in Subsections (a) and (b) and as more particularly set forth in CMC 10.04.160.
- (d) Deferral. In limited circumstances, upon the request of the applicant, the City may defer or waive the installation of any ~~or all~~ required public improvements in accordance with the provisions of CMC 10.04.170.

Section 2. Amendment. Section 10.04.170 of the Centerville Municipal Code regarding Deferral of Public Improvements is hereby amended to read in its entirety as follows:

10.04.170 Deferral of Public Improvements

(a) Request for Deferral. In limited circumstance, upon request of the applicant, the City may defer or waive the installation of any ~~or all~~ required public improvements when deemed appropriate in accordance with the provisions of this Section. as, in its judgment, are not requisite in the interest of public health, safety, and general welfare, or which are inappropriate because of the inadequacy or lack of connecting facilities. The applicant must submit a written request for deferral of public improvements with the Public Works Director. Such written request must include the following:

(1) Summary of the evidence in support of the request and analysis of the factors required to qualify for the deferral as set forth in Subsection (f);

(2) Name and address of applicant;

(3) Address, legal description, and parcel number of subject property; and

(4) Aerial view of subject property and adjacent properties showing existing infrastructure;

(5) Application fee and professional services deposit for deferral agreements as set forth in the City Fee Schedule.

(b) Public Works Director Review. The Public Works Director shall review the request for deferral of public improvements and confer with other departments or officials as deemed necessary. The Public Works Director shall thereafter prepare a Staff Report and recommendation to the City Council regarding the request.

(c) City Council Review. The City Council shall review and ~~approve approval~~ or deny the requested deferral of public improvements based on the factors set forth in Subsection (f) above.

(d) Payment of Costs or Deferral Agreement. ~~If the deferral is approved by the City Council, Whenever it is deemed appropriate to defer the construction of required improvements,~~ the applicant shall pay his or her share of the costs of such future improvements according to the reasonable estimate of the City Engineer, or may enter into a Deferral Agreement satisfactory to the City assuring completion of said improvements upon the demand of the City. No permit shall be issued until the appropriate costs required herein are deposited with the City or a Deferral Agreement has been executed between the parties and recorded against the property assuring the completion of such improvements upon demand of the City.

~~(a)(e)~~ No Temporary Certificate of Occupancy Required. No Temporary Certificate of Occupancy shall be required when the appropriate costs required herein are deposited with the City or a Deferral Agreement has been executed between the parties and recorded against the property for the deferral of specified public improvements.

~~(b)(f)~~ Required Factors for Deferral. In order to qualify for the deferral of public improvements, the City Council must determine that there is good cause for the deferral and that the application complies with the following requirements:

- (1) The property is a legally conforming lot or parcel as defined and regulated by the Centerville Zoning Code and applicable provisions of CMC 15 (Subdivisions);
- (2) The lot or parcel has frontage on a public street;
- (3) No street improvements exist on the same side of the street contiguous to the lot or parcel in one or both directions, unless otherwise approved by the City Council based on good cause, or the lot or parcel is in an area of the City specifically designated as an area where sidewalks are not required; and
- (4) The lot or parcel is not within a recorded subdivision, unless otherwise approved by the City Council based on good cause; provided, no deferral of improvements shall be allowed as part of a new subdivision development.

Section 3. Amendment. Section 12.55.190 of the Centerville Zoning Code regarding Street Improvements is hereby amended to read in its entirety as follows:

12.55.190 Street Improvements Required

- (a) **Street Improvements Required.** No construction shall be permitted on an unimproved lot or parcel unless planned street improvements abutting the lot or parcel, as shown on the Master Street Plan, including without limitation, sidewalk,

curb and gutter, parking strips and associated landscaping, street pavement and fire hydrant improvements, are provided simultaneously in conformance with CMC 10.04.150 and applicable Construction Codes. Constructing such improvements shall be a condition precedent to final inspection and occupancy of any building and other improvement on the lot or parcel, subject to the provisions of this Section. Such improvements shall conform to City Standards and Specifications.

~~(b) — Extent of Improvements. When the size of a lot or parcel exceeds the minimum requirements of the zone in which the lot or parcel is located, the Planning Commission may reduce the extent of required improvements if the lot frontage adjoining a public street is, in its judgment, substantially more than the minimum required lot frontage and not roughly proportional to the developer's fair share of needed public improvements. However, frontage improvements shall be provided for no less than the minimum lot width required by the zone in which the lot or parcel is located.~~

~~(e)(b)~~ Dedication and Construction of Improvements. When widening of a public street is planned, as shown on the Master Street Plan, street right-of-way and frontage improvements associated with proposed development shall be dedicated to the public and improved without cost to the City to the extent the such improvements are roughly proportional to the developer's fair share of needed public improvements, as determined by the Planning Commission after receiving a recommendation from the City Engineer.

(c) Appeal. If a street dedication and improvement requirement is alleged to not be roughly proportional to the demand created by new development, such requirement may be appealed to the Board of Adjustment as provided in CZC 12.21.200.

(d) Deferral. In limited circumstances, upon the request of the applicant, the City may defer or waive the installation of any required street improvements in accordance with the provisions of CZC 12.55.200.

Section 4. Amendment. Section 12.55.200 of the Centerville Zoning Code regarding Street Improvements – Deferral is hereby amended to read in its entirety as follows:

12.55.200 Street Improvements —~~Method of Providing Deferral~~

In limited circumstances, the City may allow the developer to defer or waive the installation of any required public improvements when deemed appropriate in accordance with and subject to the provisions of CMC 10.04.170.

~~In lieu of requiring full frontage or right-of-way improvements as provided in CZC 12.55.190, the City may authorize a developer to satisfy street frontage improvement obligations in one of the following ways:~~

- ~~(a) — Form Special Improvement District. Form a special improvement district to complete the developer's fair share of improvements and additional improvements to benefit the area.~~
- ~~(b) — Pay Assessment. Place funds in an escrow account equal to the estimated cost the developer's fair share obligation for frontage improvements, as determined by the Planning Commission according to calculations by the City Engineer. Such funds shall be used to install street and frontage improvements in projects selected by the City according to its discretion and priority. Placement of funds into an escrow account shall not be construed to imply or guarantee to the developer a specific time when improvements will be installed on the frontage or right of way with funds from a City-sponsored improvement project. Such escrow shall exempt the developer from participating in a special improvement district formed by the City for the same improvements. Any interest which may accrue on escrowed funds shall be available to the City for use in the improvement project.~~
- ~~(c) — Delay Installation. Sign and record an agreement, binding the developer to install required improvements at a later date upon demand by the City, subject to all of the following requirements:
 - ~~(1) — The development of the property is for one single family dwelling only;~~
 - ~~(2) — The property is a legal conforming lot or parcel as defined in this Title;~~
 - ~~(3) — The lot or parcel has frontage on a public street;~~
 - ~~(4) — No street improvements exist on the same side of the street contiguous to the lot or parcel in either direction; and~~
 - ~~(5) — The lot or parcel is not within a recorded subdivision.~~~~
- ~~(d) — Execute Waiver of Protest Agreement. Where property is proposed to be developed in areas of the City where other streets are not fully improved and no other properties in the immediate areas are developed with curb, gutter and sidewalk and other street improvements, a building permit may be issued if the property owner executes an agreement waiving the right to vote against a special improvement district in the event the City elects to create such a district to construct street improvements benefitting the property.~~

Section 5. 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 6. 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 7. 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, ON THIS 2nd DAY OF JANUARY, 2018.**

ATTEST:

CENTERVILLE CITY

Marsha L. Morrow, City Recorder

By: _____
Mayor Clark Wilkinson

Voting by the City Council:

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

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 _____, 2017.

PUBLISHED OR POSTED this ____ of _____, 2017.

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
12/13/2017**

Item No. 6.

Short Title: TABLED -- Preliminary Subdivision - Moss Acres 2026 North Main

Initiated By: Chad Morris, Applicant

Scheduled Time:

SUBJECT

At the applicant's request, this item will be TABLED until the next regularly scheduled Planning Commission meeting.

RECOMMENDATION

BACKGROUND



Centerville City Planning Commission 2018 Meeting Schedule

Meetings of the Centerville City Planning Commission are generally held at 7:00 p.m. on the second and fourth Wednesday of each month (except in the months of November and December, where usually only one meeting will be held on the second Wednesday). Unless, otherwise determined by the Planning Commission, all meetings are held in the Centerville City Hall Building, Council Chambers, 250 North Main Street, Centerville, Utah.

The meeting schedule for 2018 shall be as follows:

January 10, 2018	January 24, 2018
<u>February 14, 2018*</u>	February 28, 2018
March 14, 2018	March 28, 2018
April 11, 2018	April 25, 2018
May 9, 2018	May 23, 2018
June 13, 2018	June 27, 2018
July 11, 2018	July 25, 2018
August 8, 2018	August 22, 2018
September 12, 2018	September 26, 2018
October 10, 2018	October 24, 2018
November 14, 2018	
December 12, 2018	

****Consider changing this date to Tuesday, February 13, 2018 due to the Valentine's Day Holiday***

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
12/13/2017**

Item No.

Short Title: Work Session and Planning Commission Meeting November 15th, 2017

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ Work Session 11-15-17
- ☐ PC 11-15-17

Minutes of the Centerville City Council and Planning Commission joint work session held Wednesday, November 15, 2017 at 5:30 p.m. in the Centerville City Council Chambers, 250 North Main Street, Centerville, Utah.

COUNCIL MEMBERS PRESENT

Paul A. Cutler, Mayor
Robyn Mecham
George McEwan
Stephanie Ivie
Tami Fillmore
William Ince

PLANNING COMMISSION MEMBERS PRESENT

Cheylynn Hayman, Vice Chair
Kevin Daly
Kathy Helgesen
Gina Hirst
Logan Johnson
Becki Wright

MEMBERS ABSENT

David Hirschi, Chair, Planning Commission

STAFF PRESENT

Steve Thacker, City Manager
Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Cassie Younger, Assistant Planner
Avalon Comly, Recording Secretary
Katie Rust, Recording Secretary

VISITORS

None

DISCUSSION OF SOUTH MAIN STREET CORRIDOR PLAN

Cory Snyder, Community Development Director, provided his draft version of the South Main Street Design Guidelines in advance of the meeting and posed questions to the group about what joint vision the Council and Planning Commission have for Main Street. He stated that his perception is that land uses are also important and listed some examples from recent months.

Mayor Cutler asked the body if more progress could be made coming to an agreement regarding the Table of Uses on Main Street than on revisions to the Design Guidelines. Mr.

1 Snyder agreed that it is imperative to ensure that both bodies have the same vision of what Main
2 Street should be.

3
4 Councilman Ince asked how other cities, including Bountiful, Farmington and Kaysville,
5 are dealing with their Main Streets, and their uses. He also asked if it would make sense for
6 everyone present to identify what they would most like to see happen and least like to see happen
7 in the development of Main Street.

8
9 Cory Snyder discussed ways in which Bountiful and Farmington dealt with their Main
10 Street development and how these areas differ from Centerville.

11
12 Mayor Cutler expressed that he would like to work on giving Centerville Main Street a
13 more consistent look and feel.

14
15 Councilman George McEwan asked if the intent in revising design guidelines and further
16 clarifying uses of Main Street is to control blight or to create a gathering place corridor. He
17 expressed that he does not feel that Centerville will ever create a gathering place type Main
18 Street. He feels that the changing of design standards for Main Street and changes to the overlay
19 are to control blight and that is the standpoint that he will be looking at recommendations from.

20
21 Councilwoman Mecham reiterated the differences between Centerville's Main Street and
22 neighboring city's Main Street's. She stated that she is concerned about the mixed-use
23 development of Main Street, due to the possibility that if Main Street is opened up to developers
24 of residential housing, she feels that Main Street would become mostly residential. She does not
25 mind residential development on Main Street as long as it is limited. Ms. Mecham stated she
26 wants to primarily keep Main Street development commercial, though she has some concerns
27 with restaurants, as she wants to make sure that commercial uses do not infringe upon current
28 residents. She suggested possibly keeping restaurants on one side of Main Street, or a certain
29 distance from homes to achieve this.

30
31 Councilman McEwan stated that he believes the density of the community is part of its
32 identity and that he believes there is room for residential growth on Main Street, as long as the
33 overall density of the area is maintained such that there is not a problem with overcrowding.

34
35 Mr. Snyder raised questions about what styles of multi-family housing development on
36 Main Street would be acceptable.

37
38 Councilman Ince stated that he believes more multi-family housing development on Main
39 Street is needed, but he does not want it to be too large, or multi-level. He used, as an example of
40 appropriate multi-family housing for Main Street, the four-plex that is on the corner of Pages
41 Lane and 400 East. He believes starter homes, or suitable housing for the aging population in

Centerville is currently underrepresented. Commissioner Wright agreed that in looking at the South Main Street Corridor plan it will be important to examine inclusionary zoning and main-floor living options, because there is a great need for that. However, she also wanted to ensure that the complexities and intricacies of Main Street area are taken into account.

In response, Mayor Cutler asked the group how they felt about various types of multi-family units on Main Street.

Councilwoman Mecham wanted to define the limits of Main Street and consider how much traffic Main Street actually gets due to current traffic patterns. She questioned if the low traffic on Main Street would possibly impact the success of commercial development.

Councilwoman Fillmore suggested it would be beneficial for everyone to review the staff report that came out 2 or 3 years ago about Main Street and asked that staff send that report out. She pointed out that there are currently many succeeding commercial establishments on Main Street and suggested that in order to determine how to enhance Main Street, the group should study what is currently working.

Councilwoman Mecham agreed with Ms. Fillmore's suggestion and further clarified that she would like to ensure that establishments that are added to Main Street will encourage additional commercial growth in the future.

Community Development Director Cory Snyder said that a protectionist attitude seems to have developed around the residential areas of Main Street. He stated that these protectionist strategies have come with a price to Main Street development, and suggested to the group that they examine these policies, as they may lead to blight and slow decline.

Councilwoman Fillmore responded that is where the convergence of the uses and the design standards for Main Street will come in. She explained that she believes ensuring the proper design standards are in place for Main Street will protect the neighborhood and create a small-town feel, while also opening up uses of Main Street to quality establishments.

Mayor Cutler questioned if others are concerned about maintaining a small-town feel.

Councilman McEwan stated that he does not think that it is realistic to create a small-town feel on a state highway.

Commissioner Helgesen reminded the group that Main Street is the only thoroughfare that runs from Bountiful all the way through Centerville, so there will always be traffic on this street. As such, she explained that she feels well-known restaurants would revitalize Main Street and be successful there.

1 Commissioner Wright made the point that auto-oriented uses will not be relevant in the
2 future due to technological advances being made in that arena. Given the demographic of the
3 current younger population and the kinds of small business that they are starting, Ms. Wright
4 would like to see the group consider lifestyle uses for Main Street as these are very popular. She
5 also stated that she would like to preserve the nice civic features of Main Street, and utilize the
6 existing features of Main Street to maintain the small-town feel. Mr. Snyder added that most of
7 these lifestyle shops that Ms. Wright is talking about would not be allowed to come to Main
8 Street given the current use list. Ms. Wright responded that she would like to review the use list
9 for Main Street and decide what is acceptable while also keeping the design standards high.

10
11 Councilwoman Fillmore agreed that she would also like to examine the use list to remove
12 things that are distasteful while also opening it up so that new businesses can be successful and
13 so that Main Street will not see blight, while still keeping design standards high, this would also
14 protect current residents.

15
16 Councilwoman Mecham raised concerns about why there was not more development of
17 Main Street using the current design standards. Mr. Snyder addressed some opportunities that
18 did arise, but which were ultimately not allowed to develop on Main Street.

19
20 Councilman McEwan inquired if we could move the commercial area of Main Street to
21 one side like Farmington has done on their Main Street. Mayor Cutler responded that he feels
22 this is not viable for Centerville.

23
24 Commissioner Helgesen pointed out that Centerville is a very different city from
25 Farmington, Bountiful, or Kaysville geographically. She reiterated that sit-down eateries would
26 be a great way to revitalize Main Street, and would be loved by residents. She expressed that a
27 mixed-use for Main Street with residential and commercial is completely acceptable, but wanted
28 to caution about density due to traffic.

29
30 Commissioner Daly agreed with Commissioner Helgesen that sit-down restaurants would
31 be a good addition to Main Street.

32
33 Commissioner Helgesen added that she would also like to see an assisted living facility
34 on Main Street as there is a huge need for something like that.

35
36 Mayor Cutler questioned if it is possible to attract things like assisted living facilities to
37 Main Street without also opening up Main Street for other large residential building uses that are
38 less attractive. Mr. Snyder responded that small assisted living facilities are no longer successful,
39 but it is 60-90 bed facilities that are, and this size of facility would not work on Main Street.

40

1 Councilwoman Fillmore addressed previous statements that Main Street in Bountiful is
2 “dead at night” and stated that she believes this ties into the kind of protectionist feeling that she
3 would like to maintain, in that it is respectful of residents. She explained that she would like to
4 create a feeling that people live on Main Street and that it is a nice walkable neighborhood.
5 Commissioner Wright agreed with this and added that she likes the community gatherings that
6 happen on Main Street in Bountiful and the respectful neighborhood atmosphere. She stated that
7 this would be a good thing to model on Centerville’s Main Street.

8
9 Councilman McEwan reminded the group that there are not many walkable months and
10 businesses will be more concerned with parking areas. Mr. Snyder agreed that there would be a
11 significant cost to ensure lifestyle business added to Main Street would be accessible during the
12 whole year.

13
14 Commissioner Wright expressed that she wished the library would have been built on
15 Main Street, as that would have helped to create a civic area.

16
17 Mayor Cutler asked the group, based on previous comments, whether there is any
18 opposition to opening up the table of uses for Main Street to include an assisted living facility,
19 and asked again whether it was possible to open up uses for assisted living facilities without also
20 opening up Main Street for other large building uses that are less attractive. Mr. Snyder and Ms.
21 Romney theorized on how this might be possible.

22
23 Vice Chair Hayman expressed that the current uses of Main Street are too restrictive and
24 are stifling the creativity of potential business owners. She questioned if the group could define
25 uses they do not want to see on Main Street and then open Main Street up for all other uses not
26 excluded, rather than trying to find ways to get specific types of businesses to develop on Main
27 Street.

28
29 In response, Mayor Cutler questioned what uses the group does not want to see on Main
30 Street. He specifically asked if auto uses are unacceptable to the group.

31
32 The group agreed that the auto businesses are incongruent with the direction they would
33 like to take Main Street development.

34
35 Councilwoman Fillmore stated that the test for what is acceptable to her on Main Street is
36 whether it is “neighborhood friendly”. She does not feel that an industrial warehouse use would
37 be “neighborhood friendly” for instance.

38
39 Councilwoman Mecham agreed that she would not like industrial warehouse uses on
40 Main Street.

41

Commissioner Hayman made an observation the City Council and Planning Commission need to be on the same page with regards to development of Main Street, and added that when the Planning Commission does not have clear direction from the City Council, misunderstandings arise. She requested the City Council think about what they would like to see for Main Street and come back to the Planning Commission with at least some general parameters.

Councilman Ince reminded everyone of his earlier invitation to go around the table and state what they do want to see, and what they do not want to see on Main Street.

Councilman McEwan replied to Commissioner Hayman's point that he would like to hear everyone's individual opinion about what the direction should be for Main Street and then an agreement could be reached that would take into account all of those viewpoints. Right now he said that he does not have a clear idea of what agreement could be reached, as many extremes have been discussed.

Commissioner Fillmore agreed with Councilman McEwan and stated that she felt the conversation at this work session was very helpful in beginning to discuss uses of Main Street and she would like to have another meeting in which design standards could also be discussed.

Councilwoman Ivie stated that she would not like to have tall residential buildings on Main Street.

Cory Snyder agreed to send out a list of potential uses for feedback from members of both bodies.

ADJOURNMENT

The meeting was adjourned at 6:52 p.m.

Marsha L. Morrow, City Recorder

Date Approved

David P. Hirschi, Planning Chair

Date Approved

Avalon Comly, Recording Secretary

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, November 15, 2017

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
Cheylynn Hayman, Vice Chair
Kathy Helgesen
Gina Hirst
Logan Johnson
Becki Wright

MEMBERS ABSENT

David Hirschi, Chair

STAFF PRESENT

Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Cassie Younger, Assistant Planner
Avalon Comly, Recording Secretary
Katie Rust, Recording Secretary

VISITORS

Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER Vice Chair Hayman

**PUBLIC HEARING – ZONING MAP AMENDMENT – DAVIS COUNTY REZONE – 641
E 200 SOUTH**

Cassie Younger, Assistant Planner, explained that the applicant, Davis County, wishes to amend the Zoning Map for a slightly less than one-acre property located at 641 E 200 South in Centerville, from Public Facility-Low to Residential-Low. The property is currently surrounded on all sides by Residential-Low properties. Ms. Younger stated that per the proposed amendment, the north side of the property would be going to the City to be turned into a passive green space, the eastern parcel would remain zoned as Public Facility-Low and would remain a trail connecting 100 South and 200 South, and the southern half of the property would be divided into between three and five different Residential Low parcels. Ms. Snyder showed a map of the proposed Zone Map Amendment to demonstrate the proposed change. Ms. Younger explained that based on the four Approval Standards, staff did not see any reason not to recommend the Zone Map Amendment to the City Council, and pointed out that the property is currently overgrown with weeds and fenced off, so rezoning the property as Residential-Low would improve the aesthetic of the neighborhood. Community Development Director Cory

1 Snyder further explained that because a County detention facility above the property has been
2 completed, this property, which had been used for a detention facility, is no longer needed and
3 is essentially being surplussed.
4

5 Commissioner Daly stated that he does not agree with the characterization of the
6 property as overgrown or as an eyesore, as the staff report indicates, and instead feels that the
7 property looks natural. He stated that he looked forward to hearing from the public on that
8 matter. Mr. Snyder clarified that the property is underutilized and in a nuisance state right now.
9 Vice Chair Hayman further stated that the standard being considered is the extent to which the
10 proposed Zoning Map Amendment may adversely affect the adjacent property, rather than
11 whether the Zoning map amendment would improve the adjacent property.
12

13 Tony Thompson, representing the applicant Davis County, presented the County's
14 reasoning for requesting the Zoning Map Amendment. He confirmed that the County wishes to
15 subdivide the property into three lots, as that size of lot would allow for a nice home plan and
16 would complement the area. He reiterated that the vegetation on the lot is overgrown. He
17 provided some history of the lot and reiterated that the basin on this lot is no longer needed.
18

19 Vice Chair Hayman opened a public hearing at 7:18 p.m.
20

21 Jerry Vander Meyden – Mr. Vander Meyden stated that he lives across the street from
22 the property and does not consider it an eyesore. He acknowledged that there could be some
23 problems with “hoodlums” on the property, but also spoke about the natural beauty of the
24 property. Mr. Vander Meyden also wanted to make sure that all of the lots would be kept to
25 about 1/3 of an acre, as that matches the lot size of other properties in the area. Finally, he
26 suggested the area become a neighborhood park that could be maintained by the neighbors.
27

28 Byron Pells – Mr. Pells does not consider the lot to be an eyesore. He liked having the
29 natural environment there. If it becomes housing he is concerned that it not become tight
30 housing which would make the neighborhood too cramped.
31

32 Nancy Robertson – Mrs. Robinson, who lives across the street from the lot, stated that
33 she does not feel that the lot is an eyesore but she also does not want the responsibility of
34 maintaining it, and feels that it would be the City's responsibility to maintain it. She suggests
35 perhaps the lot should become a dog park. Finally, she stated that she appreciates that Davis
36 County wants it to be 3 lots, and that she would not mind seeing some neighbors across the
37 street as she thinks it would be an improvement.
38

39 Conner Simmons – Mr. Simmons asked whether the City would ever want to develop the
40 north side of the property. He stated that he thinks that it is a good idea to bring some newer
41 homes into the neighborhood and questioned why the County decided to only divide it into three
42 lots instead of more, as he had previously heard the lots would be ¼ acre.
43

44 Bryan Espenschied – Mr. Espenschied stated that back when the catch basin was first
45 put in on the lot, the neighborhood was solicited to help make improvements to the lot, including

1 planting trees, putting in a watering system, creating a trail, and building a bridge; in return the
2 City told the neighborhood the lot would be their neighborhood park. Additionally, Mr.
3 Espenschied said the lot was always used as a cut-through between blocks, until a fence was
4 put around the lot. He said the lot was very well maintained until the City put that fence around
5 the site and he didn't understand why they did that. If he had the funds, Mr. Espenschied said
6 that he would buy the 3 lots from the County and turn them back over to the City, but he doesn't
7 think the City wants to pay to maintain the lot. Mr. Espenschied acknowledged that he was
8 glad the City got the north side of the site in the deal with the County, which is the Old Mill site
9 that he feels is a historic site. Ultimately, Mr. Espenschied stated that he would like the City to
10 let the neighborhood have their park, especially given the work the residents invested into it.
11 Mr. Espenschied did say that would not like the land to go back to the County's control, but he
12 was hoping that the Planning Commission could influence the City to turn the lot into an open
13 green space again.

14
15 Seeing that there were no further comments from the public, Vice Chair Hayman closed
16 the public hearing at 7:30 p.m. and invited the applicant to respond.

17
18 Representatives from Davis County, Tony Thompson and Barry Burton responded to the
19 comments made by residents. Mr. Thompson acknowledged that the property is dear to the
20 neighborhood as their park. He reiterated that the east side of the property would remain a
21 passageway and would connect to the north side of the property that is more of a park setting.
22 The mill site plaque is on the north side and will remain. Mr. Thompson states that the County
23 took many of the resident's concerns into account as they were deciding what to do with this
24 property. Mr. Burton then commented that the County is dividing the property to recuperate
25 some of the money they put into the area, and they are dividing it into three larger lots because
26 they felt that size lot was more appropriate to the neighborhood and would attract larger, more
27 upscale homes.

28
29 Cory Snyder and Lisa Romney explained that the north side of the lot is currently
30 intended by the City to be a smaller size park, as this area is currently encumbered by a
31 significant flood control easement and an access easement. Ms. Romney explained that we
32 cannot bind future Councils, but, as Mr. Snyder then further explained, these encumbrances
33 would make it difficult to develop the area at a future time.

34
35 Commissioner Johnson asked if the County intends to sell the property with an individual
36 tax ID or subdivide it themselves. Applicant representative Tony Thompson says the decision
37 on that is still pending.

38
39 Commissioner Wright asked for clarification on the total acreage of parcel. Lisa Romney
40 stated that entire original property was 2.0115 acres, and the property to be divided is 0.97
41 acres.

42
43 Commissioner Daly asked if this two-acre property was included in the calculation for
44 park space per thousand residents that was discussed a few months ago. Mr. Snyder did not

1 recall that detention area being a part of that calculation, though he did recall referencing it as
2 passive space in that neighborhood.

3
4 Cassie Younger clarified that she did not mean to offend with her comment that the land
5 was an eyesore but felt that it was unwelcoming with the fence and the no trespassing sign
6 when she was there.

7
8 Vice Chair Hayman opened the matter up for debate at 7:40 p.m.

9
10 Commissioner Daly commented that he is concerned with taking publicly owned land
11 and rezoning it for residential development, especially because of the recent concern about park
12 space. He questioned if perhaps this was a good opportunity to take the whole property and
13 turn it into a park. He stated that because there is a finite amount of public land available the
14 opportunity should be taken now to protect and preserve this open space. He feels that this
15 could be used as an opportunity to preserve the number and location of parks in the area and
16 encouraged the Commissioners to vote no on this request.

17
18 Commissioner Wright asks what the valuation of the property is. Lisa Romney reminded
19 the Commissioners of the factors that need to be considered with a rezone and went over
20 Approval Standards set forth in CZC 12.21.080(e). She stated that the City Council has already
21 made a determination not to purchase the entire property as spelled out in the Interlocal
22 Agreement entered into between the City and the County. Pursuant to this Agreement, the
23 County has deeded the northern portion of the property to the City in exchange for waived
24 development fees.

25
26 Commissioner Wright stated she is a huge proponent for maintaining public lands, but
27 she felt the way that the agreement over this lot occurred benefits the city. She explained that
28 1) the City was able to maintain land to the north, including a historic site, 2) the floodplain area
29 was maintained, 3) the County has been responsive to the needs of the land by lowering the
30 number of lots they were trying to create to be respectful to surrounding properties, and 4) the
31 trail was able to be maintained. She stated that things were thought out thoroughly by the
32 County and weighed carefully and she is in support of this amendment as a result.

33
34 Commissioner Daly countered several of the points made by Commissioner Wright by
35 explaining that the north side of the property and the trail were not deeded to the City out of
36 benevolence, but because those areas of the property are not able to be developed.
37 Commissioner Wright clarified that regardless of whether or not the decisions made regarding
38 the property were done out of benevolence, they did represent a benefit to the city.

39
40 Vice Chair Hayman stated that she is also a proponent of open spaces, but the applicant
41 has a right to expect the Commission to look at and make decisions about the Zoning Map
42 Amendment on the four approval standards and there has not been any indication that this re-
43 zone is inconsistent with those standards. For that reason, she stated she is inclined to
44 approve.

Commissioner Johnson raised a concern that whether or not the County decides to sell the property as one individual parcel could change whether the property is ultimately subdivided into three lots or into five lots. Commissioner Wright questioned if there was a way to prevent this. Cory Snyder explained that reasonably with other requirements involved this is not likely to happen, though it could, but this agreement is a good compromise between many competing issues.

Commissioner Wright makes the point that pocket parks are a huge financial burden to the City and, in turn, the residents and worries that this is very close to another park that is already in that area, so as to the suggestion of whether to turn the area into a large park rather than subdividing it into a residential area, she would like that to be considered. Commissioner Daly stated that this is why he doesn't feel this area needs to be a grassed over park, but rather to be left somewhat natural.

Commissioner Helgesen reminded the commissioner's that this is not the City's public land and the City does not have the money to acquire it.

Commissioner Hirst reminded the Commissioners that with schools included, the parks figure in Centerville is currently 8.5 acres per thousand. The national average is 10 acres, but that figure does not include the 160 acres on the hillside. She further stated that it is not the Commissioner's position to decide how the City spends money, and because Centerville is not far off the national average of 10 acres per thousand of park land, it may not be the best use of the City's money anyway to purchase this land and turn it all into a park.

Commissioner Johnson made a **motion** to recommend approval of the Zone Map Amendment for 641 East 200 South land parcel 02-104-0109 from Public Facility-Low to Residential-Low with suggested reasons for the action (1)-(3). Commissioner Helgesen seconded the motion, which passed by majority vote (5-1), with Commissioner Daly dissenting.

Reasons for the Action

1. The Planning Commission finds that the proposed Zone Map Amendment is consistent with the General Plan for Neighborhood 1, Southeast Neighborhood. [12-480-2].
2. The Planning Commission find that the Zoning Map Amendment approval criteria, as stated in CZC 12.21.080(e), have been adequately evaluated and the request is deemed consistent with the criteria.
3. Therefore, the Planning Commission finds that the R-L Zoning designation ought to be approved.

PUBLIC HEARING – CONCEPTUAL SUBDIVISION APPLICATION – 150 JENNINGS LANE

Cory Snyder, Community Development Director, discussed the proposed Conceptual Subdivision Plat for Rigby Court for a 4-lot family subdivision in an Agricultural-Low Zone. He explained that the proposal would be to create four roughly half-acre lots on a cul-de-sac on the

uphill side of the property, and create a private lane. Mr. Snyder raised that one issue is that this property is in the Hillside Overlay zone. In an Agricultural-Low Zone, without the Hillside Overlay this subdivision would meet the agricultural- low standards. Staff raised some concerns in their report, however, that if the slope of the lots is over 10% then the lots would need to be adjusted to the required $\frac{3}{4}$ acre minimum size, and that the lots do not meet the minimum required hillside lot width of 25 feet so the roadway depths would need to be lengthened. Mr. Snyder explained that staff recommends the applicant be allowed to move forward with preliminary review, but that he would need to address dimensional issues, cut and fill slope standards, and provide a geologic hazard study.

Fred Hale, applicant, commented that he has had his eye on this property for years, and just wanted to build another house in Centerville. He did not know he needed to check the soil quality, but thought the lots lend themselves well to single-family homes.

Vice Chair Hayman opened the matter for public hearing at 8:09 p.m.

Cherrie Clay – Ms. Clay stated that currently the road is a quiet dead-end street. She stated that the neighbors would prefer that sidewalks not be added during the process of adding this new development. She also raised concerns that many of the full-grown trees in the neighborhood had to be removed so that Mr. Hale could put in a sewer-line and retaining walls.

Seeing that no one else wished to comment, Vice Chair Hayman closed the public hearing at 8:12 p.m.

Mr. Snyder clarified that sidewalks are the current City specification and would be required to be in front of just the property that Mr. Hale plans to develop, unless there was a good cause not to put them in. It would then require a City Council decision to defer the sidewalk requirement. He also addressed the issue of vegetation and stated that the trees on this property are not protected by the City.

Vice Chair Hayman invited the applicant to respond to public comments and the applicant declined.

Vice Chair Hayman opened the matter up for debate at 8:16 p.m.

Commissioner Wright stated that she feels this is a good use of the land, and the size of the lots are appropriate and consistent with the area.

Commissioner Hirst made a **motion** for the Planning Commission to accept the Conceptual Plan for the Rigby Court Subdivision, with Directives (1)-(5) and suggested reasons for the action (a)-(c). Commissioner Wright seconded the motion, which passed by unanimous vote (6-0).

Conditions:

1. A Preliminary Subdivision Application shall be submitted in accordance of CMC 15.03 of the Subdivision Ordinance.

2. The Preliminary Subdivision Plans shall also address the requirements of the Hillside Overlay Preliminary Review, as listed in CZC 12.42.030.
3. The dimensions for the lots and building areas are to be amended to meet the standards as outlined in the Hillside Overlay Development Standards, 12.42.040.
4. The submittal of the preliminary plat needs to address the cut and fill slope protection standards and be deemed compliant and acceptable by the City Engineer.
5. As part of the preliminary subdivision plans, a soils and geologic hazard study needs to be submitted and deemed compliant and acceptable by the City Engineer.

Suggested Reasons for the Action:

- a) The Planning Commission finds that the conceptual subdivision appears to be consistent with the City's General Plan.
- b) The Planning Commission finds that with the identified changes, this proposed subdivision plan may have the potential to meet the Development Standards, not only for the A-L Zone, but also for the Hillside Overlay for a single-family subdivision, as outlined in CZC 12.42
- c) The Planning Commission finds that the applicable review standards of the Subdivision Ordinance pertaining to Conceptual Subdivision application have been reviewed and directives established to allow the proposal to proceed to preliminary subdivision plan submittal.

PUBLIC HEARING – CONDITIONAL USE PERMIT – CUPBOP CATERING, LIMITED

Cassie Younger, Assistant Planner, presented the proposed matter of the Conditional Use Permit for CupBop Catering at 181 South Main Street. She explained that the City Council passed Ordinance 2017-27 last week which adds the definition of "Catering Limited" to the Centerville Table of Uses as a Conditional Use Permit in a Commercial-Medium Zone. There was a text amendment made to the final adopted definition of their use which prohibits offsite dissemination of any detectable odors. She further explained the conditions which are being recommended for addition in the Conditional Use Permit. These include conditions to ensure minimization of adverse effects to surrounding tenants and properties including parking conflicts, dissemination of odors, delivery times, and protection of public right-of ways and traffic circulation.

Commissioner Daly asked if CupBop wanted to add some kind of walk-up food service, whether that would be allowed, and whether they would need to provide an additional parking study. Mr. Snyder replied that if at some point in time the City entertained the use for CupBop to be able to serve food, then there would need to be a modification to their permit to be able to add that use to their site.

The applicant, Nate Hatch, was invited to speak and he declined the invitation.

At 8:26 p.m., Vice Chair Hayman opened a public hearing and closed the public hearing seeing that no one wished to comment.

Commissioner Johnson questioned how it is possible to regulate odor emissions. Lisa Romney explained that the City does have the authority to regulate smell and discussed ways to regulate it. She stated that it can be difficult to regulate after a business is already in existence, and as such conditions regulating smell in this case have been added to the definition of use.

Commissioner Helgesen states that she was concerned with the look of what she felt was an industrial use, especially as it pertains to parking large trucks on the property overnight.

Applicant Nate Hatch replied that trucks are typically gone during the day. For the summer they are gone all day, and for the winter trucks are gone at lunchtime and sometimes at dinnertime. On the north side of the building there is a space for a truck which is also fenced in, so one would not be able to see much of the trucks loading and unloading. He stated that on the south side there is a big area as well that is ideal for loading and unloading. He explained that the three transport vehicles are made up of a van, a food truck and a trailer and he stated that catering transport vehicles are going to be kept discreet. He stated that the trucks would need to be parked outside of the building at night per health code regulations.

Commissioner Wright made a **motion** for the Planning Commission to approve the Conditional Use Permit for CupBop for the use of "Catering, Limited" at 181 South Main, with conditions (1)-(7) and reasons for recommendation (a)-(g). Vice Chair Hayman seconded the motion.

Conditions:

1. This Conditional Use Permit is limited to the use of "Catering, Limited" for CupBop catering, represented by Cal-Co Distribution Services at 181 South Main Street, Suite B.
2. The applicant cannot disseminate any detectable ambient food source odors beyond the bounds of the property in accordance with the definition of "Catering, Limited" as set forth in CZC 12.12.040.
3. A parking study should be performed to determine the adequate number of parking stalls for this site and deemed acceptable to the Zoning Administrator, prior to issuance of a business license for the use.
4. The hours of operation of this business shall be limited to 7:00 a.m. to 5:00 p.m., as stated by the applicant.
5. Deliveries shall be limited to hours outside of the noise ordinance restriction of 9:00 p.m. to 6:00 a.m., as stated in Municipal Code 7.09.020 and also be coordinated with the adjacent tenant space for off hours operating for daytime deliveries.
6. Loading and unloading shall be limited to on-site, not in the public right of way, and delivery trucks shall not block access and parking for the adjacent businesses.
7. The applicant shall have no more than three (3) catering transport vehicles on site at one time.
8. Any trailer or accessory vehicle shall be parked and stored on the north side of the building behind the screening (not in the designated parking stalls).
9. Any food truck shall be parked and stored in the loading area on the south side of the building (not in the designated parking stalls).

Reasons for Recommendation:

- a) The Specific Property is suitable for the proposed use
- b) The proposed use is in harmony with the existing uses in the vicinity
- c) The proposed use is not injurious to potential or existing development in the vicinity
- d) The economic impact of the proposed use is consistent with the surrounding area
- e) The aesthetic impact of the proposed use is also consistent with the surrounding area.
- f) There is adequate transportation access, and parking/ loading space for the proposed use.

- g) There are adequate safeguards in place to minimize adverse effects to the health safety and welfare of the city from the proposed facility or use.

Commissioner Johnson and Commissioner Daly asked for clarification on what would happen if a detectable ambient food-source odor is reported. Ms. Romney and Mr. Snyder discussed that factual information would need to be collected to establish that ambient odor exists and then a CUP revocation hearing would most likely be held. Other enforcement tools may also be available under applicable City ordinances.

Commissioner Hirst and Commissioner Helgesen raised concerns that trucks parked outside of the establishment overnight would not be aesthetically pleasing on Main Street. Mr. Snyder replied that unloading and loading spots have been provided, but the number of trucks or size of trucks parked outside a business cannot be regulated.

Vice Chair Hayman questioned whether it would be permissible for CupBop to advertise their business with a large sign above their door or at the corner of their property. She questioned, if so, what the difference is between advertising in that way, and parking large trucks with advertising slogans on them outside of a business establishment. Mr. Snyder explained that there are regulations on the size of the signage that can go outside of a business.

Commissioner Hirst clarified that her main concern with the trucks parking outside of the CupBop Catering at night is how big they are. The applicant suggested a workable solution to the concern would be to put the trailer on the north side of the building which is mostly fenced, with the dumpster in front of it, and park the truck on the south side of the building, which is also fenced. He referenced the site plan to explain his proposal and stated in this proposal the trucks would be back off of Main Street.

Commissioner Helgesen asked that conditions (8)-(9) be added to the motion. Vice Chair Hayman asked if Commissioner Wright would accept an amendment to the motion to add conditions (8)-(9). Commissioner Wright accepted the amendment at 8:50 p.m.

The motion passed by unanimous vote (6-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

The next Planning Commission meeting is scheduled for December 13, 2017.

CITY COUNCIL'S REPORT

Cory Snyder, Community Development Director, updated the Planning Commission on actions recently taken by the Council.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the October 25th, 2017 meeting were reviewed and amendments suggested. At 8:56 p.m. Commissioner Helgesen made a **motion** to accept the minutes as amended. Commissioner Daly seconded the motion, which passed by unanimous vote (6-0).

ADJOURNMENT

At 8:59 p.m., Vice Chair Hayman made a **motion** to adjourn the meeting. Commissioner Daly seconded the motion, which passed by unanimous vote (6-0).

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David Hirschi, Chair

Date Approved

Avalon Comly, Recording Secretary